

The
Journal of the
Assembly

OF THE
SEVENTY-THIRD SESSION

OF THE
LEGISLATURE OF THE
STATE OF NEVADA

2005



BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 1
THE FIRST DAY—THE SEVENTY-FOURTH DAY

SEE VOLUME 3 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 1

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 76 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
1.....	February 7, 2005	1
3.....	February 9, 2005	60
5.....	February 11, 2005	64
8.....	February 14, 2005	68
10.....	February 16, 2005	71
11.....	February 17, 2005	80
12.....	February 18, 2005	89
15.....	February 21, 2005	94
16.....	February 22, 2005	102
17.....	February 23, 2005	108
18.....	February 24, 2005	120
19.....	February 25, 2005	136
22.....	February 28, 2005	142
23.....	March 1, 2005	151
24.....	March 2, 2005	156
25.....	March 3, 2005	168
26.....	March 4, 2005	175
29.....	March 7, 2005	180
30.....	March 8, 2005	191
31.....	March 9, 2005	199
32.....	March 10, 2005	210
36.....	March 14, 2005	217
37.....	March 15, 2005	223
38.....	March 16, 2005	227
39.....	March 17, 2005	233
43.....	March 21, 2005	242
44.....	March 22, 2005	283
45.....	March 23, 2005	300
46.....	March 24, 2005	313
47.....	March 25, 2005	338
50.....	March 28, 2005	352
51.....	March 29, 2005	371
52.....	March 30, 2005	398
53.....	March 31, 2005	404
54.....	April 1, 2005	412
57.....	April 4, 2005	420
59.....	April 6, 2005	431
61.....	April 8, 2005	443
65.....	April 12, 2005	483
67.....	April 14, 2005	507
68.....	April 15, 2005	555
71.....	April 18, 2005	570
72.....	April 19, 2005	597
73.....	April 20, 2005	630
74.....	April 21, 2005	732
75.....	April 22, 2005	769

ASSEMBLY LEGISLATIVE CALENDAR

<i>Calendar Day</i>	<i>Date</i>	<i>Page Number</i>
78.....	April 25, 2005	828
79.....	April 26, 2005	1036
80.....	April 27, 2005	1108
81.....	April 28, 2005	1124
82.....	April 29, 2005	1136
85.....	May 2, 2005	1139
86.....	May 3, 2005	1150
87.....	May 4, 2005	1161
88.....	May 5, 2005	1168
89.....	May 6, 2005	1186
92.....	May 9, 2005	1191
93.....	May 10, 2005	1200
94.....	May 11, 2005	1210
95.....	May 12, 2005	1225
96.....	May 13, 2005	1238
99.....	May 16, 2005	1245
100.....	May 17, 2005	1255
101.....	May 18, 2005	1277
106.....	May 23, 2005	1294
107.....	May 24, 2005	1313
108.....	May 25, 2005	1423
109.....	May 26, 2005	1492
110.....	May 27, 2005	1575
113.....	May 30, 2005	1760
114.....	May 31, 2005	1790
115.....	June 1, 2005	1929
116.....	June 2, 2005	2052
117.....	June 3, 2005	2102
118.....	June 4, 2005	2186
119.....	June 5, 2005	2238
120.....	June 6, 2005	2333

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No.	Summary, Introducer, and Page Reference
1....	Requires waiver of certain fees relating to licensure of nurses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 45, 180.
2....	Prohibits issuance of gift card or gift certificate that contains expiration date. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Hardy. 45, 218.
3....	Requires Legislative Auditor to conduct performance audits of College of Agriculture, Biotechnology and Natural Resources at University of Nevada, Reno, and School of Dental Medicine at University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Claborn. 45, 313, 350, 361, 1305, 1402, 1462*.
4....	Transfers money to Department of Education from State Distributive School Account to pay for full-day kindergarten in certain schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 45, 180.
5....	Provides for development and implementation of pilot program for mentor teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 46, 151, 180.
6....	Prohibits imposition of sentence of death upon person for crime committed while person was under age of 18 years. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 46, 168, 178, 181, 195*, 1137, 1148.
7....	Prohibits civil compromise of certain misdemeanor offenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary. 46.
8....	Revises qualifications for master appointed by court to take testimony and recommend orders in actions concerning orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. By request. 46, 71, 87, 91, 99, 151, 152.
9....	Limits liability of certain persons, corporations and associations that contract to provide medical services for Division of Mental Health and Developmental Services of Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 46, 338, 361, 512.
10....	Prohibits civil compromise of battery that constitutes domestic violence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary. 47.
11....	Repeals prohibition against certain use by governmental entity of photographic, video or digital equipment for gathering evidence for issuance of traffic citation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 47, 55.
12....	Extends period for transmittal of transcript from justice's court to district court after notice of appeal is filed in criminal action. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 47.
13....	Revises qualifications of State Welfare Administrator of Welfare Division of Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 47, 151, 158, 171*, 404, 419.
14....	Exempts retail customers who purchase energy from municipal or local governmental utilities from payment of universal energy charge. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 47, 180.
15....	Revises provisions governing expenditure of money in Wildlife Heritage Trust Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 48, 598, 636, 1076, 1078, 1100*, 1493, 1555, 1788.
16....	Changes date by which metropolitan police departments must submit budgets to governing bodies of participating political subdivisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 48, 398, 405, 414, 427*, 1161, 1185.

No. *Summary, Introductr and Page Reference*

- 17....Repeals requirement that certain attorneys appointed to represent indigent defendant report to State Public Defender concerning such representation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 48, 68, 76, 87*, 191, 208.
- 18....Exempts State of Nevada from provisions of federal law requiring daylight saving time. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McCleary. 48.
- 19....Prohibits, under certain circumstances, issuance of gift certificate that contains expiration date and prohibits, under certain circumstances, issuer of gift certificate from charging certain fees to buyer or holder of gift certificate. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Parks and Hardy. 48, 218, 630, 690, 709, 725, 727, 753*, 1761, 2013, 2184.
- 20....Revises provisions governing issuance of general obligation bonds of State of Nevada to support program to provide grants for water conservation and capital improvements to certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady. 49, 412, 422, 423, 445, 557, 584*, 1186, 1198.
- 21....Prohibits civil compromise of certain misdemeanor offenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Gerhardt. 49, 433, 446, 502*, 1161, 1185.
- 22....Authorizes appointed trustees of city library to make recommendations to governing body of city to sell, exchange, transfer, assign or otherwise dispose of real or personal property of library. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 49, 191, 203, 212, 213*.
- 23....Authorizes state agencies and political subdivisions to request and receive certain information concerning person applying to attend academy for training peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 49, 89, 99, 104*, 300, 336.
- 24....Revises provisions concerning parking spaces designated for the handicapped. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 49.
- 25....Revises membership of State Environmental Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 50.
- 26....Revises provisions relating to management and operation of veterans' homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 50, 89, 99, 105, 433, 480, 502*, 1314, 1490.
- 27....Revises provisions relating to certain fees imposed on certain health insurers and documents that hospitals and certain other institutions are required to file with Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 50.
- 28....Makes various changes regarding administration of Rehabilitation Division of Department of Employment, Training and Rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 50, 191, 204, 213, 241, 508, 566*, 1161, 1185.
- 29....Revises jurisdiction and duties of Buildings and Grounds Division of Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 51, 89, 99, 105*, 227, 241.
- 30....Expands list of sexual offenses for which certification by panel is required before prisoner convicted of such offense may be released on parole. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 51.
- 31....Makes confidential certain records of local governmental entities relating to use of recreational facilities and participation in certain instructional and recreational activities and events. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 51, 769, 778, 783, 832, 1037, 1084, 1100*, 1101, 1761, 2071, 2072, 2184.
- 32....Makes certain information collected by State Department of Agriculture confidential. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 51, 433, 447, 499, 725, 1028, 1085*, 1314, 1490.
- 33....Revises provisions governing sale of state land. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 51, 433, 447, 499.
- 34....Revises provisions governing Recovery Fund administered by State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 52, 71, 87, 91, 99*, 242, 310, 336.
- 35....Makes various changes concerning instruction permits and driver's licenses of minors who are in legal custody of county. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 52, 180, 432, 447, 481, 1279, 1300, 1404*, 2052, 2184.

No. *Summary, Introductor and Page Reference*

- 36.... Requires Director of Department of Human Resources to include in State Plan for Medicaid requirement that young adults who have "aged out" of foster care are eligible for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 52, 180, 210, 1576, 1578, 1742*.
- 37.... Transfers duties relating to mental health of children from Division of Child and Family Services of Department of Human Resources to Division of Mental Health and Developmental Services of Department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 52, 486, 555, 556, 557.
- 38.... Authorizes release of information identifying subjects of reports of child abuse or neglect to persons engaged in bona fide research or audit under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services. 53, 194.
- 39.... Makes various changes to provisions governing purchasing by state and local governments and ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks. 53, 217, 224, 225, 406, 414, 427, 499, 500, 549*, 1761, 2081, 2082, 2112, 2113, 2369, 2370, 2474.
- 40.... Makes various changes concerning community triage centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie. 53, 71, 180, 1139, 1151, 1166*, 1296, 1490.
- 41.... Makes appropriation for support of Mental Health Court in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Horne. 53, 108, 121, 180.
- 42.... Makes various changes concerning certain child care facilities and protection of children from abuse and neglect. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 54, 218, 958, 1085*, 1086, 1761, 1765, 1769, 2052, 2085, 2327, 2331, 2344.
- 43.... Establishes certain guidelines and requirements for provision of care, management, treatment, services and opportunities to children who are placed in foster homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 54, 958, 959, 1086*, 1761, 1889, 1890, 2052, 2085.
- 44.... Revises provisions governing payment of overtime to certain employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 54, 782, 783, 803, 1018*, 1761, 1788, 2052, 2085, 2409, 2523.
- 45.... Makes various changes to provisions governing granting of right to visit child to certain persons other than parent of child. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 54.
- 46.... Makes various changes concerning provision of child welfare services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 54, 180, 444, 489, 549*.
- 47.... Requires certain children referred to system of juvenile justice to be screened for mental health and substance abuse problems. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 62, 180, 570, 601, 725, 2001, 2050, 2088*, 2219, 2332.
- 48.... Requires State Board for Occupational Education to prescribe program of career and technical education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Holcomb. 65, 180, 431, 448.
- 49.... Authorizes issuance of revenue or general obligation bonds to finance capital costs of improving Marlette Lake Water System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 65, 210, 220, 508, 567*, 1161, 1185.
- 50.... Makes various changes relating to adoptions of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 65, 180, 398, 405, 1790, 1793, 1930, 1931*.
- 51.... Makes various changes to provisions relating to domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 66, 570, 604, 611, 736, 753, 754*, 1493, 1550, 1553, 1929, 1971, 2204, 2206, 2219, 2332.
- 52.... Makes various changes concerning drivers' licenses issued to persons under 18 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assembly Committee on Transportation; Senate Committee on Transportation and Homeland Security. 66, 352, 485, 512, 567*, 1761, 1775, 1776, 1777, 2052, 2056, 2274, 2275, 2302.
- 53.... Creates Office of Minority Health within Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Arberry. 66, 180, 1682, 1686, 1742*.

LISTING OF ASSEMBLY BILLS

No. *Summary, Introducer and Page Reference*

- 54.... Creates Legislative Committee on Juvenile Justice and requires performance audits of institutions and facilities that house juvenile offenders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 66, 180.
- 55.... Revises provisions relating to bonding of justices of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 68, 168, 178, 181*, 283, 311.
- 56.... Revises various provisions governing enforcement of liens by hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 72.
- 57.... Revises provisions concerning nonfederal share of expenses for institutional care of medically indigent persons pursuant to State Plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 73, 432, 449.
- 58.... Enacts various provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 73, 551, 559, 584, 585, 1151, 1166.
- 59.... Makes certain changes to reporting requirements for sentinel events at medical facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Pierce, Leslie, Allen, Atkinson, Claborn, Gerhardt, Hogan, Horne, Manendo, Mortenson, Munford, Ocegueda, and Smith; Senators Amodei and Care. 73, 770, 778, 784, 1019*, 1493, 1788.
- 60.... Requires Department of Education to transfer money from State Distributive School Account to provide signing bonuses to newly hired licensed employees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 74, 180, 412, 423.
- 61.... Exempts from imposition of governmental services tax vehicles owned by governing body of Indian reservation or Indian colony under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Transportation. 74, 108, 122, 141, 144*, 234, 281.
- 62.... Authorizes Department of Motor Vehicles to issue drivers' licenses, instruction permits and identification cards to certain persons affiliated with University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 74.
- 63.... Prohibits certain practices by health insurers with regard to injuries sustained while under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Leslie, Buckley, Giunchigliani, Parks, Anderson, McClain, and Ocegueda. 74, 484, 514, 567*, 1576, 1697, 1703, 2053, 2085, 2259, 2302.
- 64.... Revises provisions relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carpenter, Goicoechea, Marvel, Grady, Hettrick, Claborn, and Sherer; Senators Rhoads and McGinness. 75, 432, 459, 502*, 1761, 1964, 1965, 2102, 2108, 2271, 2274, 2302.
- 65.... Requires State Environmental Commission to adopt regulations prohibiting disposal of electronic waste in landfills and establishing program for recycling of such waste. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Pierce, Leslie, Parks, Giunchigliani, Conklin, Anderson, Arberry, Atkinson, Buckley, Gerhardt, Kirkpatrick, Koivisto, McClain, Ocegueda, Ohrenschall, Parnell, Perkins, and Smith; Senator Titus. 75, 557, 577, 601, 632, 779, 780, 1019*.
- 66.... Requires reporting of certain gifts and other economic benefits provided by wholesalers or manufacturers of drugs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Conklin, Giunchigliani, Pierce, Leslie, Parks, Atkinson, Buckley, Claborn, Denis, Gerhardt, Horne, Manendo, Ocegueda, Parnell, and Perkins; Senators Carlton and Titus. 76, 828, 832, 834, 1086*.
- 67.... Authorizes Department of Taxation to suspend or revoke business licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 78, 507, 561, 585*, 1226, 1275.
- 68.... Authorizes Department of Taxation to deny licenses or permits to persons liable to Department for payment of money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 78, 507, 561, 585*, 1226, 1275.

No.

Summary, Introducer and Page Reference

- 69.... Authorizes labor organization to require employee in bargaining unit who is not member of that labor organization to pay service fee under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Claborn, McClain, Giunchigliani, Parks, Anderson, Arberry, Atkinson, Conklin, Denis, Gerhardt, Kirkpatrick, Manendo, McCleary, Ocegüera, Pierce, and Smith. 84, 828, 832, 835, 1037, 1084, 1087, 1089, 1101*.
- 70.... Expresses sense of Legislature concerning use of school buildings and facilities by certain groups and organizations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Kirkpatrick, McCleary, Sibley, Allen, Anderson, Arberry, Atkinson, Conklin, Denis, Gansert, Giunchigliani, Goicoechea, Hardy, Hogan, Koivisto, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, and Smith; Senator Carlton. 84, 421, 570, 608, 726*, 1314, 1419, 1420, 1573.
- 71.... Requires association of common-interest community to provide copy of declaration of covenants, conditions and restrictions to unit's owner upon request. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Christensen, Conklin, Hettrick, Parks, Sherer, Allen, Carpenter, Claborn, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Mabey, Marvel, McClain, Pierce, and Sibley; Senators Nolan, Amodei, Schneider, Lee, and Care. 84, 168, 178, 182*.
- 72.... Increases penalty for subsequent convictions within 3-year period for use of drug paraphernalia or possession of drug paraphernalia with intent to use drug paraphernalia. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mabey. 84.
- 73.... Makes various changes concerning personnel that assist certain boards, commissions and authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 85, 597, 636, 736.
- 74.... Authorizes governing body of local government to create maintenance districts to pay cost of maintaining and improving certain local improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 85.
- 75.... Makes appropriation to Clark County School District for use by Rancho High School to purchase stand for donated fighter plane. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McCleary, Atkinson, Kirkpatrick, Munford, Claborn, Denis, Hardy, and Manendo; Senators Hardy, Care, and Lee. 85, 180.
- 76.... Authorizes boards of trustees of school districts to accommodate medical absences in policy for attendance of pupils at school. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 85, 443, 493, 549*, 1151, 1166.
- 77.... Revises provisions regarding courses in automobile drivers' education and requires reduction in insurance premiums for certain insureds. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Horne, Giunchigliani, McCleary, Leslie, Atkinson, Allen, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenscha11, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Smith; Senators Carlton, Cegavske, Amodei, and Hardy. 86, 180, 485, 517, 1929, 1943, 2088, 2089*, 2090.
- 78.... Makes various changes concerning administration of estates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 86, 485, 521, 567, 585*, 1226, 1236, 1275.
- 79.... Authorizes award of reasonable expenses, including attorney's fees, in certain contempt proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Buckley. 86, 233, 242, 284*, 1137, 1148.
- 80.... Revises provisions relating to wells. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Christensen, Allen, Carpenter, Sherer, Gansert, Grady, Marvel, and Sibley; Senator McGinness. 89, 218, 413, 424, 425, 486, 557, 585*, 586, 1256, 1311.
- 81.... Requires contract for sale of mobile home located in mobile park to include special statements and disclosures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenscha11, Manendo, Buckley, Atkinson, Claborn, Denis, Gerhardt, Hogan, Horne, Koivisto, Leslie, Mabey, McClain, McCleary, Ocegüera, Pierce, and Smith; Senators Care, Amodei, and Titus. 90.
- 82.... Makes various changes relating to use of highways. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Transportation. 90, 227, 239, 243*, 1137, 1148.
- 83.... Revises provisions governing compensation of workmen on public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McCleary, Manendo, and Munford. 90, 108, 109, 766, 773, 828, 1019*, 1576, 2050.
- 84.... Makes various changes concerning homeless persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McCleary, Leslie, Parks, Manendo, Munford, Atkinson, and Pierce. 90, 92, 218, 484, 524, 567, 586*, 1314, 1974, 1978, 2184.

No. Summary, Introducer and Page Reference

- 85....Revises provisions governing eligibility for millennium scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gansert, Hardy, Allen, Angle, Buckley, Christensen, Denis, Gerhardt, Grady, Hettrick, Holcomb, Kirkpatrick, Mabey, Manendo, Munford, Ocegüera, Parnell, Pierce, Sherer, Sibley, Smith, and Weber. 91, 769, 778, 784, 833.
- 86....Requires addition of bittering agent to certain antifreeze to render it unpalatable. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Gansert, Hardy, Sibley, Allen, Angle, Buckley, Christensen, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hettrick, Holcomb, Horne, Mabey, Manendo, Marvel, Munford, Ocegüera, Ohrenschall, Parks, Pierce, Sherer, Smith, and Weber; Senator Mathews. 91.
- 87....Establishes statutory minimum wage for employees in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Giunchigliani, Perkins, Buckley, Pierce, Arberry, Anderson, Atkinson, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Seale, Sherer, Sibley, and Smith; Senators Titus, Wiener, Coffin, Carlton, Amodei, Care, Horsford, Lee, Mathews, and Schneider. 92, 120, 122, 141, 147*, 1761, 2011, 2013, 2103, 2108, 2187, 2260, 2302.
- 88....Allows possession of certain rifles or shotguns that have been determined to be collector's items, curios or relics pursuant to federal law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea, Sherer, Allen, Anderson, Carpenter, Christensen, Claborn, Gansert, Grady, Hardy, Hettrick, Hogan, Mabey, Manendo, Marvel, Munford, Perkins, and Sibley. 94, 227, 239, 243*, 1137, 1148.
- 89....Authorizes county clerks and city clerks to designate additional facilities at which electors may register to vote. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 95, 432, 460, 502, 503*, 1226, 1275.
- 90....Requires budget of Department of Wildlife to be approved by Board of Wildlife Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Ohrenschall, McCleary, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, and Mortenson. 95.
- 91....Makes various changes relating to court reporters and court reporting firms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Anderson, Parks, Atkinson, Claborn, Conklin, Denis, Gerhardt, Hettrick, Hogan, Holcomb, Horne, Koivisto, Marvel, Ocegüera, Ohrenschall, Pierce, Sibley, and Weber. By request. 95, 485, 525, 567, 586*, 1140, 1173, 1176, 1189.
- 92....Revises provisions governing suspension of sentence of person convicted of misdemeanor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 95, 433, 462, 503*, 1137, 1148.
- 93....Makes supplemental appropriation to State Distributive School Account for unanticipated expenses for Fiscal Year 2004—2005 for providing health care subsidies to retired school district employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 96, 180, 1279, 1298, 1404*, 1405, 1761, 2050.
- 94....Makes supplemental appropriation to State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 96, 180, 289, 308, 323*, 445, 505.
- 95....Makes supplemental appropriation to Department of Business and Industry for unanticipated shortfall in money resulting from reclassification of positions in Nevada Athletic Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 96, 180, 289, 309, 323*, 445, 505.
- 96....Makes appropriations to restore balances in Stale Claims Account, Emergency Account and Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 96, 180, 223, 230, 240*, 404, 419.
- 97....Makes appropriation to Account for the Governor's Portrait to provide money for preparation and framing of portrait of Governor Kenny C. Guinn. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 96, 180, 223, 230, 240, 428, 429*, 733, 769, 825.
- 98....Makes appropriation to Motor Pool Division of Department of Administration for additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 97, 180, 1790, 1798, 1931*, 2112, 2236.

LISTING OF ASSEMBLY BILLS

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No.	<i>Summary, Introducer and Page Reference</i>
99....	Makes appropriation to Department of Administration for support of Southwest Defense Alliance and for Nevada's representative serving on Alliance. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 97, 180.
100....	Makes appropriation to Department of Administration for allocation to Opportunity Village. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 97, 180.
101....	Makes appropriation to Department of Administration for allocation to Nevada Commission for National and Community Service. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 97, 180, 1256, 1279, 1301, 1302*, 1761, 2050.
102....	Makes appropriation to Department of Administration for allocation to Nevada Humanities Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 97, 180.
103....	Makes appropriation to Department of Administration for allocation to Nevada Rural Hospital Partners for establishment of pool for loans for rural health care providers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 98, 180, 1305, 1315, 1462*, 1463, 1762, 2100.
104....	Makes appropriation to Western Interstate Commission for Higher Education for upgrades in information technology for accounting system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 98, 180, 1108, 1129, 1137, 1146*, 1314, 1490.
105....	Makes appropriation to State Department of Agriculture for acquisition of equipment for State Sealer of Weights and Measures. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 98, 180, 1108, 1129, 1137, 1146*, 1314, 1490.
106....	Makes appropriation to State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 98, 180, 421, 437, 481, 503*, 1151, 1197, 1208.
107....	Makes supplemental appropriation to University and Community College System of Nevada for matching money for National Direct Student Loan Program for Fiscal Year 2004—2005. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 98, 180, 223, 230, 240*, 413, 430.
108....	Revises provisions governing appointment of hearing officers in certain cases involving licensed educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 99, 412, 425, 445, 1108, 1130*, 1256, 1311.
109....	Revises provisions governing statewide system of accountability and regional training programs for professional development of teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 100, 180, 432, 462, 1682, 1689, 1742*, 2112, 2236.
110....	Revises provisions governing incentives for teachers teaching in certain subject areas and schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education. 100, 218, 484, 509, 533.
111....	Requires Department of Administration to conduct study concerning feasibility and desirability of expanding or relocating certain state agencies to rural communities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel and Weber. 103, 555, 598, 636.
112....	Requires certain vessels to carry on board certain personal flotation devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Parnell; Senator Amodei. 103, 420, 437, 481, 503, 504*, 1256, 1287, 1311.
113....	Authorizes certain public employees with active military service to purchase up to 2 additional years of service in Public Employees' Retirement System under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo, Parks, McCleary, Ohrenschall, Allen, Anderson, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Ocegueda, Parnell, Perkins, Pierce, and Smith. 103, 631, 690, 754*.
114....	Revises provisions governing manufactured homes, mobile homes and Real Estate Education, Research and Recovery Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel, Sibley, Allen, Carpenter, Grady, Hettrick, and Seale. 104, 630, 690, 691, 736, 770, 779, 1195, 1205*, 1493, 1788.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
115....	Authorizes Board of Wildlife Commissioners to establish area where hunting of certain mule deer is prohibited. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Ohrenschall, McCleary, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, and Parks. 109.
116....	Revises provisions governing eligibility of person to apply for tag to hunt mule deer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, Ohrenschall, McCleary, Koivisto, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Hogan, Kirkpatrick, Manendo, McClain, Mortenson, and Parks. 110, 421, 438, 445.
117....	Makes appropriation to Aging Services Division of Department of Human Resources for establishment of pilot program to provide assistance to senior citizens for vision care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McClain, Koivisto, Pierce, Conklin, Ohrenschall, Anderson, Atkinson, Buckley, Carpenter, Claborn, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Sherer, Sibley, Smith, and Weber; Senators Wiener, Coffin, Heck, Horsford, and Schneider. 110, 218, 223, 486.
118....	Revises provisions governing smoking of tobacco in certain places. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen McClain, Hardy, Conklin, Ohrenschall, McCleary, Allen, Anderson, Atkinson, Buckley, Claborn, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Weber; Senators Heck, Horsford, Schneider, and Wiener. 110, 444, 493, 549, 550*, 1256, 1311.
119....	Requires certain nonprofit corporations that solicit contributions to register with Secretary of State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Parks, Giunchigliani, Anderson, Leslie, Perkins, Allen, Atkinson, Claborn, Conklin, Denis, Gansert, Gerhardt, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, McCleary, Mortenson, Ocegüera, Ohrenschall, Parnell, Pierce, Seale, Sherer, Sibley, and Smith; Senators Carlton, Wiener, Horsford, Titus, Coffin, and Schneider. 111.
120....	Requires physicians to report to their licensing boards certain information concerning performance of office-based surgery. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gerhardt, Ohrenschall, Koivisto, Anderson, Atkinson, Buckley, Claborn, Conklin, Denis, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, and Smith; Senators Carlton, Care, Coffin, and Titus. 111, 766, 773, 1019*.
121....	Revises provisions governing permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Parks, Conklin, Ohrenschall, Anderson, Atkinson, Buckley, Denis, Leslie, Munford, and Perkins. 112.
122....	Removes certain reporting requirement applicable to landlords of mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 112.
123....	Prohibits use, possession and sale or disposal of electronic stun devices under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 112, 444, 493, 550*, 1187, 1198, 1208.
124....	Prohibits operation of audiovisual recording function of device in motion picture theater under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 112, 433, 469, 504*, 1314, 1490.
125....	Revises provisions to clarify role of Public Utilities Commission of Nevada in approval of certain proposed subdivisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 112, 413, 425, 440*, 441, 1576, 2050.
126....	Revises provisions governing provision of care by personal assistant for person with disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 115, 484, 536, 567, 586*, 1137, 1148.
127....	Makes various changes concerning State Dental Health Officer and State Public Health Dental Hygienist and provides subsidies from Fund for a Healthy Nevada for coverage of certain additional benefits, including dental and vision benefits for certain senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 120, 218, 444, 494, 495, 509, 2238, 2242, 2267*, 2474.

- No. Summary, Introducer and Page Reference*
- 128.... Requires disclosure of certain information concerning property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Weber, Mabey, McCleary, Sherer, Angle, Claborn, Gansert, Goicoechea, Grady, Hardy, Hettrick, McClain, Munford, Ohrenschaal, and Seale. 121, 957, 958, 960, 1086*, 1761, 2096, 2184.
- 129.... Makes appropriation to Division of State Library and Archives of the Department of Cultural Affairs for grants to local libraries for library collections. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Denis, Buckley, Ocegüera, Conklin, Ohrenschaal, Allen, Anderson, Atkinson, Carpenter, Christensen, Claborn, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith; Senators Carlton, Mathews, Coffin, Wiener, Care, Hardy, Heck, Horsford, Lee, and Schneider. 121, 218.
- 130.... Revises provisions governing filling of certain vacancies on Nevada Veterans' Services Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness. 125, 175, 180, 195*, 404, 419.
- 131.... Eliminates requirement for joint meetings of Advisory Committee for a Veterans' Cemetery in Northern Nevada and Advisory Committee for a Veterans' Cemetery in Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness. 125, 175, 180, 195*, 404, 419.
- 132.... Revises provisions governing provision of safe and respectful learning environment in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hardy, Denis, Allen, Buckley, Gansert, Goicoechea, McCleary, Mortenson, Ocegüera, Seale, Sherer, and Sibley; Senators Heck, Hardy, Cegavske, Nolan, and Tiffany. 125, 126, 218.
- 133.... Revises provisions regarding expenditures of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hardy, Allen, Gansert, Goicoechea, Marvel, Seale, Sherer, and Sibley; Senators Nolan and Cegavske. 126, 218.
- 134.... Makes various changes relating to treatment of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Angle, Carpenter, Grady, Hettrick, Holcomb, and Munford; Senators Washington, Nolan, Beers, Cegavske, Schneider, and Tiffany. 126.
- 135.... Increases maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 126, 223, 230, 240*, 404, 419, 485, 1131, 1140, 1142*.
- 136.... Requires Secretary of State to post on his Internet website certain information related to proposed constitution, constitutional amendment or statewide measure in lieu of causing publication of such information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 127, 218, 444, 495, 550*.
- 137.... Revises provisions governing insurance payments in settlement of certain third-party liability claims. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Anderson, Buckley, Ohrenschaal, Parks, Horne, Arberry, Conklin, Denis, Gerhardt, Giunchigliani, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Parnell, Pierce, and Smith. 127, 223, 230, 240, 241*, 1761, 2050.
- 138.... Revises manner in which legal maximum width of recreational vehicles is determined. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 138, 175, 181, 195*, 313, 336.
- 139.... Requires collection and reporting of certain information concerning employers of applicants for Medicaid or Children's Health Insurance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Pierce, Leslie, Giunchigliani, McCleary, Conklin, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschaal, Parks, Parnell, Perkins, and Smith. 139, 432, 470, 504, 546, 567, 586*.
- 140.... Enacts provisions relating to railroad accidents, safety violations and injuries. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Anderson, Smith, Parks, Giunchigliani, Ohrenschaal, Allen, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Gerhardt, Holcomb, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Ocegüera, Parnell, and Pierce. 139.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
141....	Increases maximum balance allowed in district fire emergency fund of certain fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 139, 233, 242, 285*, 1314, 1490.
142....	Authorizes certain persons to have personal information contained in certain public records kept confidential in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 140, 1036, 1037, 1043, 1087, 1088, 1101, 1105*, 1761, 2000, 2184.
143....	Makes various changes concerning community redevelopment and eminent domain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Giunchigliani, Parks, Conklin, Allen, Arberry, Atkinson, Buckley, Christensen, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hogan, Kirkpatrick, Leslie, Mabey, Manendo, McClain, Mortenson, Munford, Ocegueda, Ohrenschall, Parnell, Perkins, Pierce, Seale, and Sibley; Senators Amodei, Care, Carlton, Wiener, Beers, Cegavske, Hardy, Horsford, McGinness, Nolan, Titus, and Washington. 140, 570, 601, 611, 726*, 1576, 1777, 1783, 2053, 2055, 2283, 2284, 2302.
144....	Revises provisions governing distribution of proceeds of certain taxes to local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Growth and Infrastructure. 140.
145....	Revises provision concerning disabled veterans' exemption from property tax. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure. 141, 371, 399, 406*, 1493, 1788.
146....	Excludes from statutory limitation on total ad valorem tax certain ad valorem tax levies imposed by Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure. 141.
147....	Requires payment of registration fees and costs at University and Community College System of Nevada for certain persons formerly in foster care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 143, 352.
148....	Expands exemption from requirements concerning payment of prevailing wage for certain contracts for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 143.
149....	Makes various changes concerning redistricting of county commissioner election districts in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 144.
150....	Revises provisions regarding licensure or endorsement of educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo, McCleary, Atkinson, Denis, Giunchigliani, Horne, Leslie, and Munford. 144.
151....	Imposes fee on residential subscription television service and dedicates proceeds from fee to assist certain governmental entities in acquiring, improving and maintaining communications technology for first responders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ocegueda, Conklin, Anderson, Parks, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Horne, Kirkpatrick, Leslie, Marvel, McCleary, Munford, Parnell, Perkins, Pierce, Sherer, and Smith; Senators Carlton, Schneider, Townsend, Titus, Coffin, Horsford, Lee, and McGinness. 152.
152....	Revises provisions governing composition of and method of appointing members to Board of Wildlife Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn, McCleary, Ohrenschall, Conklin, Atkinson, Goicoechea, Grady, Hogan, Kirkpatrick, Mabey, Manendo, Mortenson, Parnell, and Weber. 152.
153....	Revises provisions regarding millennium scholarship program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 152.
154....	Revises provisions governing statewide system of accountability for school districts and public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 152, 218, 555, 828, 832, 835, 1306, 1405, 1463*, 2112, 2207, 2215, 2332, 2389.
155....	Revises criminal penalties for misdemeanors and gross misdemeanors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary. 153.
156....	Revises provisions governing terms of certain contracts between public bodies and certain design professionals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Hardy, Parks, Atkinson, Christensen, Kirkpatrick, and Sibley; Senators Hardy, Lee, and Tiffany. 153, 769, 778, 785, 1020*, 1493, 1788.

- No. *Summary, Introducer and Page Reference*
- 157.... Authorizes senior justices of the peace or senior municipal court judges to serve temporarily in justice's court or municipal court regardless of residency requirements under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 158, 508, 561, 587*, 1161, 1185.
- 158.... Requires state agency to provide notice of access to computer of officer, employee or contractor under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 158, 1036, 1037, 1044, 1101*, 1576, 2050.
- 159.... Revises number of members who may be appointed to county advisory board to manage wildlife in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 169, 433, 471, 504*, 1256, 1311.
- 160.... Requires participation in approved program of apprenticeship by bidder and certain subcontractors on public works project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. By request. 169, 170.
- 161.... Makes various changes regarding information provided to and provided by school districts and charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 170.
- 162.... Revises provisions governing charter schools and educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 170, 431, 471, 504*, 1761, 2050.
- 163.... Revises provisions governing reporting and certification of gross yield and claimed net proceeds of minerals extracted for purposes of taxing such proceeds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 171, 483, 537, 567, 587*, 1226, 1275.
- 164.... Amends Charter of City of Sparks to increase term of office of Municipal Judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Gansert, Gerhardt, Giunchigliani, Holcomb, Leslie, Marvel, Parks, and Parnell; Senators Mathews and Washington. By request. 176, 233, 242, 285*, 1161, 1185.
- 165.... Revises provisions governing continuances of matters before planning commissions in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Parks, Ohrenschall, Goicoechea, Allen, Arberry, Atkinson, Christensen, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Hogan, Horne, Koivisto, Manendo, McClain, McCleary, Munford, Ocegueda, Seale, Sibley, and Smith; Senators Hardy and Horsford. 176, 986, 987, 1086*, 1314, 1490.
- 166.... Revises certain provisions relating to offers of judgment in civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Anderson, Hettrick, Sibley, Parks, Christensen, Claborn, Conklin, Denis, Gansert, Holcomb, Manendo, McCleary, and Seale; Senators Hardy, Nolan, and Raggio. 176, 433, 474, 505, 551, 567, 587*, 1161, 1185.
- 167.... Authorizes acquisition of municipal securities issued by certain wastewater authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Hettrick, McCleary, Denis, Parks, Arberry, Buckley, Christensen, Claborn, Gansert, Giunchigliani, Holcomb, Leslie, Manendo, Seale, and Sibley; Senators Coffin, Beers, Hardy, and McGinness. 176, 413, 425, 441, 557, 587*, 1168, 1189.
- 168.... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Denis, Smith, Hardy, Anderson, Atkinson, Buckley, Christensen, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, Marvel, McCleary, Munford, Ocegueda, Parnell, and Pierce; Senators Titus, Carlton, Hardy, Heck, and Lee. 177, 210, 220, 225*, 1761, 1996, 2184.
- 169.... Makes various changes relating to removal and disposal of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Denis, McCleary, Manendo, Smith, Hardy, Anderson, Atkinson, Buckley, Christensen, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hogan, Horne, Kirkpatrick, Koivisto, Marvel, Munford, Ocegueda, Pierce, Sherer, and Weber; Senators Carlton, Titus, Hardy, Heck, and Lee. 177, 218, 413, 426, 441, 546, 547, 567, 587, 588*, 1761, 1987, 1989, 1990, 2184.
- 170.... Provides for administration of National Guard ChalleNGe Program in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McCleary, Denis, Hardy, Ohrenschall, Parks, Allen, Buckley, Claborn, Gerhardt, Grady, Hogan, Manendo, Marvel, McClain, Mortenson, Munford, Perkins, and Seale; Senators Wiener, Care, and Washington. 177, 218, 444, 486, 488.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
171....	Revises various provisions governing regulation of common and contract motor carriers in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Hettrick, Angle, Sherer, Christensen, Claborn, Goicoechea, Hogan, Holcomb, Marvel, McCleary, Mortenson, Munford, Parks, and Weber; Senators Beers, Amodei, and Cegavske. 178.
172....	Makes appropriation to Women's Research Institute of Nevada at University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen McClain, Koivisto, Giunchigliani, Smith, Parnell, Buckley, Claborn, Conklin, Denis, Gerhardt, Kirkpatrick, Leslie, Ohrenschall, Pierce, and Weber; Senators Titus, Wiener, and Carlton. 178, 218, 1493, 1494, 1496, 1654*, 1655.
173....	Revises area in which person is authorized to hunt with certain game tags. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer. 181.
174....	Requires boards of trustees of school districts to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 181.
175....	Makes appropriations for various improvements to mental health services, mental health courts and community triage centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 186, 218, 420, 438, 486, 1493, 1494, 1535, 1655*, 2474, 2488, 2489.
176....	Revises provisions governing reserve and allocation of revenue in the Fund for Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McClain, Koivisto, Giunchigliani, Parnell, Ohrenschall, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Hogan, Kirkpatrick, Leslie, Manendo, Marvel, McCleary, Munford, Ocegueda, Parks, Perkins, Pierce, Smith, and Weber. 191, 218, 432, 475, 486, 2302, 2303, 2334*, 2474.
177....	Creates Steering Committee for Systems Integration Pilot Project for Seriously Mentally Ill Persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gansert. 192, 352.
178....	Revises provisions governing notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegueda, Horne, Allen, Arberry, Buckley, Denis, Gansert, Gerhardt, Hettrick, Koivisto, Munford, Parks, and Seale. 192, 406, 414, 427*, 1137, 1148.
179....	Exempts certain local governmental purchases of personal safety equipment from requirements for competitive bidding. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ocegueda, Allen, Arberry, Denis, Gerhardt, Horne, Koivisto, McCleary, Munford, Parks, and Seale; Senator Titus. 192, 420, 439, 481, 505, 551, 567, 588*, 1186, 1198.
180....	Revises provisions governing charter schools and automated system of accountability information for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 192, 597, 637, 754*, 1761, 1997, 2103, 2108, 2391, 2406, 2474.
181....	Removes requirement that person obtain license to act as cash buyer or agent of cash buyer of farm products or livestock. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Goicoechea, Carpenter, Grady, Atkinson, and Marvel. 193, 433, 475, 505, 551, 567, 588*, 1256, 1311.
182....	Requires principals and school nurses to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sibley, Hardy, McCleary, Seale, Leslie, Allen, Anderson, Angle, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegueda, Ohrenschall, Parnell, Perkins, Pierce, Sherer, and Weber; Senators Schneider, Townsend, Lee, Beers, Carlton, Hardy, Heck, Tiffany, and Titus. 193, 432, 475, 505, 551, 567, 588*, 1151, 1166.
183....	Prohibits medical facilities from retaliating or discriminating unfairly against certain nurses for refusing to provide nursing services under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Smith, McClain, Giunchigliani, Pierce, Atkinson, Gerhardt, Manendo, Ocegueda, and Parks. 199, 832, 852, 958, 1037, 1080, 1087, 1088, 1101*, 1761, 2013, 2015, 2184.
184....	Requires development and distribution of parental involvement compacts and code of honor relating to cheating by pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Gerhardt, Smith, Horne, Denis, Munford, Ohrenschall, Allen, Arberry, Atkinson, Buckley, Claborn, Conklin, Giunchigliani, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Ocegueda, Parks, Parnell, Perkins, Pierce, Sherer, and Weber. 200, 352, 431, 477, 499, 556, 565, 588*, 589.

- No. Summary, Introductor and Page Reference*
- 185....Revises provisions governing petitions for initiative and referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gansert, Hettrick, McCleary, Atkinson, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Marvel, Sherer, and Sibley; Senator Beers. 200, 957, 958, 962, 1087, 1099, 1100, 1105, 1106*, 1761.
- 186....Authorizes payment of additional compensation for permanent total disability to certain injured employees and their dependents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 200, 352, 432, 477, 478, 1036, 1037, 1046, 1101, 1102*, 1576, 2016, 2184.
- 187....Authorizes governing body of local government to revise procedure for adopting certain minor amendments to master plan. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 201, 420, 440, 481, 505, 551, 567, 589*, 1168, 1189.
- 188....Provides under certain circumstances that certain databases which contain certain information are confidential and not public records open for public inspection. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 201, 828, 832, 854, 1090, 1099, 1104*, 1761, 2080, 2081, 2184.
- 189....Revises provisions relating to Nevada Equal Rights Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 201, 1020, 1022, 1091, 1099, 1576, 1578, 1742*, 1743, 2324, 2339, 2343, 2474, 2513, 2545, 2548.
- 190....Prohibits certain persons from entering upon certain property with intent to surreptitiously conceal themselves on property and peer, peep or spy through opening in building or other structure used as dwelling. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Perkins, Conklin, Horne, Atkinson, Buckley, Gerhardt, Giunchigliani, Grady, Hettrick, Kirkpatrick, Leslie, Ocegüera, Parks, Pierce, Sherer, and Sibley; Senators Carlton, Coffin, and Heck. 201, 444, 496, 551, 567, 589*, 1576, 1969, 2184.
- 191....Revises provisions relating to electioneering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Munford, Sherer, Allen, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gerhardt, Hogan, Holcomb, Kirkpatrick, Koivisto, Manendo, McCleary, Mortenson, Ocegüera, Ohrenschall, Parks, and Sibley. 207.
- 192....Provides that provisions of Uniform Disposition of Unclaimed Property Act do not apply to State Child Support Disbursement Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 211, 300, 322, 323, 352.
- 193....Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Kirkpatrick. 211, 957, 958, 964, 1038, 1079, 1102*, 1761, 1966, 1968, 2184.
- 194....Revises provisions governing amount of interest paid by plaintiff in action relating to eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, and Sherer. 211.
- 195....Makes various changes concerning purchasing prescription drugs from Canadian pharmacies and regulation of certain pharmacies located outside Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Buckley, Ocegüera, Leslie, Perkins, Giunchigliani, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, Marvel, McClain, McCleary, Munford, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Titus, Carlton, Care, Schneider, Amodei, Coffin, Heck, Horsford, Lee, Nolan, and Townsend. 212, 630, 690, 695, 754, 755, 757, 758*, 1762, 1899, 2112, 2113, 2220.
- 196....Prohibits control of thrift company by department store. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Conklin, Pierce, Atkinson, Anderson, Parks, Arberry, Buckley, Claborn, Denis, Gerhardt, Giunchigliani, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Ocegüera, Perkins, and Smith. 212.
- 197....Revises Charter of City of North Las Vegas concerning election of City Councilmen. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Atkinson, Kirkpatrick, McCleary, Giunchigliani, Denis, Allen, Anderson, Angle, Arberry, Buckley, Carpenter, Christensen, Claborn, Conklin, Gansert, Gerhardt, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Horsford, Carlton, Amodei, Beers, Care, Coffin, Hardy, Heck, Lee, Nolan, Rhoads, Schneider, Titus, Washington, and Wiener. 213, 484, 537, 567, 589*.

LISTING OF ASSEMBLY BILLS

- No. Summary, Introducer and Page Reference*
- 198.... Makes appropriation for full-day kindergarten in certain schools and authorizes full-day kindergarten in certain other schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Perkins, Buckley, Parnell, Giunchigliani, Smith, Anderson, Arberry, Atkinson, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Pierce, and Sherer; Senators Titus, Horsford, Wiener, Schneider, Carlton, and Coffin. 214, 218, 233, 486, 2225, 2231, 2242, 2255*.
- 199.... Revises requirements for courses in American history taught in public high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Munford, Ohrenschall, McCleary, Christensen, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Conklin, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Holcomb, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, Parks, Parnell, Sherer, Sibley, Smith, and Weber. 214.
- 200.... Prohibits child care facility and any employee or volunteer of child care facility from taking certain actions against child for disciplinary purposes. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Parnell, Denis, Horne, Buckley, Smith, Allen, Anderson, Atkinson, Conklin, Gansert, Gerhardt, Giunchigliani, Grady, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Ocegüera, Parks, Pierce, and Sibley. 218.
- 201.... Revises provisions relating to rehabilitation of certain residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Pierce, Leslie, Giunchigliani, Parks, Allen, Anderson, Atkinson, Buckley, Carpenter, Conklin, Denis, Goicoechea, Grady, Hettrick, Hogan, Kirkpatrick, Koivisto, Marvel, Ocegüera, Ohrenschall, Perkins, Sherer, Smith; Senators Wiener, Horsford, Carlton, Care, Beers, Coffin, Heck, and Lee. 218, 769, 778, 785, 1020*, 1761, 2072, 2184.
- 202.... Revises provisions governing safe and respectful learning environment in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Parks, Hardy, Parnell, Pierce, Horne, Anderson, Arberry, Atkinson, Buckley, Claborn, Conklin, Gerhardt, Giunchigliani, Grady, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Perkins, Sherer, and Smith; Senators Carlton and Titus. 218, 352, 828, 832, 855, 1091*, 1576, 2050.
- 203.... Makes various changes concerning osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Seale, Parnell, Hardy, Buckley, and Mabey. 219, 484, 537, 567, 590*, 1161, 1207, 1208, 1222.
- 204.... Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 219, 233, 239, 243*, 352, 396.
- 205.... Revises provisions governing compensation for victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. 219, 398, 405, 414, 427, 428*, 1137, 1148.
- 206.... Provides for issuance of special license for persons with certain graduate degrees and work experience to teach pupils in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey. 220, 484, 538, 567, 590*, 1151, 1166, 2404.
- 207.... Makes various changes concerning peace officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 223.
- 208.... Makes various changes relating to physicians and medical research. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Conklin, Allen, Arberry, Atkinson, Christensen, Denis, Gansert, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Parks, Parnell, Pierce, Sherer, Sibley, Smith, and Weber; Senators Care, Horsford, and Titus. 225, 484, 539, 567, 576, 736, 753, 778*, 1761, 1809, 1816, 2103, 2108, 2436, 2441, 2523.
- 209.... Authorizes Department of Education to provide grants for establishment and implementation of pilot programs for prekindergarten children with limited proficiency in English language. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Smith, Leslie, Parnell, Giunchigliani, Anderson, Atkinson, Buckley, Conklin, Denis, Gansert, Gerhardt, Hardy, Hogan, Holcomb, Kirkpatrick, Manendo, McClain, McCleary, Ocegüera, Pierce, and Weber. 228, 231, 352, 431, 509, 1470, 1471, 1537*.
- 210.... Encourages women and minorities to take advantage of opportunities in construction industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hogan, Giunchigliani, Ocegüera, Ohrenschall, Parks, Arberry, Atkinson, Buckley, Conklin, Denis, Gerhardt, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Parnell, Perkins, and Smith; Senators Titus and Carlton. 228, 828, 832, 857, 1087, 1102*, 1762, 1923, 1924, 2095, 2110, 2111, 2236.

LISTING OF ASSEMBLY BILLS

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No.

Summary, Introducer and Page Reference

- 211.... Requires licensure by Health Division of Department of Human Resources of facilities which procure, perform tests on, store or distribute human tissues or organs for medical or dental education, medical or dental research or advancement of medical or dental science. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Gansert. 228, 421.
- 212.... Creates Task Force for Elimination of Cervical Cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Weber, Koivisto, Ohrenschall, Allen, Buckley, Gansert, Gerhardt, Giunchigliani, Hardy, Hettrick, Hogan, Kirkpatrick, Leslie, Mabey, McClain, Parnell, Pierce, Sherer, Sibley, and Smith; Senators Cegavske, Titus, and Heck. 229, 444, 497, 509.
- 213.... Revises provisions relating to peace officers employed by state agency or local government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 229.
- 214.... Revises provisions governing actions for dental malpractice. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Marvel. 229.
- 215.... Revises provisions relating to disclosure of certain information to purchaser of residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sibley, Seale, Buckley, Kirkpatrick, Ohrenschall, Allen, Anderson, Angle, Atkinson, Carpenter, Christensen, Conklin, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Manendo, Marvel, Mortenson, Munford, Ocegueda, and Sherer; Senators Amodei, and Heck. 229, 508, 562, 590*, 1493, 1788.
- 216.... Requires landlord to reduce rent for certain older persons who are tenants of manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Ohrenschall, Manendo, Buckley, McClain, Claborn, Denis, Kirkpatrick, Koivisto, Munford, Ocegueda, Parks, and Pierce. 235, 421, 443, 497, 551, 567, 591, 601, 618*.
- 217.... Authorizes boards of trustees of school districts to provide instruction in self-defense. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, Kirkpatrick, Anderson, Atkinson, Carpenter, Claborn, Denis, Koivisto, Manendo, McClain, Munford, Parks, Pierce, and Sibley. 235.
- 218.... Directs Department of Transportation to conduct study of need and feasibility of constructing certain arterial road for Interstate Highway No. 95 in Las Vegas, Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Ohrenschall, Atkinson, Carpenter, Claborn, Denis, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ocegueda, and Parks. 236, 352.
- 219.... Creates Nevada Council for the Prevention of Domestic Violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall, McClain, Anderson, Manendo, Parks, Allen, Atkinson, Carpenter, Claborn, Denis, Koivisto, Munford, Ocegueda, Pierce, and Sibley. 236, 330, 350, 361*, 1761, 1969, 1970, 2184.
- 220.... Revises provisions relating to alternative fuels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 237, 289, 309, 323*, 1256, 1287, 1288, 1311.
- 221.... Makes various changes relating to intoxicating liquors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegueda, Manendo, Leslie, Parks, Anderson, Angle, Buckley, Christensen, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Munford, and Pierce. 237, 508, 556, 576, 601, 761, 778*, 1761, 1784, 1785, 2053, 2055, 2198, 2202, 2239, 2332.
- 222.... Requires periodic review of school districts to evaluate compliance with certain financial management principles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Parnell, Giunchigliani, Smith, Manendo, Allen, Anderson, Angle, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Horsford, Care, Hardy, Townsend, Amodei, Beers, Carlton, Cegavske, Coffin, Heck, Lee, McGinness, Nolan, Schneider, Tiffany, Titus, Washington, and Wiener. 237, 421, 484, 509, 540, 1543, 1544, 1655*.
- 223.... Revises provisions regarding millennium scholarship program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gansert, Hardy, Allen, Atkinson, Buckley, Carpenter, Christensen, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Holcomb, Kirkpatrick, Koivisto, Mabey, Marvel, McClain, Mortenson, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 238.
- 224.... Prohibits person from administering or providing immunization which contains more than specified amount of mercury to certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Angle, Carpenter, Holcomb, Mortenson, and Munford; Senators Beers, Cegavske, and Washington. 238, 421.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
225....	Revises provisions governing emissions testing for certain motor vehicles and provisions regarding certain fleets to authorize use of certain additives for motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Angle, Christensen, Gansert, Holcomb, Mabey, Mortenson, and Munford; Senators Tiffany and Washington. 238.
226....	Revises provisions governing fees for processing applications for game tags. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Claborn, McCleary, Goicoechea, Grady, Hogan, Koivisto, Manendo, McClain, Munford, and Sherer. 238, 421, 1020, 1024, 1092, 1099.
227....	Revises provisions relating to advertising by notaries public. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Denis, Pierce, McCleary, Leslie, Parks, Anderson, Atkinson, Buckley, Claborn, Conklin, Gansert, Gerhardt, Giunchigliani, Hogan, Holcomb, Kirkpatrick, Mabey, Munford, Ocegüera, Seale, and Smith; Senators Carlton and Horsford. 247, 398, 405, 414, 428*, 1137, 1148.
228....	Makes various changes concerning compensation of teachers and requires Department of Education to study effectiveness of financial incentives. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McCleary, Parnell, Manendo, Munford, Claborn, Anderson, Atkinson, Buckley, Conklin, Gerhardt, Koivisto, McClain, Mortenson, Ocegüera, Parks, and Pierce. 247, 265, 556, 557.
229....	Reduces distance from nearest track at certain railroad crossings within which driver of vehicle must stop. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, McCleary, Allen, Buckley, Claborn, Denis, Giunchigliani, Goicoechea, Hettrick, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, and Sibley. 248.
230....	Revises provisions governing transfer of registration of certain vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Atkinson, Conklin, Parks, Allen, Anderson, Arberry, Buckley, Carpenter, Claborn, Denis, Giunchigliani, Goicoechea, Hettrick, Horne, Kirkpatrick, Koivisto, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, and Pierce. 248, 421.
231....	Requires local and regional governmental entities to conduct study of safe walking routes in certain area near schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Atkinson, Horne, McClain, Parks, Allen, Arberry, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Giunchigliani, Kirkpatrick, Koivisto, Manendo, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Perkins, Pierce, and Sibley. 248, 783, 803, 1021*, 1256, 1311.
232....	Authorizes certain law enforcement officers and retired law enforcement officers to carry certain concealed firearms and weapons in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins, Conklin, Anderson, Horne, Gerhardt, and Denis. 248, 631, 690, 696, 758*, 1493, 1788.
233....	Makes various changes relating to homeland security. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Perkins. 249, 557, 1036, 1037, 1049, 1099, 1102, 2238, 2242, 2244.
234....	Revises various provisions relating to anatomical gifts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Gansert. 249, 556, 578, 618*, 1201, 1222.
235....	Revises provisions governing changes to boundaries of wards established in certain cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady. 249, 398, 405, 414, 427, 446, 481, 505, 551, 567, 591*, 1186, 1198.
236....	Makes various changes relating to energy systems that use certain types of renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 249, 828, 832, 859, 1092*, 1761, 2260, 2265, 2552.
237....	Revises jurisdiction of certain justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 250, 508, 563, 591*, 1168, 1284, 1311.
238....	Revises type and amount of security required for certain construction contracts under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 250.
239....	Revises certain provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 250, 598, 654, 758*, 1761, 1892, 1899, 2103, 2108, 2284, 2292, 2302.
240....	Revises provisions governing owners and operators of charter buses which are not fully regulated carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 250, 733, 735, 740, 778*, 1761, 1990, 1991, 2184.
241....	Provides for abatement of property taxes for certain residences to avoid severe economic hardship. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Hettrick. 251.

- No. *Summary, Introductor and Page Reference*
- 242.... Makes appropriation to Office of Attorney General for start-up costs of quarterly publication of National Center for Missing and Exploited Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Goicoechea and Marvel. 251, 352.
- 243.... Revises definition of “securities account” for purposes of Uniform TOD Security Registration Act to include investment management or custody accounts with trust company or trust division of bank. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Marvel. 251, 398, 405, 414, 428*, 1137, 1148.
- 244.... Revises provisions governing distribution of proceeds of tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Marvel, Carpenter, and Grady; Senator Rhoads. 251.
- 245.... Makes various changes to provisions governing taxes on transfer of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Marvel. By request. 251.
- 246.... Enacts Nevada Religious Freedom Restoration Act to prohibit governmental entities from substantially burdening the exercise of religion. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson. 252.
- 247.... Revises provisions governing management of water resources in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Holcomb. 252.
- 248.... Makes various changes concerning assisted living facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Buckley. 252, 486, 556, 579, 619*, 1576, 2050, 2304, 2307, 2308.
- 249.... Makes various changes relating to vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Buckley. 253, 421, 770, 828, 832, 862, 868, 1225, 1241, 1251, 1270, 1271, 1274*, 2112, 2236.
- 250.... Provides for licensing and regulation of massage therapists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Arberry. 253, 828, 832, 868, 1092*, 1761, 2056, 2069, 2184.
- 251.... Authorizes preference for disadvantaged businesses under certain circumstances for certain contracts relating to public works and state and local government purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Arberry; Senator Horsford. 253.
- 252.... Prescribes limit on number of administrators in certain large school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin. 254.
- 253.... Makes various changes concerning provisions governing water. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Goicoechea. 254, 352, 404.
- 254.... Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. 254, 630, 690, 697, 758*, 1761, 1816, 1817, 2102, 2236.
- 255.... Revises certain provisions relating to taxation of fuels. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Kirkpatrick. By request. 254, 829, 832, 871, 1092*, 1761, 1991, 1992, 2184.
- 256.... Establishes crimes of vehicular homicide and homicide by vessel for driving vehicle or operating vessel under influence of alcohol or certain substances which causes death under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Buckley and Manendo. 255, 433, 478, 505, 551, 567, 591*, 1161, 1185.
- 257.... Provides certain protections to person who receives payments pursuant to federal Social Security Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce. 255, 1031, 1032, 1092*, 1226, 1275.
- 258.... Authorizes certain law enforcement officers and retired law enforcement officers to carry certain concealed firearms and weapons in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Conklin, Anderson, Horne, Gerhardt, and Denis. 255.
- 259.... Revises provisions relating to rights of peace officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Conklin, Anderson, Horne, Gerhardt, and Denis. 255, 300, 311, 631, 690, 709, 758, 759*, 1493, 1788.
- 260.... Revises provisions relating to environmental health specialists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Allen, Hardy, and Hettrick; Senators Mathews and Heck. By request. 256, 828, 832, 876, 1037, 1082, 1087, 1089, 1102*, 1761, 1817, 1824, 2103, 2109, 2318, 2319, 2344.

LISTING OF ASSEMBLY BILLS

- No. Summary, Introducer and Page Reference*
- 261....Revises provisions concerning negligence and causation in relation to certain acts of unrestrained riding within or upon motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen and Hardy. By request. 256.
- 262....Makes appropriation to Health Division of Department of Human Resources for power generator for bioterrorism laboratory in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Sibley. 256, 352.
- 263....Requires licensed veterinarian to obtain informed consent from owner of animal under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Sibley. By request. 256.
- 264....Requires notice to be provided to consumers of retail products which have radio frequency identification tags. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle and Holcomb. 257.
- 265....Revises provisions relating to domestic wells. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle and Holcomb. 257, 421.
- 266....Provides that interest and income earned on money in certain accounts and funds be credited to State General Fund for use by school districts for books, supplies or instructional materials for classrooms. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle and Holcomb. 257, 445.
- 267....Prohibits abuse, neglect, exploitation or isolation of vulnerable person. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Anderson, Parnell, Conklin, Allen, Angle, Gerhardt, Holcomb, Horne, Mortenson, and Ocegüera. 257, 421, 598, 656, 759*, 1761, 1785, 1787, 2053, 2055, 2235, 2258, 2552.
- 268....Requires Legislative Auditor to report willful noncompliance with applicable laws or regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle and Holcomb. 258.
- 269....Revises provisions related to voting at poll. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Angle and Holcomb. 258.
- 270....Revises provisions governing Transportation Services Authority and Taxicab Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Angle and Holcomb. 258, 486.
- 271....Revises provisions relating to hospice care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce, Leslie, Parks and Parnell. 259, 783, 805, 1021*, 1256, 1311.
- 272....Restricts persons who may hold position within correctional prison, institution or facility with direct contact with female offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenscha. 259.
- 273....Provides for establishment of program by State Board of Nursing to assist in repayment of educational loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenscha. 259.
- 274....Makes various changes concerning sex offenders and offenders convicted of crimes against children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Ohrenscha; Senators Titus, Raggio, Nolan, Wiener, and Mathews. 259, 445, 598, 661, 736, 770, 779, 1493, 1655*, 2302.
- 275....Revises certain provisions relating to State Public Works Board and relating to construction or renovation of public school buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carpenter. 260, 986, 987, 988, 1031, 1032, 1099.
- 276....Requires registered pharmacist, upon request by patient, to transfer prescription for patient to another registered pharmacist. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Smith, Giunchigliani, Denis, McClain, Hogan, Koivisto, and Weber. By request. 260, 431, 478, 505, 551, 567, 591*, 592, 1161, 1176, 1189.
- 277....Revises certain presumptions relating to abandoned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 260, 783, 806, 833.
- 278....Revises certain provisions governing termination of residential leases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hogan. 260, 828, 832, 877, 1093*, 1226, 1275.
- 279....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenscha. 260, 352, 597, 667, 736, 770, 779, 1251, 1271, 1288*.
- 280....Revises provisions regarding University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenscha. 261, 630, 690, 698, 759*, 1762, 1998, 1999, 2000, 2050, 2184.

- No. Summary, Introducer and Page Reference*
- 281.... Makes various changes concerning damages awarded in civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Holcomb. 261.
- 282.... Makes various changes concerning guardianship. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenschaal. 261.
- 283.... Directs effort to be made to obtain land for state park in Esmeralda County and to establish such state park. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Sherer. 262, 265, 445.
- 284.... Requires certain policies of health insurance and health care plans to provide coverage for medical transportation to medical facilities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer. 262.
- 285.... Abolishes Transportation Services Authority and transfers its duties and responsibilities to various governmental entities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Sherer. By request. 262.
- 286.... Requires Department of Transportation to construct sound barriers along portion of U.S. Interstate No. 95 in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McCleary. 263, 421.
- 287.... Requires contractors and certain subcontractors to provide bona fide health care plan for certain employees employed on certain public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegüera. 263, 265, 630, 690, 710, 759*.
- 288.... Makes various changes concerning the practice of medicine and the Board of Medical Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegüera. 263.
- 289.... Requires Administrator of Office of Historic Preservation of Department of Cultural Affairs to establish stewardship program for protection of cultural resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mortenson. 264, 421, 433, 446, 486, 1493, 1494, 1496, 1655*, 2474.
- 290.... Makes various changes to provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks and Pierce. By request. 264, 598, 669, 759, 760*, 1762, 1825, 1829, 1833, 2103, 2109.
- 291.... Makes various changes relating to regulation of talent agencies. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Parks, Atkinson, Claborn, Goicoechea, Grady, Hardy, Kirkpatrick, Munford, Parnell, and Pierce. By request. 264, 421.
- 292.... Requires earlier filing of statements of estimated gross yield, net proceeds and royalties by persons extracting minerals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Goicoechea, Marvel, and Carpenter. 266, 483, 540, 567, 592*, 1226, 1275.
- 293.... Provides exemption from governmental services tax for vehicles registered by resident of Nevada who is on active duty in Armed Forces of United States. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Parks, Hardy, Hogan, McCleary, Horne, Anderson, Carpenter, Claborn, Giunchigliani, Grady, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Pierce, Seale, and Smith. 266, 445, 485, 509, 541.
- 294.... Requires Clark County School District to construct vocational-technical high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Munford, Holcomb, and Sibley. 266.
- 295.... Creates crime of vehicular manslaughter. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie, Smith and Ocegüera. 267, 433, 479, 499, 500, 503*, 1140, 1159.
- 296.... Requires certain major hospitals to accept certain payments for provision of emergency services and care to certain patients as payment in full. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, Smith, and McClain. 267, 829, 832, 878, 1093*, 1762, 1971, 1974.
- 297.... Names Chapel at Southern Nevada Veterans Memorial Cemetery the Ken Brown Chapel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Koivisto. 267.
- 298.... Converts offices of mayor and city councilmen to partisan offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto, McClain, and Smith. By request. 267.
- 299.... Authorizes exchange of land with Reno-Sparks Indian Colony and construction of new restitution center for Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Marvel. 267, 445, 631, 690, 712, 736, 770, 780, 1245, 1272, 1288*, 1761, 2050.
- 300.... Makes appropriation to provide assistance in rent for low-income families. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain, Parks, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Hogan, Koivisto, Leslie, Manendo, McCleary, Munford, Ocegüera, Pierce, and Smith. 268, 352.

LISTING OF ASSEMBLY BILLS

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
301....	Revises provisions governing veterans' exemptions from property tax and governmental services tax. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Sibley, Hardy, and Christensen. 268, 445, 732, 735, 742, 779.
302....	Creates presidential preference primary election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. McCleary. 268, 352.
303....	Requires licensing of persons engaged in certain activities relating to control of mold. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Mabey. 268, 421.
304....	Revises provisions relating to certain public contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Mabey, Hettrick, and Marvel. 269, 631, 690, 700, 760.
305....	Revises provisions governing eligibility for millennium scholarships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 269.
306....	Directs Legislative Commission to conduct interim study of feasibility of consolidating certain local governmental entities and services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. McClain, Atkinson, Koivisto, Giunchigliani, Parks, Hogan, Leslie, Manendo, McCleary, and Pierce. 269, 769, 778, 788, 789.
307....	Makes various changes concerning registration of motor vehicles and operations of Department of Motor Vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McClain, Koivisto, Carpenter, Smith, Giunchigliani, Arberry, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Leslie, Manendo, McCleary, Munford, Ocegueda, Parks, Parnell, and Pierce. 269, 421, 485, 509, 541, 543, 2343, 2345, 2378*, 2528.
308....	Makes various changes concerning actions against residential facilities for groups based upon professional negligence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick, Christensen, Mabey, Hardy, Angle, Carpenter, Gansert, Goicochea, Grady, Holcomb, Marvel, Sherer, and Weber. 270.
309....	Provides for waiver of fees for certain veterans who are recipients of Purple Heart and who attend university, state college or community college within University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Manendo, Parnell, Anderson, McCleary, Parks, Allen, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicochea, Hardy, Hogan, Holcomb, Home, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Ocegueda, Ohrenschall, Perkins, Pierce, Sibley, Smith, and Weber. 270, 445.
310....	Provides for establishment of statewide nonemergency information and referral telephone system concerning health, welfare, human and social services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Smith; Senator Titus. 270, 280, 352, 1470, 1472, 1537, 1538*.
311....	Makes appropriation to Department of Transportation for construction of extension to sound barrier on east side of U.S. Highway No. 95/Interstate Highway No. 515 near Elaina Avenue in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Manendo; Senators Titus and Care. 270, 330, 336, 352.
312....	Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction or upon sealed bids followed by oral offers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sibley, Hardy, Mabey, Conklin, Parks, Allen, Atkinson, Buckley, Carpenter, Christensen, Denis, Gansert, Gerhardt, Giunchigliani, Goicochea, Grady, Hettrick, Home, Kirkpatrick, Manendo, McCleary, Munford, Ocegueda, Perkins, Seale, Sherer, and Weber; Senators Titus, Coffin, Townsend, Beers, Carlton, Amodèi, Cegavske, Hardy, Heck, Lee, and Wiener. 271, 280, 1037, 1052, 1103*, 1761, 1900, 1922, 2100, 2359, 2360, 2363, 2364, 2365, 2367, 2369.
313....	Makes various changes relating to expenditures required by disasters or financial emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson, Giunchigliani, Buckley, Ocegueda, Conklin, and Perkins. 271, 352, 1256, 1280, 1302*.
314....	Requires person appointed by Legislature, members of Legislature or Governor to public board to have resided in area pertaining to office for at least 6 months immediately preceding appointment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McCleary, McClain, Holcomb, Manendo, Mortenson, Seale, and Sibley. 271, 782, 783, 806, 832, 1037, 1085*, 1761, 1774, 1775, 2053, 2255, 2323, 2344.
315....	Enacts provisions relating to event recording devices in motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Pierce, Parks, Buckley, Giunchigliani, and McClain. 272, 571, 609, 726*, 1761, 1987, 2184.

- No. Summary, Introducer and Page Reference*
- 316.... Provides for regulation of agents who book performing artists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Denis, Pierce, Conklin, and Giunchigliani. 272.
- 317.... Provides for imposition of tax on live entertainment provided by all houses of prostitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. By request. 272.
- 318.... Revises provisions concerning vicious dogs and animals used to fight birds or other animals. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Weber, Mabey, and Hardy; Senator Titus. By request. 272.
- 319.... Requires employer to post notice of rights and benefits available to persons who perform service in uniformed services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Weber. By request. 273, 281, 555, 783, 808.
- 320.... Prescribes sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 273, 766, 775, 829, 833, 1028*.
- 321.... Provides for Nevada Report to Taxpayers on status of state finances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins. 273, 281, 445, 508, 557, 1576, 1579, 1743*.
- 322.... Requires major hospitals to adopt and carry out plans to provide community benefits and charity care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 273, 829, 832, 878, 1093*.
- 323.... Requires Bureau of Consumer Protection in Office of Attorney General to conduct audit and investigation of rate-setting practices of Truckee Meadows Water Authority. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Gansert, Smith, Angle, Anderson, Leslie, Marvel, and Parnell; Senators Townsend, Raggio, Washington, and Mathews. 274, 556, 580, 619, 620*, 1493, 1788.
- 324.... Makes various changes concerning damages awarded in civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Angle. 274.
- 325.... Provides for creation of pilot project to evaluate licensed child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Weber and Hardy. 274.
- 326.... Revises provisions governing changes in rates for certain insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 274.
- 327.... Makes various changes concerning provision of medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 274, 398, 405, 414, 428*, 1761, 1769, 1774, 2053, 2085, 2423, 2523.
- 328.... Revises provisions concerning salaries of state officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. McCleary. 275, 445.
- 329.... Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 275, 555, 598, 670, 673.
- 330.... Revises formula for calculating limit for each biennium on certain total proposed expenditures from State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Allen and Sibley; Senator Beers. 275.
- 331.... Directs Legislative Commission to conduct interim study concerning water resources in State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Pierce. 276, 281, 769, 778, 789, 790.
- 332.... Provides for creation of Washoe County Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 276.
- 333.... Requires application for issuance of tag to hunt big game mammal to be submitted in person at location in Nevada specified by Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. 276.
- 334.... Provides for protection of social security numbers and certain other personal information. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Buckley. 276, 986, 987, 998, 1093*, 1761, 2072, 2073, 2074, 2184.
- 335.... Makes various changes regarding education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 277, 352, 555, 630, 690, 700, 2238, 2242, 2244, 2267*.
- 336.... Revises provisions regarding education to increase parental involvement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 277, 281, 352, 443, 486.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
337....	Enacts provisions governing residential care services for certain persons, including elderly persons and persons with disabilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 278, 770, 778, 790, 1021*, 1314, 1774, 2053, 2085, 2279, 2283, 2302.
338....	Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 278, 509, 828, 832, 881, 1093, 1305, 1407, 1463*, 2187, 2457, 2469, 2471, 2473.
339....	Requires certain counties to conduct study concerning neighborhood gaming. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Gansert. 278.
340....	Revises provisions relating to certain short-term, high interest loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Leslie, Parks, Ohrenschall, Anderson, Buckley, Claborn, Denis, Koivisto, McClain, McCleary, and Perkins. 279, 782, 783, 810, 1021*, 1576, 2040, 2043, 2184.
341....	Exempts persons who assess property in connection with eminent domain proceeding from provisions governing real estate appraisers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks, Giunchigliani, Leslie, and McClain. By request. 279, 483, 543, 567, 592*, 1256, 1311, 1490.
342....	Makes various changes concerning analysis, reporting and provision of health care services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Leslie, Perkins, Pierce, and Buckley. 279, 445, 986, 987, 999, 1094*, 1761, 1984, 1986, 2184.
343....	Revises provisions relating to manufactured housing. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Giunchigliani, Smith, Ohrenschall, Manendo, Parks, Buckley, Claborn, Gerhardt, Koivisto, Leslie, McClain, and Pierce. 279, 421, 597, 673, 760*, 1576, 2043, 2048, 2184.
344....	Makes various changes relating to homestead exemption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Atkinson, Horne, Conklin, and Hogan. 280.
345....	Makes various changes relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Perkins. 283, 444, 497, 551, 567, 592*, 1761, 2074, 2075, 2184.
346....	Authorizes State Fire Marshal to adopt certain regulations relating to use of fire by fire departments in providing training to firemen. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Grady and Ocegüera. By request. 283, 420, 440, 481, 505, 551, 567, 592, 593*, 1314, 2087, 2088, 2184.
347....	Revises provisions governing exemptions from sales and use taxes on farm machinery and equipment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Goicoechea, Grady, and Carpenter; Senators McGinness, Amodei, and Beers. 284, 484, 543, 567, 592, 598, 2102, 2116*.
348....	Prohibits unauthorized sale or use of device or mechanism capable of interfering with or altering signal of traffic-control signal. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Horne, Perkins, Ocegüera, and Anderson. 290, 485, 543, 567, 593*, 1761, 1992, 1995, 2184.
349....	Makes appropriation for development and implementation of improvements in information technology and administrative capabilities of Division of Water Resources of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Gansert. 290, 352.
350....	Requires Division of Health Care Financing and Policy of Department of Human Resources to provide medical assistance to working persons with disabilities who satisfy certain eligibility requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Pamell, Leslie, Smith, Parks, Anderson, Buckley, Gerhardt, Giunchigliani, Hardy, Kirkpatrick, Mabey, and Pierce. 290, 432, 445, 479, 505, 550, 557.
351....	Encourages adoption of regulations to facilitate display and sale of artistic expressions protected by First Amendment in state, county and municipal parks, and recreational and cultural facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 290, 432, 631, 690, 713, 760*, 761, 1314, 1490.
352....	Allows portion of impact fee collected for park project to be used to pay for police and fire protection under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Kirkpatrick. 291.
353....	Makes various changes concerning hospital charges. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Leslie. 291, 770, 778, 791, 1021*, 1022.

No.

Summary, Introducer and Page Reference

- 354.... Provides for certain veterans and surviving spouses to apply their property tax exemption to more than one property under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. By request. 291.
- 355.... Provides right of judicial review for certain final decisions of housing authorities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Giunchigliani. By request. 291, 1020, 1025, 1094*, 1761, 2000, 2184.
- 356.... Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegüera. 292.
- 357.... Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Allen, Sibley, and Hardy. By request. 292.
- 358.... Revises provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Claborn. 292, 294.
- 359.... Revises certain provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Kirkpatrick. By request. 293.
- 360.... Provides for regulation of persons who practice permanent cosmetics. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Weber. 293, 828, 832, 902, 1094, 1100, 1104*.
- 361.... Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Holcomb. 293, 445.
- 362.... Allows for reciprocity with certain other states for permit to carry concealed firearm. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Allen and Carpenter. By request. 293.
- 363.... Makes various changes relating to consolidated insurance programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 303, 597, 680, 761*.
- 364.... Makes various changes relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 303, 828, 832, 904, 1094*, 1761, 2037, 2040, 2184.
- 365.... Increases amount of homestead exemption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ohrenschall. 304, 766, 777, 1022*, 1761, 1833, 1834, 2053, 2056, 2094, 2104, 2236.
- 366.... Requires Division of Parole and Probation of Department of Public Safety to charge persons placed under its supervision fee for training its employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 304.
- 367.... Requires uncommitted money remaining in State Distributive School Account to be distributed to school districts biennially. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Giunchigliani. 304, 421.
- 368.... Authorizes designees of certain law enforcement officers to remove abandoned vehicles from public property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Ocegüera. 304, 445, 498, 551, 567, 593*, 1161, 1185.
- 369.... Establishes certain procedures and requirements for court-ordered admission of emotionally disturbed children who are in custody of agencies which provide child welfare services to certain facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Giunchigliani. 304, 486, 958, 966, 1031, 1094, 1095*, 1761, 1978, 1984, 2184.
- 370.... Revises definition of “contractor” to include certain construction managers, general contractors and employment agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 305.
- 371.... Makes various changes concerning public financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 305, 828, 832, 904, 1095*, 1761, 2075, 2184.
- 372.... Revises provisions relating to powers and duties of Rural Housing Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 305, 432, 479, 499, 556, 567, 593*, 1186, 1198.
- 373.... Requires increased salaries for certain speech pathologists employed by school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Parnell, McCleary, Conklin, Holcomb, Koivisto, McClain, and Smith. 306, 445.
- 374.... Revises provisions governing interpreters who provide services for deaf and hearing impaired persons in schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Parnell, McClain, Koivisto, McCleary, Conklin, Holcomb, and Smith. 306.
- 375.... Makes various changes to provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hogan. By request. 306.

LISTING OF ASSEMBLY BILLS

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
376....	Provides for various benefits for members of Nevada National Guard who are called into active service. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 307, 352, 555, 783, 810, 1543, 1544, 1655, 1656*.
377....	Revises provisions governing association for interscholastic activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Anderson. 308, 431, 479, 505, 551, 567, 593*, 594.
378....	Establishes various provisions relating to certain runaway children in need of supervision by juvenile court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Atkinson. 308.
379....	Authorizes person to act on behalf of another to obtain license, tag or permit from Department of Wildlife under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Atkinson. 308, 557, 581, 620*, 1493, 1788.
380....	Revises provisions concerning district boards of health in larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Parks and Giunchigliani. 308, 1020, 1026, 1032, 1076, 1103*, 1761, 1891, 2103, 2109, 2259, 2260, 2302.
381....	Authorizes use of single center lane when making left-hand turn onto highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 316, 557, 581, 620*, 1226, 1275.
382....	Makes various changes concerning genetic marker testing of certain convicted persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Weber. 316, 324, 352, 558, 625, 681.
383....	Creates right of redemption for owner of property in common-interest community in certain instances of nonjudicial foreclosure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Manendo. By request. 316, 444, 498, 509, 631, 724, 761*.
384....	Makes various changes relating to certain short-term, high-interest loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Buckley, Giunchigliani, Ocegüera, Parks, and Arberry; Senators Care and Horsford. 316, 828, 832, 908, 1095*, 1761, 2019, 2033, 2184.
385....	Makes various changes relating to energy, conservation, construction and renovation and creates incentives and standards for green buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Giunchigliani. 316, 509, 986, 987, 1002, 1095, 1099, 1360, 1396, 1463*, 2324.
386....	Revises provisions regarding obligation of child support and makes appropriation for audit of child support collection and enforcement by Welfare Division of Department of Human Resources and district attorneys of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Buckley. 317, 352, 631, 690, 714, 717, 733, 1251, 1272*.
387....	Provides for reduction, under certain circumstances, of certain excise taxes imposed on employers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Hettrick, Parnell, Angle, Carpenter, Christensen, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Holcomb, Mabey, Mortenson, Parks, Perkins, Seale, Sherer, Smith, and Weber. 317, 509.
388....	Revises provisions regarding occupational education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education. 317, 443, 445, 498, 546, 576, 582, 584, 599, 1659, 1664, 1743*, 2052, 2184.
389....	Revises provisions relating to use of surplus money in Abandoned Property Trust Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 318, 322, 352.
390....	Increases distance required under certain circumstances between proposed gaming establishment and public school, private school or structure used primarily for religious services or worship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 318.
391....	Makes appropriation to Department of Education for disbursement to elementary school teachers for classroom supplies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 318, 352.
392....	Requires adoption of and compliance with uniform regulations governing assessment of property for purposes of taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hettrick. 318, 322, 486, 769, 778, 793, 1022*, 1256, 1311.
393....	Provides for sale of tax liens against parcels of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. 319, 732, 735, 749, 780, 781*, 1256, 1311.
394....	Incorporates City of Sierra Hills in Douglas County, Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Hettrick. By request. 319.
395....	Prohibits use of false or misleading degrees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Giunchigliani. 319, 597, 682, 762*, 1314, 1553, 1554, 1788.

- No. Summary, Introductor and Page Reference*
- 396.... Requires courts to award attorney's fees and costs against attorneys and parties under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Holcomb. 319.
- 397.... Revises provisions governing diplomas and high school proficiency examination. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Giunchigliani. 320, 445, 778, 793, 833, 1022*.
- 398.... Makes appropriation for statewide parental involvement and communications consultant. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Smith, Parnell, Kirkpatrick, Ohrenschall, Denis, Atkinson, Hogan, Holcomb, and Horne. 320, 322, 352, 443, 486.
- 399.... Requires instruction in flag etiquette in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Sherer. By request. 320.
- 400.... Requires Department of Administration to prepare long-term strategic plan for State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Sherer. 320, 445.
- 401.... Makes various changes relating to remedies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Sherer. By request. 321.
- 402.... Makes various changes relating to municipal obligations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 321, 432, 479, 505, 551, 567, 576.
- 403.... Provides for public release of certain portions of high school proficiency examination and makes appropriation for replacement of released exam. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Perkins. 321, 352, 1360, 1463*.
- 404.... Removes exemption for certain landlords from provisions relating to landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Leslie. 321, 371, 399, 404, 428, 429*, 1493, 2198, 2332.
- 405.... Makes appropriation to Community College of Southern Nevada for construction of building to house Transportation Technology Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McCleary. 331, 352.
- 406.... Requires Legislative Auditor to conduct audit of Las Vegas Monorail Company. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 331, 557, 582, 601, 631.
- 407.... Prohibits State Department of Agriculture from issuing brand inspection clearance certificate or permit to remove animals from brand inspection district under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Carpenter, Goicoechea, McCleary, Sherer, and Grady. 331, 445, 598, 683, 763*, 1493, 1995, 1996, 2184.
- 408.... Revises various provisions related to school police officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Claborn. By request. 331, 631, 690, 708, 733.
- 409.... Revises various provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Claborn. 332, 557.
- 410.... Exempts certain practices from regulation by State Board of Architecture, Interior Design and Residential Design. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Seale. By request. 332.
- 411.... Requires Nevada Association of School Boards to study feasibility and necessity of safety restraints on school buses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Atkinson. 332, 336, 445, 729, 738, 770, 779, 1493, 1494, 1535, 1536, 1656*, 2239, 2298, 2552.
- 412.... Makes appropriation to Judicial Retirement Fund for paying unfunded accrued liability for members of Judicial Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hettrick. 333, 352.
- 413.... Creates Account for the Control of Weeds. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Hettrick. 333, 352, 1470, 1474, 1538*.
- 414.... Makes appropriation for expenses relating to establishment of Transitional Housing Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. McClain. 333, 352.
- 415.... Makes various changes relating to requests by Legislators for preparation of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McCleary. 333, 1108, 1130, 1131, 1144, 1145, 1153*, 1761, 2048, 2049, 2184.
- 416.... Revises provisions governing Advisory Board on Automotive Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McCleary. 333, 508, 563, 594*, 1761, 1995, 2184.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
417....	Allows burial of pets in same cemeteries as former owners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Kirkpatrick. By request. 334.
418....	Authorizes Board of County Commissioners of Clark County to increase sales tax to employ and equip additional police officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure. 334, 770, 778, 795, 1028, 1029*, 1761, 2082, 2083, 2084.
419....	Makes various changes relating to public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Perkins. 334, 957, 958, 967, 1096*.
420....	Revises provisions governing imposition and collection of certain fees on short-term lease of passenger car. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Parks, Giunchigliani, Mortenson, Anderson, Buckley, Ocegüera, Perkins, and Smith. 334, 508, 563, 594*, 1239.
421....	Provides that once person has been convicted of felony for operating vehicle or vessel while under influence of alcohol or controlled substance, any subsequent violation is treated as felony. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Conklin, Anderson, Manendo, McCleary, Allen, Carpenter, Gerhardt, Horne, Mabey, Mortenson, Ocegüera, and Seale. 335, 336, 433, 480, 505, 551, 567, 594, 595, 736, 763*, 1493, 1788.
422....	Revises provisions governing compensation of members of boards of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. McCleary. 335, 507, 557, 563, 2102, 2104, 2116*.
423....	Makes appropriation to City of Caliente for repair of access road into Caliente Youth Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Sherer; Senator Rhoads. 335, 352.
424....	Makes appropriation to Nevada Northern Railway Museum in White Pine County for various improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Goicoechea; Senator Rhoads. 335, 352.
425....	Revises provisions concerning land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Giunchigliani, Parks, and Atkinson; Senator Titus. 335, 986, 987, 1015, 1096*, 1761, 2075, 2077, 2079, 2184.
426....	Revises provision governing litigation expenses of Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 342, 349, 783, 833, 1096*, 1576, 2050.
427....	Makes various changes relating to manufactured homes, mobile homes and commercial coaches. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs. 342, 597, 684, 763*, 1576, 2255, 2258, 2552.
428....	Makes various changes relating to property that is exempt from execution by creditors and revises certain provisions relating to homestead exemption. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Gansert. 343.
429....	Requires Department of Motor Vehicles to carry forward person's excess credit for payment of registration fees and governmental services taxes under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Horne and Atkinson. 343, 349, 445.
430....	Proposes to exempt sales of certain auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment from sales and use taxes and analogous taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Sibley and Hardy. 343, 818, 819, 823, 829.
431....	Makes appropriation for pilot project that will provide free medical center for uninsured working residents of Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Mabey. 343, 352.
432....	Revises provisions relating to fiscal notes for certain bills and joint resolutions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Hardy and Gansert. 343.
433....	Provides for statewide property tax credit for owners and renters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hardy, Sibley, Gansert, Goicoechea, and Grady; Senators Hardy and Beers. 344, 486.
434....	Makes various changes concerning environmental resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Leslie, Pierce, Carpenter, Goicoechea, Giunchigliani, Anderson, Arberry, Atkinson, Buckley, Conklin, Denis, Gerhardt, Grady, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Sherer, and Smith. 344, 352.

LISTING OF ASSEMBLY BILLS

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<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
435....	Revises provisions governing administration and collection of certain fees and taxes by Department of Motor Vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Effect. Effect on the State: No. Committee on Transportation. 344, 445, 508, 550, 557.
436....	Makes various changes regarding manufacturers of tobacco products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 345, 551, 563, 595*, 1226, 1275.
437....	Revises provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 345, 597, 685, 763*, 1576, 1703, 1704, 2053, 2085, 2220, 2225, 2258, 2552.
438....	Revises provisions governing health insurance for certain retired public officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Koivisto, Parnell, McClain, Denis, Ocegüera, and Perkins. 345, 349, 350, 421, 1200, 1215, 1227*.
439....	Makes appropriation to Southern Nevada Workforce Investment Board for establishment of Job Corps Center in Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Arberry. 345, 352.
440....	Revises boundary line between Washoe County and Lyon County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Grady and Goicoechea; Senators Amodiei and Washington. By request. 346, 570, 610, 726*, 1761, 2050.
441....	Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Angle. 346, 445.
442....	Revises provisions governing health benefits for officers and employees of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Koivisto. 346.
443....	Amends timing of certain municipal elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 346, 350, 828, 832, 937, 1096*, 1761.
444....	Revises provisions governing solid waste disposal sites. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Pierce, Leslie, Giunchigliani, Parks, Atkinson, Buckley, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, McClain, Mortenson, and Ocegüera. 347, 732, 735, 750, 781*.
445....	Transfers Committee on Testing for Intoxication from Department of Motor Vehicles to Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 347, 350, 433, 480, 505, 551, 567, 595*, 1137, 1148.
446....	Provides for use of voice writing by court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 347, 732, 735, 750, 781.
447....	Provides for one-time credit against basic governmental services tax upon registration of certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Angle, Christensen; Senator Beers. 347, 445.
448....	Repeals governmental services taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Angle and Christensen; Senator Beers. 348, 445.
449....	Repeals business license fee, business tax and tax on financial institutions and re-enacts business activity tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Angle; Senator Beers. 348, 509.
450....	Revises provision relating to reporting of campaign contributions and expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 348.
451....	Requires Department of Education to prescribe code of honor relating to cheating by pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Munford. 348.
452....	Revises provisions relating to restoration of certain civil rights to certain convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Munford and Anderson. 348, 770, 778, 797, 832, 1102, 1105*.
453....	Requires Board of Wildlife Commissioners to establish by regulation additional drawing for game tags for certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining. 349.
454....	Makes various changes concerning provision of supported living arrangement services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 349, 829, 832, 939, 1096, 1097*, 1576, 1986, 2184.
455....	Makes various changes related to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 353, 1036, 1037, 1057, 1103*, 1761, 2016, 2019, 2184.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
456....	Revises certain provisions relating to facility for vocational training for culinary skills in southern Nevada and performing arts centers in certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 353, 413, 1036, 1037, 1065, 1103*, 1761, 2001, 2184.
457....	Makes appropriation to Urban Chamber of Commerce for enhancement of its programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 354, 421.
458....	Revises provisions relating to issuance of bonds concerning Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 354, 421, 1147, 1152, 1166, 1170*, 1576, 2215, 2218, 2332.
459....	Makes appropriation for construction of hospice and adult care facility in Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 354, 421.
460....	Makes appropriations to Clark County Public Education Foundation and Washoe County School District Educational Foundation, Inc., for new programs and expansion of outreach efforts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 354, 421, 1790, 1798, 1931, 2011, 2049, 2090*.
461....	Makes appropriation to Department of Education for programs of performance pay and enhanced compensation for recruitment, retention and mentoring of licensed personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 354, 421, 1790, 1799, 1801, 1924, 1925, 1943*.
462....	Increases salaries of certain constitutional officers and provides for prospective increases in salaries of such officers and compensation of members of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 355, 421, 2102, 2104, 2105, 2116*, 2258, 2552.
463....	Increases travel allowance for certain state employees who work at correctional centers or conservation camps. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 355, 421.
464....	Makes various changes regarding manufacture, sale and use of tobacco products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means. 355, 486, 733, 782, 783, 813, 1929, 1946, 2090*, 2187, 2332.
465....	Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances other than marijuana are committed. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 355, 596, 610, 726*, 727, 1168, 1417, 1419, 1761, 1922, 2094, 2104, 2236.
466....	Revises provisions governing jury trials in justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 355.
467....	Makes various changes concerning actions involving prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 356.
468....	Makes various changes to provisions regarding arbitration and other alternative methods of resolving disputes in certain civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 356, 631, 690, 717, 764*, 1226, 1275.
469....	Revises certain provisions governing forfeiture of bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 356, 570, 611, 727*, 1161, 1185.
470....	Removes provision which requires corroboration to prove certain crimes relating to prostitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 356, 420, 440, 481, 505, 551, 567, 595, 620*, 1226, 1275.
471....	Authorizes use of mobile communication devices for gaming and increases number of members of Off-Track Pari-Mutuel Wagering Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 356, 598, 685, 764*, 1576, 2050.
472....	Revises provisions governing whether to deem juvenile sex offender as adult sex offender. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 357.
473....	Revises certain provisions governing payment of child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 357, 598, 687, 735, 779, 782, 1029, 1030*, 1226, 1275.
474....	Makes various changes concerning certain sporting events. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 357, 485, 543, 567, 595, 620*, 621, 1168, 1176, 1189.

LISTING OF ASSEMBLY BILLS

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No.	<i>Summary, Introducer and Page Reference</i>
475....	Makes various changes relating to general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 357, 631, 690, 719, 764*, 1576, 2050.
476....	Provides for imposition of certain penalties against public officer who fails to carry out or enforce statute or regulation as required by law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 358.
477....	Revises provisions relating to authority of deputies appointed by certain public officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Yes. Committee on Government Affairs. 358, 631, 690, 720, 764*, 1576, 2050.
478....	Revises provisions relating to publication of legal notices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 358.
479....	Revises provisions governing disposal of certain real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 358.
480....	Establishes requirements for certain plans of group insurance for employees of certain school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 359, 486, 1036, 1037, 1066, 1103, 1104*.
481....	Makes contingent appropriation for restoration of railroad line from Virginia City to Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 359, 421.
482....	Revises provisions relating to county clerks. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 359.
483....	Revises provisions governing collective bargaining between local governmental employers and employee organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 359, 732, 735, 751, 781*, 1576, 2050.
484....	Authorizes discussions of workplace relations for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 360, 445, 828, 832, 940, 1097*.
485....	Revises provisions governing gaming establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 360, 631, 690, 723, 764, 765*, 1762, 2001, 2008, 2011, 2219.
486....	Makes various changes to provisions governing provision of bond in certain civil actions concerning manufacturers of tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 360, 444, 498, 551, 567, 595, 621*, 1256, 1311.
487....	Revises provisions relating to boundaries of cities in certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 360.
488....	Revises provisions relating to renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 361.
489....	Provides for partial abatement of ad valorem taxes imposed on property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure. 362, 382, 390, 394*, 407, 408, 409, 414, 417, 419, 421, 430, 1361, 1628.
490....	Establishes provisions regulating providers of immigration assistance services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 362.
491....	Revises provisions governing private investigators, private patrolmen, process servers, repossessioners, dog handlers, security consultants, and polygraphic examiners or interns. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 362.
492....	Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 362, 630, 690, 723, 765*.
493....	Requires Department of Human Resources to apply for Medicaid waiver pursuant to Health Insurance Flexibility and Accountability demonstration initiative. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 363, 484, 509, 545, 546, 557, 1195, 1205*, 1761, 2034, 2184.
494....	Increases excise tax on motor vehicle fuel, except aviation fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 363.
495....	Makes various changes concerning Fund for a Healthy Nevada and provision of prescription drugs and pharmaceutical services by this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 363, 782, 783, 814, 1030*, 1761, 2034, 2036, 2184.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
496....	Revises certain provisions governing licensing and regulation of cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 363, 957, 958, 971, 1097*, 1761, 2069, 2071, 2184.
497....	Revises provisions relating to registering to vote and provisions relating to initiatives and referenda. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 364, 828, 832, 951, 1087, 1099, 1100*, 1761.
498....	Makes various changes concerning the Legislative Committee on Taxation, Public Revenue and Tax Policy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 364, 1359, 1360, 1463, 1464*, 2522, 2523, 2526.
499....	Makes various changes relating to public office. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 364, 1034, 1040, 1099, 1493, 1494, 1535, 1537, 1656, 1931, 1932, 2090*, 2523, 2531.
500....	Makes various changes relating to public officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 365, 486, 957, 958, 971, 1095, 1099, 1245, 1272, 1288, 1494, 1530, 1532, 1656, 1740, 1747, 1931, 2090*, 2474, 2513, 2521.
501....	Revises certain provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 365, 828, 832, 952, 1028, 1032, 1097*, 1256, 1554, 1555, 2053, 2085, 2218, 2219, 2239, 2332.
502....	Makes various changes to provisions governing unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 366, 630, 690, 708, 765*, 1161, 1253, 1291.
503....	Extends period during which Department of Taxation may issue deficiency determination under certain conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 366, 507, 564, 595, 621*, 1226, 1275.
504....	Exempts owner or operator of motor vehicle that is used for transportation of passengers or property from provisions governing fully regulated carriers under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 366, 445, 598, 688, 765*, 1761, 2371, 2372.
505....	Makes various changes concerning transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation. 366, 445, 498, 551, 565, 601, 612, 727*, 1296, 2112, 2118, 2182, 2219, 2220, 2275, 2279, 2302.
506....	Revises provisions relating to towing of damaged or stolen motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Transportation. 367.
507....	Changes designation of fireman to firefighter. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 367, 413, 426, 441, 481, 505, 551, 567, 595, 621*, 1226, 1275.
508....	Makes various changes to provisions relating to notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 367, 828, 832, 954, 1097, 1098*.
509....	Revises Charter of City of North Las Vegas concerning procedure for enactment of ordinances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 367, 508, 564, 595, 621*, 622, 1576, 2050.
510....	Revises provisions related to publications of state agencies and local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 374, 508, 564, 595, 622*, 1576, 2050.
511....	Provides requirements relating to release and use of certain publications and certain information in files and records of Commission on Tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 374, 1036, 1037, 1072, 1100.
512....	Makes various changes concerning interception and recording of wire or oral communications in certain situations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 374.
513....	Revises provisions governing high school proficiency examination and requires reporting of certain information regarding high school teachers for math and science. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 374, 557.

LISTING OF ASSEMBLY BILLS

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<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
514....	Authorizes Department of Education to provide grants to public schools for establishment of pilot programs providing alternative educational settings for disruptive pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 375, 421, 1470, 1474, 1538*.
515....	Requires certain employers to grant leave to parents and guardians to participate in certain school conferences and activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education. 375, 445.
516....	Provides immunity from civil liability to employers for disclosing certain information concerning current or former employees to school districts and charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 375.
517....	Revises definition of “immorality” as used in provisions governing discipline of educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 375.
518....	Authorizes school districts to prescribe minimum attendance requirements for pupils in kindergarten and first grade and for pupils in certain remedial programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 376, 769, 778, 801, 1030*, 1256, 1284, 1287, 1311.
519....	Requires State Department of Agriculture to, in certain circumstances, revoke registry identification cards issued to participants in medical marijuana program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 376, 508, 565, 595, 622*, 1576, 2050.
520....	Makes appropriations to support various services to assist homeless persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 376, 421.
521....	Revises provisions governing allocation of money from Fund for a Healthy Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 376, 783, 833, 1098*.
522....	Prohibits managed care organizations from requiring providers of health care to assume financial risk for costs of acquiring immunizations for children under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 377.
523....	Authorizes local boards of health to investigate complaints concerning agricultural programs of University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 377, 733, 735, 751, 781*.
524....	Makes various changes concerning Fund for a Healthy Nevada and provision of prescription drugs and pharmaceutical services by this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 377, 444, 498, 557, 1576, 1580, 1743*, 2052, 2184.
525....	Creates Account for Programs for Innovation and the Prevention of Remediation and makes appropriation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Education. 377, 378, 421, 555, 556, 1295, 1316, 1322, 1464*, 2233.
526....	Revises provisions governing class-size reduction program and National School Lunch Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 378, 432, 486, 1256, 1280, 1302*, 1929, 2079, 2184.
527....	Renames University and Community College System of Nevada as Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 378, 484, 546, 567, 595, 622*, 1226, 1275.
528....	Revises crime of intimidating or threatening public officers and employees and certain other persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 378, 625, 688, 736, 779, 782, 833, 1037, 1085*, 1576, 1970, 2184.
529....	Creates Deferred Retirement Option Plan and Benefit Actuarially Calculated Deferred Retirement Option Plan within Public Employees’ Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 378.
530....	Makes various changes regarding ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 379, 957, 958, 983, 1032, 1037, 1084, 1099, 1245, 1273, 1288*, 1289.
531....	Provides additional or alternative penalty if person suffers substantial bodily harm or death during discovery or cleanup of premises wherein certain controlled substances were unlawfully manufactured or compounded. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 379, 508, 565, 595, 622*, 1576, 1970, 1971, 2184.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
532....	Extends date for reversion of portion of appropriation made by 2003 Legislature for digital microwave project. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 379, 445, 1108, 1130, 1137, 1146*, 1761, 2050.
533....	Extends date for reversion of appropriation made by 2003 Legislature for state radio systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 379, 445, 1239, 1246, 1274*, 1761, 2050.
534....	Expands authority of Board of Regents of University of Nevada to issue revenue bonds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 380, 486, 2093, 2096*, 2219, 2332.
535....	Authorizes county fire protection district, under certain circumstances, to annex all or part of fire protection district receiving federal aid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 380.
536....	Makes various changes regarding illegal use of controlled substance by pregnant woman. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 380.
537....	Revises provisions concerning submittal of certain questions and disputes to State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 380, 556, 582, 622, 623*, 1256, 1311.
538....	Makes various changes relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 386, 957, 958, 985, 1098*, 1762.
539....	Prohibits unconscionable pricing of consumer goods and services during abnormal disruption of market. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 387.
540....	Revises provisions governing certification of crane operators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 387, 486, 828, 832, 956, 1098*, 1761, 2036, 2037, 2184.
541....	Changes date of primary election. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 387.
542....	Revises provisions governing transfer of employees from Legislative Counsel Bureau to Senate or Assembly. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 387, 1136, 1143, 1153*, 1576, 2050.
543....	Provides for specified information to be confidential to assist legislative committees and studies in obtaining information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 387.
544....	Makes various changes to provisions governing information concerning abuse or neglect of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 388.
545....	Requires medical facility to provide estimate of cost of medical procedure to patient before procedure occurs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 388.
546....	Makes various changes relating to government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 388, 732, 735, 752, 779, 789, 824, 1030*, 1761.
547....	Revises formula for distribution of revenue from tax on certain motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 388, 508, 565, 595, 623*, 1256, 1311.
548....	Makes appropriations to Nevada Commission on Sports to fund operational expenses and to Big Brothers Big Sisters of Northern Nevada, Inc., for costs relating to purchase of facility. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 389, 421, 2474, 2475, 2477, 2488*.
549....	Makes appropriations for support of mental health services in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 389, 421.
550....	Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 389, 770, 778, 801, 1030*, 1762, 1834, 1889, 2113, 2265, 2302.

LISTING OF ASSEMBLY BILLS

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<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
551....	Makes various changes concerning guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 389.
552....	Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 390, 1036, 1037, 1072, 1104*.
553....	Makes various changes relating to intoxicating liquors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 394, 818, 819, 823, 1031, 1038, 1080, 1104*.
554....	Makes various changes to provisions governing taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 395, 509, 555, 782, 783, 816, 817, 2112, 2116, 2225, 2226, 2254*, 2474, 2531, 2545.
555....	Makes various changes relating to certain provisions governing medical professionals and practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mabey. 385, 395, 597, 689, 765*, 766, 1226, 1824, 1825, 2103, 2109, 2489, 2495, 2550.
556....	Requires Department of Personnel to add step to pay plan for classified employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 558, 598.
557....	Makes appropriation for continuation of Project Safe Neighborhoods. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1131, 1137.
558....	Makes appropriation for Rainbow Dreams Academy Charter School. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1132, 1137.
559....	Provides for increases in salaries of certain employees of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1132, 1137.
560....	Revises provisions governing millennium scholarships. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1132, 1137, 1493, 1494, 1497, 1657*, 2187, 2324, 2327, 2474.
561....	Extends reversion date of appropriation made in previous session to Fighting Aids in Our Community Today organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1245, 1760, 1763*, 2052, 2184.
562....	Revises provisions regarding implementation of No Child Left Behind Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1246, 2001, 2050, 2090, 2091*.
563....	Establishes Commission to Review the Compensation of Legislators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1251, 1790, 1801*.
564....	Makes appropriation to Have A Peaceful Heart Foundation for assistance with merchandising that will help finance establishment of new music educational programs in Clark County School District. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1306.
565....	Makes appropriation to Clark County School District for establishment of "Homework Help Center" at West Las Vegas Library. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1306.
566....	Requires Legislative Commission to contract with consultant to carry out certain duties and prepare report concerning health, safety, welfare, and civil and other rights of children who are under care of certain governmental entities or private facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1306, 1760, 1763*, 1764.
567....	Creates Account for Repair, Replacement and Renovation of School Buildings and Facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 1306, 2302, 2303, 2310, 2334*.
568....	Authorizes discussions of workplace relations for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hettrick. Emergency request. 1577, 1929, 1948, 2091*.
569....	Makes technical correction concerning reporting of certain information to Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1682, 2118*, 2219, 2332.
570....	Prevents issuance of additional allodial titles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 1924, 1930, 2052, 2091*, 2187, 2332.

LISTING OF ASSEMBLY BILLS

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
571....	Establishes for next biennium amount to be paid to Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State: Executive Budget. Committee on Ways and Means. 1925, 2052, 2091*, 2187, 2332.
572....	Provides for one-time issuance of check to certain persons and entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2183, 2302, 2303, 2312, 2314, 2318*, 2528, 2531.
573....	Revises provisions governing fees and charges imposed on short-term lease of passenger car. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2239.
574....	Revises provisions governing gaming establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins and Anderson. Emergency request. 2239, 2258*, 2343.
575....	Makes appropriations to State Distributive School Account for class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2266, 2324, 2332*, 2488.
576....	Makes various changes regarding state financial administration and makes appropriations for support of civil government of State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2266, 2333, 2334, 2378*, 2488.
577....	Increases salaries of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 2333, 2344, 2358*, 2488.
578....	Makes technical corrections to certain legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 2334, 2373, 2378, 2379*.
579....	Requires certain major hospitals to accept certain payments for provision of emergency services and care to certain patients as payment in full. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins and Koivisto. Emergency request. 2344, 2357*.
580....	Makes various changes relating to public administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 2408, 2420, 2422*, 2549.

VETOED ASSEMBLY BILLS OF THE 73rd SESSION

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
135 ...	Increases maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 485, 1131, 1140, 1142*.

INITIATIVE PETITION

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
1....	Provides for enactment of Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos. 159.
2....	Provides for enactment of Responsibly Protect Nevadans From Second-Hand Smoke Act. 159.
3....	Makes various changes concerning possession, use, sale and taxation of marijuana. 159.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No.

Summary, Introdncer and Page Reference

- 1.... Urges Congress to oppose privatization of Social Security. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Buckley, Perkins, Ocegüera, Giunchigliani, Anderson, Arberry, Atkinson, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Munford, Ohrenscha11, Parks, Pierce, and Smith; Senators Titus, Carlton, Coffin, Wiener, Care, Horsford, Lee, Mathews, and Schneider. 123, 124*.
- 2.... Proposes to amend Nevada Constitution to authorize Legislature to provide for statewide lottery to provide money for textbooks, classroom supplies and class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Perkins, Buckley, Ocegüera, Giunchigliani, Anderson, Allen, Arberry, Atkinson, Carpenter, Claborn, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenscha11, Parks, Parnell, Pierce, Sibley, and Smith; Senators Horsford, Carlton, Titus, Schneider, Amodei, Nolan, Raggio, Townsend, and Wiener. 136, 168, 178, 182, 183, 184, 185, 186*.
- 3.... Proposes to amend Nevada Constitution to revise provisions governing certain constitutional officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Seale, Giunchigliani, Conklin, Perkins, McCleary, Allen, Anderson, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, Sherer, Sibley, Smith, and Weber; Senators Rhoads, Tiffany, and Titus. 137, 444, 499, 555, 1148, 1152, 1166, 1170*.
- 4.... Urges Federal Government to recognize unsuitability of Yucca Mountain as site for repository to store and dispose of spent nuclear fuel and high-level radioactive waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenscha11, Parks, Anderson, Angle, Buckley, Carpenter, Christensen, Conklin, Denis, Gerhardt, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, and Pierce; Senators Care and Titus. 169, 432, 480, 505, 551, 567, 595, 623*, 1256, 1311.
- 5.... Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenscha11. 243, 782, 783, 817, 1031*, 1761, 1965, 1966, 2103, 2108, 2549.
- 6.... Urges Congress to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to provide affordable, easily understood coverage for prescription drug benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Buckley, Ocegüera, Leslie, McCleary, Anderson, Allen, Arberry, Atkinson, Carpenter, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ohrenscha11, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Smith; Senators Titus, Coffin, Care, Schneider, and Lee. 246, 431, 480, 505, 551, 567, 595, 623*.
- 7.... Proposes to amend Nevada Constitution to repeal limitations on terms of elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Giunchigliani. 246, 298, 625, 690, 736.
- 8.... Proposes to amend Nevada Constitution to specify time of determination of number of signatures required on petition for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 301, 484, 546, 556, 779, 780, 1031*, 1314, 1490.
- 9.... Proposes to amend Nevada Constitution to provide for forfeiture of public office for three or more breaches of ethical duties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 313, 556, 582, 624*.
- 10.... Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 338, 484, 546, 567, 595, 624*, 1256, 1311.

No. Summary, Introducer and Page Reference

- 11.... Proposes to amend Nevada Constitution to effect limitation on property taxes collected annually from senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. 17, 339, 957, 958, 985, 1098*, 1099.
- 12.... Urges United States Department of Transportation to take action regarding federal cargo securement regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 373, 381, 433, 480, 505, 551, 567, 595, 624*, 1256, 1311.
- 13.... Expresses support for Healthy Forests Initiative and urges Congress to make appropriations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining. 385.
- 14.... Urges Nevada Congressional Delegation to introduce and to support federal legislation mandating reporting of results of all clinical trials and collection and analysis of data by appropriate federal agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 385, 484, 546, 567, 595, 624*, 1256, 1311.
- 15.... Urges President and Congress of United States to support participation of Taiwan in World Health Organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 385.
- 16.... Proposes to amend Nevada Constitution to provide requirements for enactment of property and sales tax exemptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 385, 484, 546, 567, 595, 624*, 625, 1226, 1275.
- 17.... Urges Base Realignment and Closure Commission to reconsider and reject recommendations of Department of Defense concerning Naval Air Station Fallon, Nevada Air National Guard at Reno-Tahoe International Airport and Hawthorne Army Depot. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Perkins; Senators Amodעי, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. Emergency request. 1791, 1792, 1793*, 2239, 2373.
- 18.... Proposes to amend Nevada Constitution to effect limitation on property taxes collected annually from senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Perkins. Emergency request. 1791, 1793, 1801*.

ASSEMBLY JOINT RESOLUTIONS OF THE 72nd SESSION

No. Summary, Introducer and Page Reference

- 11.... Proposes to amend Nevada Constitution to provide for election of certain members and gubernatorial appointment of certain members of Board of Regents, and to specify number and terms of members. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections, Procedures, and Ethics. 18, 242, 284, 309, 310, 1576, 2050.
- 13.... Proposes to amend Nevada Constitution to revise provisions regarding special sessions of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mortenson. 19, 242, 284, 310, 571, 627.

ASSEMBLY CONCURRENT RESOLUTIONS

No. Summary, Introducer and Page Reference

- 1.... Adopts Joint Standing Rules of Senate and Assembly for 73rd Session of Legislature. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 21, 60.
- 2.... Requests Nevada Supreme Court to review manner in which district courts receive and decide petitions to open files and records of courts in adoption proceedings and report its findings to Legislature. Committee on Judiciary. 72, 398, 405.
- 3.... Declares February 13 through February 19, 2005, as Career and Technical Education Week and commends career and technical education student organizations. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 80, 89, 100.
- 4.... Grants administrative leave to legislative employees in recognition of their service to 73rd Session of Nevada Legislature. Assemblymen Smith, Buckley, Arberry, Parks, Anderson, Allen, Angle, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Townsend, Titus, and Raggio. 142, 156, 172.

- No. Summary, Introducer and Page Reference*
- 5.... Urges school districts in Nevada to participate in federally funded School Breakfast Program. Leslie, McClain, Anderson, Parks, Atkinson, Buckley, Denis, Giunchigliani, Horne, Koivisto, Manendo, Parnell, Pierce, and Smith. 143, 371, 398, 405, 1140, 1159.
 - 6.... Recognizes March 2, 2005, as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday. Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 156, 158, 168, 178.
 - 7.... Commemorates 100th anniversary of City of Sparks. Assemblymen Anderson, Marvel, Smith, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener. 234, 242.
 - 8.... Creates interim study regarding long-term financial stability of Public Employees' Retirement System. Mabey. 311.
 - 9.... Commends Drug Abuse Resistance Education program and officers, and designates Law Enforcement Youth Drug Week in Nevada. Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 314, 315, 338, 368.
 - 10.... Directs Legislative Commission to conduct interim study on adequacy of school finance in Nevada. Perkins. 315, 324, 507, 1306, 1314, 2550.
 - 11.... Directs Legislative Commission to conduct interim study on availability and inventory of affordable housing in Nevada. Anderson. 330, 2112, 2113, 2202, 2378.
 - 12.... Recognizing March 25, 2005, as Greek Independence Day in Nevada. Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 340, 371, 403.
 - 13.... Recognizes contributions of Hellenic Macedonian people to creation, preservation and enhancement of Hellenic culture of Greece throughout world. Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 341, 371, 403.
 - 14.... Directs Legislative Commission to conduct interim study regarding enhanced compensation to attract and retain teachers and regarding expediency of test results on high school proficiency exam. Parnell. 373.
 - 15.... Creates interim study on services provided to homeless persons. Committee on Health and Human Services. 434.
 - 16.... Designates April 12, 2005, as Homeless Youth Awareness Day in Nevada. Assemblymen Conklin, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 486, 508.

- No. Summary, Introducer and Page Reference*
- 17....Directs Legislative Commission to conduct interim study of sentencing of convicted persons and of pardons, parole and probation services provided in this State. Parks. 509, 2186, 2202, 2220, 2225, 2240, 2270, 2378.
- 18....Commends achievements of rodeo announcer Bob Tallman. Assemblymen Marvel, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 571, 573, 598, 729.
- 19....Recognizes value of and need for study of the arts in public education. Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 573, 574, 598, 729.
- 20....Directs the Nevada Silver Haired Legislative Forum to conduct a study concerning issues relating to senior citizens in this State. Leslie. 574, 2112, 2114, 2202, 2270, 2303.
- 21....Commends Evelyn Mount for her many years of dedicated service to people of Reno and Sparks. Assemblymen Smith, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 599, 600, 631, 766.
- 22....Commemorates 85th anniversary of League of Women Voters as national organization. Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington. 632, 633, 733, 825.
- 23....Urges public and private entities to work together to establish statewide system of care for patients suffering from strokes. Assemblymen Oceguela, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 1109, 1110, 1124, 1138.
- 24....Memorializes lifelong humanitarian Thomas Eugene Swart. Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Mathews, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 1124, 1126, 1137, 1148.
- 25....Commemorates 20th anniversary of sister-state relationship between State of Nevada and Republic of China on Taiwan. Assemblymen Weber, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith; Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 1126, 1127, 1137, 1148.

No.

Summary, Introducer and Page Reference

- 26....Congratulates Director General Matthew S. Lee on assuming position of Representative of Taipei Mission to Latvia and Mark W. P. Liao on being named successor to position of Director General of Taipei Economic and Cultural Office in San Francisco, California. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 1127, 1128, 1137, 1148.
- 27....Recognizes May 4, 2005, as Peace Officers' Memorial Day and May 15—21, 2005, as Peace Officers' Memorial Week in Nevada. Assemblyman Perkins; Senator Raggio. 1162, 1163, 1168, 1189.
- 28....Urges Commission on Economic Development to develop programs to stimulate economic development in certain areas. Munford, Kirkpatrick, Koivisto, Anderson, Angle, Arberry, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Ohrenschall, Parks, Parnell, Sherer, Smith, and Weber. 1169, 1278, 1297, 2302, 2552.
- 29....Designates May 9, 2005, as "Vintage Car Day" at Nevada Legislature. Assemblymen Perkins, Hettrick, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 1192, 1193, 1201, 1222.
- 30....Designates April 28, 2005, as Workers Memorial Day in Nevada. Assemblymen Koivisto, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith, Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 1201, 1202, 1211, 1236.
- 31....Recognizes May as Older Americans Month in Nevada. Assemblymen McClain, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington. 1211, 1212, 1226, 1275.
- 32....Memorializes Supreme Court Justice Myron E. Leavitt. Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith, Weber; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 1212, 1215, 1226, 1275.

ASSEMBLY RESOLUTIONS

No.

Summary, Introducer and Page Reference

- 1....Provides for appointment of Assembly attachés. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 32, 62.
- 2....Provides allowances to leadership and other members of Assembly for periodicals, stamps, stationery and communications. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 33, 62.
- 3....Adopts Assembly Standing Rules for 73rd Session of Legislature. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 33, 62.
- 4....Provides for appointment of additional attachés for Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 829, 1138.
- 5....Expresses appreciation to Chief Clerk of the Assembly, Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attachés, Committee Members, Committee Attachés, Clerical Services Staff, Bill Services Staff and other Attachés of Assembly for their commitment and exceptional performance. Perkins, Buckley, Hettrick, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1128, 1148.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
6....	Establishes Assembly Wall of Distinction. Perkins, Buckley, and Hettrick. 1257, 1258, 1311.
7....	Adds Joseph E. Dini, Jr., to Assembly Wall of Distinction. Perkins, Buckley, and Hettrick. 1258, 1311.
8....	Adds Jan Evans to Assembly Wall of Distinction. Perkins, Buckley and Hettrick. 1263, 1311.
9....	Adds Louis W. Bergevin to Assembly Wall of Distinction. Perkins, Buckley, and Hettrick. 1267, 1269, 1311.
10....	Provides for appointment of additional attaché for Assembly. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 1269, 1311.
11....	Designates certain members of Assembly as regular and alternate members of Legislative Commission. Committee on Elections, Procedures, Ethics, and Constitutional Amendments. 2085, 2236.

LISTING OF SENATE BILLS AND ACTION THEREON

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

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
1....	Makes appropriation to Legislative Fund for costs of 73rd Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Raggio and Titus. 45, 55*, 67.
3....	Revises certain provisions relating to regulation of public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 109, 113, 1191, 1203, 1222, 1227, 1228*, 1275.
4....	Makes various changes relating to Commission for Cultural Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 733, 734, 1139, 1145, 1760, 1764*, 2100.
5....	Revises provisions relating to certain money received, administered and disbursed by Committee for the Development of Projects Relating to Tourism. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 571, 575, 1150, 1158.
12....	Creates Motor Carrier Division within Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation and Homeland Security. 168, 170, 1108, 1130, 1137, 1146*, 1166.
15....	Authorizes Nevada Tax Commission to compromise amounts owed by taxpayers under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 191, 193, 1245, 1270, 1289, 1302*, 1573.
16....	Makes various changes relating to regulation of petroleum products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 557, 558, 1200, 1216, 1228*, 1275.
17....	Revises provisions governing review of administrative regulations by Legislative Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 151, 153, 1462, 1538.
18....	Revises provisions governing program that provides grants for water conservation and capital improvements to certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 234, 239, 1238, 1296, 1317, 1462, 1538, 1738*, 2050.
19....	Changes name of Northern Nevada Senatorial District to Rural Nevada Senatorial District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 72, 76, 1238, 1247, 1275, 1289, 1303*, 1573.
20....	Makes various changes relating to governing bodies of certain local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Hardy. 631, 633, 1424, 1425, 1538, 1659, 1666, 1743*, 1930, 2092, 2187, 2344, 2456, 2457.
21....	Revises provisions governing individualized plans of services for clients of certain facilities that provide services to persons who are mentally ill or mentally retarded or have related conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 1108, 1110, 1200, 1216, 1228*, 1275.
22....	Makes various changes concerning certain programs and services for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 1296, 1297, 1493, 1494, 1498, 1657, 1669*, 2050.
23....	Authorizes certain persons with physical disabilities to use signature stamps under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 445, 1150, 1163, 1170*, 1198.
24....	Increases period of validity of expedited service permits for certain persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 109, 113, 1150, 1163, 1170*, 1198.
26....	Revises provisions governing distribution of money in Pollution Control Account to local governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1137, 1210, 1760, 1764*, 2100.
27....	Revises provisions governing selection of alternate jurors in criminal trials. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 168, 171, 1168, 1187, 1196*, 1239, 1275.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
28....	Prohibits person from knowingly and intentionally capturing image of private area of another person under certain circumstances and prohibits person from knowingly distributing, disclosing, displaying, transmitting or publishing image captured under such circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Cegavske. 770, 771, 1295, 1317, 1462, 1538, 1737, 1748, 1756, 1757, 1758, 2474, 2475.
29....	Requires policies of health insurance to provide coverage for certain treatments for cancer. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mathews and Townsend. 631, 633, 1423, 1424, 1425, 1539*, 2054, 2086, 2187, 2302, 2320, 2321.
30....	Authorizes certain cities to impose surcharge on access lines and trunk lines of telephone companies for enhancement of telephone system for reporting emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 829, 830, 1191, 1203, 1222, 1228*, 1279, 1311.
31....	Revises provisions relating to Nevada Silver Haired Legislative Forum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 1108, 1110, 1225, 1239, 1252*, 1311.
32....	Makes various changes relating to qualifications for free tuition and loans for certain students at institutions of University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 1226, 1556, 1557, 1629, 1645, 1743, 1744*, 1930, 2100.
33....	Authorizes Director of Department of Motor Vehicles to enter into agreements for certain placements of advertisements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 445, 446.
34....	Decreases fees for issuance and renewal of noncommercial drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 1761, 1762, 2102, 2116*, 2117, 2332.
35....	Revises provisions governing certain transfers of water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 413, 1191, 1203, 1222, 1228*, 1279, 1311.
36....	Makes various changes concerning animals trained to assist or accommodate persons with disabilities. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Human Resources and Education. 136, 140, 1256, 1281, 1303*, 1576, 1788.
37....	Revises provisions governing wholesalers of prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Wiener. 770, 771, 1575, 1581, 1744, 1748, 1752*, 2053, 2184.
38....	Revises formula for distribution of proceeds of certain taxes to local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Rhoads. 191, 193, 217, 225, 230*, 281.
40....	Removes requirement for printing one copy of bills and resolutions on special paper. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 72, 76, 94, 104, 113*, 141.
41....	Revises provisions governing priority of certain liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 486, 487, 1295, 1318, 1629, 1737, 1754*, 1930, 2100.
43....	Adopts revised Interstate Compact for Juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington. 733, 734, 1222, 1226, 1242*, 1291.
44....	Revises provisions regulating organizations for buying goods or services at discount. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 175, 178, 1423, 1424, 1428, 1538, 1657, 1680*, 2050.
45....	Eliminates requirement that Attorney General and State Controller receive copy of written protest filed by property owner concerning property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 191, 194, 1493, 1494, 1498, 1657, 1680*, 2053, 2184.
46....	Increases maximum assumed monthly wage of volunteer firefighters for purpose of contributions to Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McGinness. 217, 220, 1295, 1318, 1462, 1538, 1697, 1704, 1705*, 2050.
47....	Revises provisions governing licensure of athletic trainers and requires study concerning regulation of personal trainers and other fitness instructors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 770, 771, 1150, 1163, 1170, 1171*, 1198.

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- 48.... Makes various changes relating to collection of debts owed to State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 191, 194, 1295, 1319, 1464.
- 49.... Increases period during which temporary permit to operate certain unregistered vehicles remains valid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 151, 153, 199, 212, 220*, 231.
- 52.... Revises provisions relating to adoption and enforcement of certain ordinances by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Townsend. 509, 510, 1123, 1295, 1319, 1462, 1538, 1737, 1754*, 2050.
- 55.... Authorizes certain persons to arrange sale of certain governmental vehicles without being licensed as broker or dealer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Tiffany. 571, 575.
- 56.... Makes various changes concerning charter schools and distance education programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington. 1493, 1495, 2378, 2379, 2422*, 2550.
- 59.... Revises provisions governing regulation and licensure of professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 168, 171, 1150, 1163, 1171*, 1198.
- 60.... Makes various changes concerning drivers' licenses issued to persons under 18 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Cegavske, Raggio, Titus, Nolan, Care, Amodei, Beers, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 509, 510.
- 62.... Makes various changes concerning provisions governing water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 1108, 1110, 1120, 1492, 1494, 1499, 1503, 1629, 1645, 1744*, 2054, 2092, 2093, 2187, 2344, 2441, 2452.
- 64.... Makes various changes concerning conveyances of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 1108, 1110, 1295, 1319, 1494, 1533, 1657, 1680*, 1930, 2100.
- 66.... Authorizes injured employee who lives in Nevada to receive vocational rehabilitation services outside of Nevada under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hardy, Carlton, Amodei, Heck, and McGinness; Assemblyman Hardy. 168, 171, 1150, 1163, 1171*, 1198.
- 67.... Establishes certain mechanisms to protect assets of local government under certain circumstances if local government is involved in litigation or threatened litigation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1110, 1295, 1319, 1462, 1538, 1697, 1705, 1741*, 2050.
- 68.... Revises provisions concerning licensure of facilities which provide surgical treatment for refractive errors of eye. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Titus. 191, 194, 1161, 1169, 1188, 1189*, 1211, 1253, 1254, 1296, 2302, 2503.
- 69.... Creates and sets forth powers and duties of P-16 Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 2528.
- 70.... Clarifies authority of Legislative Committee on Public Lands to review and comment on certain matters relating to public lands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 151, 153, 1255, 1282, 1303, 1304*, 1576, 2086, 2236.
- 71.... Removes requirement for approval of salaries of executive staff of Public Employees' Benefits Program by Interim Retirement and Benefits Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 217, 220, 1136, 1143, 1144, 1295, 1417, 1464*, 1788.
- 72.... Revises provisions concerning refunds of property taxes paid by certain senior citizens. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener. 434.
- 73.... Revises provisions relating to certain fees charged and collected by State Emergency Response Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 313, 322, 413, 427, 441, 481, 505, 551, 567, 595, 625*, 766.
- 75.... Allows use of audiovisual technology under certain circumstances for counseling and evaluations required for certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 508, 510.

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- 76....Revises provisions pertaining to evaluations of juveniles who commit certain unlawful acts involving alcohol or controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 486, 487.
- 77....Revises provisions pertaining to counseling required for person convicted of battery which constitutes domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 631, 633, 1200, 1216, 1229*, 1314, 1490.
- 78....Makes permanent authority of Board of Regents of University of Nevada to grant waivers for registration and laboratory fees for active members of Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care, Titus, Wiener, Nolan, Amodei, Carlton, Coffin, Lee, Mathews, McGinness, Schneider, and Washington; Assemblymen Perkins, Buckley, McCleary, and McClain. 1245, 1246, 1294, 1319, 1464*, 1788.
- 80....Establishes requirements and procedures for consumers to place security freezes in certain files maintained by credit reporting agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Beers, Horsford, Cegavske, Tiffany, Hardy, Amodei, Heck, Lee, and Townsend; Assemblymen Giunchigliani, Sherer, Hettrick, Buckley, Conklin, Allen, and Sibley. 631, 633, 1423, 1424, 1428, 1538, 1738*, 2054, 2086, 2187, 2321, 2322, 2323, 2324.
- 81....Makes various changes concerning protection of historic and prehistoric sites. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Human Resources and Education. 1108, 1110, 1255, 1283, 1304*, 1573.
- 82....Revises provisions governing Comstock Historic District Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 300, 307, 1278, 1299, 1417, 1462, 1538, 1697, 1705*, 2050.
- 83....Makes various changes relating to conduct of closed meeting by public body to consider character, alleged misconduct, professional competence, or physical or mental health of person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Coffin, Amodei, Care, Cegavske, Schneider, and Beers; Assemblymen Giunchigliani, Carpenter, Manendo, McClain, and Sherer. 829, 830, 1424, 1429, 1539*, 1930, 2100.
- 84....Clarifies provisions governing exemption of certain uses of time-share units from taxes on transient lodging. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 1038.
- 85....Revises provisions governing practice of dentistry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 199, 202, 412, 427, 441*, 481.
- 86....Provides that counseling and evaluations required for certain offenses may be conducted in neighboring states under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 191, 194, 338, 361, 381*, 410.
- 87....Eliminates additional fee charged for renewal of driver's license by mail. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation and Homeland Security. 168, 171, 1108, 1130, 1656, 1657, 1682, 1741*, 2050.
- 89....Makes supplemental appropriation to Department of Human Resources for unanticipated shortfall in money for Fiscal Year 2004—2005 resulting from increased cost of maintenance of effort requirement for Substance Abuse Prevention and Treatment Block Grant. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 404, 405, 1790, 1801, 1943*, 2103, 2184.
- 90....Makes supplemental appropriation to Department of Human Resources for unanticipated operating expenses for Fiscal Year 2004—2005 at emergency hospital annex at Desert Regional Center and for unanticipated shortfall in revenue for Fiscal Year 2004-2005 for rural clinics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 509, 510, 1195, 1205, 1222, 1229*, 1275.
- 91....Makes supplemental appropriation to Department of Corrections for unanticipated operating, maintenance, inmate-driven expenses and utilities for Fiscal Year 2004—2005 and for expenses for services relating to takeover of Southern Nevada Women's Correctional Facility for Fiscal Year 2004-2005. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 770, 771, 1225, 1239, 1252*, 1311.
- 92....Makes supplemental appropriation to Department of Public Safety for unanticipated out-of-state travel, in-state travel and operating expenses for dignitary protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 313, 322, 1139, 1153, 1166, 1171*, 1201, 1208.

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- 93....Makes supplemental appropriation to Department of Motor Vehicles for unanticipated costs related to electronic payments in Fiscal Year 2004—2005 in administrative services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 371, 381, 1239, 1247, 1275, 1289, 1307*, 1576, 1788.
- 94....Makes appropriations to restore balance in Contingency Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 300, 307, 571, 611, 727*, 825.
- 95....Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2323, 2343, 2347*.
- 96....Makes appropriation to Office of Governor for contractor to update State's Energy Assurance Plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1296, 1297, 1790, 1802*, 2184.
- 97....Makes appropriation for security enhancements in Attorney General's Office, Capitol Building and Supreme Court Building. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 300, 307, 1147, 1153, 1166, 1171.
- 98....Creates Task Force on Cervical Cancer and revises provisions relating to Task Force on Prostate Cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1108, 1111, 1790, 1802, 1943*, 2103, 2207, 2302, 2474, 2499.
- 99....Makes appropriation to Department of Administration for litigation costs incurred by Interstate Commission for Adult Offender Supervision. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 234, 239, 1760, 1764*, 2100.
- 100....Makes appropriation to Supreme Court of Nevada for remodeling costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2103, 2104, 2219, 2233*, 2552.
- 101....Makes appropriation to Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1186, 1187, 2219, 2233, 2420, 2422*, 2550.
- 102....Makes appropriation to Office of Veterans' Services to pay for construction costs of shelter to protect state-owned vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1226, 1760, 1764*, 1765, 2100.
- 103....Makes appropriation to Department of Cultural Affairs for development, renovation and expansion of Southern Nevada Railroad Museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2052, 2054, 2219, 2233, 2234*, 2552.
- 104....Makes appropriation to Department of Corrections for purchase of replacement vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1186, 1187, 1760, 1765*, 2100.
- 105....Makes appropriation to University of Nevada School of Medicine for support of partnership with Nevada Cancer Institute and Center of Excellence. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1761, 1762, 2238, 2254, 2314*.
- 107....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Titus. 1279, 1790, 1804, 1931, 2113, 2115*, 2116, 2239, 2332.
- 108....Makes supplemental appropriation to Department of Education for unanticipated expenses for Fiscal Year 2004—2005 relating to Individuals with Disabilities Education Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 313, 322, 1108, 1130, 1137, 1146*, 1147, 1166.
- 109....Revises provisions relating to determination of custody of minor after parents' separation or dissolution of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 1108, 1111.
- 110....Makes various changes concerning Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 829, 830, 1295, 1319, 1462, 1538, 1737, 1754*, 2050.

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- 111....Revises provisions governing procedure for determining claims for unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1038, 1150, 1163, 1172*, 1198.
- 112....Requires State Controller to apply fee for returned checks to other methods of payment that are returned or dishonored. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 191, 194, 1186, 1296, 1319, 1465*, 1788.
- 113....Revises various provisions relating to Office of State Treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 191, 194, 1278, 1296, 1319, 1428.
- 114....Clarifies that certain hiring preferences apply to all circumstances under which persons are employed in construction of public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 191, 194, 233, 243, 285*, 336.
- 115....Authorizes governing bodies of local governments and certain advisory bodies to such governing bodies to hold closed meetings concerning matters relating to security and terrorism under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1111, 1359, 1360, 1362, 1462, 1538, 1629, 1646, 1744*.
- 116....Makes various changes to labor laws and powers and duties of Labor Commissioner. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1038, 1150, 1163, 1172*, 1198.
- 118....Makes various changes concerning county coroners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Nolan and Assemblyman Atkinson. 486, 487, 1359, 1360, 1363, 1462, 1538, 1737, 1748, 2054, 2091, 2096*, 2187, 2236.
- 119....Revises provisions governing privileges of certain medical review committees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Heck, Nolan, Amodei, and Washington; Assemblymen Anderson, Conklin, Ocegüera and Sibley. 300, 307, 1295, 1319, 1320, 1629, 1737, 1748.
- 120....Makes various changes concerning treatment of trauma and centers for treatment of trauma. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Heck, Hardy, Nolan, and Lee; Assemblymen Hardy, Conklin, Ocegüera, and Sibley. 371, 381, 1295, 1320, 1396, 1630, 1652, 1742, 1748, 1756, 1757*, 2053, 2184.
- 121....Revises provisions governing payment of certain workers' compensation claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Heck, Townsend, Carlton, Hardy, and Lee; Assemblymen Ocegüera, Buckley, Gerhardt, Hardy, Munford, and Pierce. 199, 202, 1150, 1164, 1172*, 1198, 1347.
- 122....Authorizes certain public employees with active military service to purchase additional years of service in Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Raggio, Townsend, Cegavske, Beers, Washington, Amodei, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, and McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Wiener; Assemblymen Manendo, Parks, McCleary, Ohrenschall, Allen, Anderson, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, Pierce, and Smith. 571, 575, 1424, 1430, 1539*, 1791, 2050.
- 123....Revises provisions governing energy assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1108, 1111.
- 125....Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Schneider, Horsford, and Mathews; Assemblymen McClain, Conklin, and Munford. 1108, 1111, 1359, 1360, 1364, 1462, 1539, 1540.
- 126....Makes various changes relating to Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Schneider, Care, Carlton, Coffin, Horsford, Lee, Mathews, Titus, Wiener; Assemblymen McClain and Munford. 829, 830, 1296, 1630, 1637, 1742, 1748, 1752*, 2053, 2184.
- 129....Requires Legislator who is public officer or employee to take unpaid leave of absence during regular or special session of Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus, Care, Wiener, Coffin, Townsend, Amodei, Beers, Carlton, Cegavske, Heck, Lee, Mathews, McGinness, Schneider, and Tiffany. 509, 510.
- 130....Repeals prospective expiration of authority of Director of Department of Information Technology to classify certain records of Department as confidential. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1111, 1186, 1192, 1205, 1206*, 1236.

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- 131....Increases number of members of Commission on Mental Health and Developmental Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1186, 1187, 1255, 1283, 1307*, 1573.
- 132....Authorizes peace officers to issue traffic citations that are prepared electronically. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 227, 229, 413, 427, 441, 481, 505, 551, 567, 595, 625*, 766.
- 133....Revises provisions regarding refund policies and bonding requirements of private postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 227, 229, 1294, 1320, 1465*, 1788.
- 134....Requires providers of Communication Access Realtime Translation to be qualified and makes various changes related to practice of interpreting. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Mathews, Wiener, Titus, and Coffin. 227, 230, 1313, 1315, 1343, 1465*, 1930, 2100.
- 135....Revises provisions governing certification of registered interior designers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 770, 771, 1245, 1270, 1289, 1307*, 1573.
- 136....Revises provisions of Interstate Compact for Jurisdiction on the Colorado River. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 631, 633, 1195, 1205, 1222, 1229*, 1275.
- 137....Makes various changes to provisions relating to Division of Parole and Probation of Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 509, 510, 1123, 1137, 1147*, 1166.
- 138....Limits circumstances in which overpayments of taxes may be applied to underpayments in another reporting period to reduce penalties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 234, 239, 1245, 1270, 1289, 1309*, 1573.
- 139....Changes composition of Board of Directors of Department of Transportation and creates Advisory Committee to Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Titus. 631, 633.
- 141....Increases term of imprisonment under certain circumstances for driver of vehicle who leaves scene of accident involving bodily injury to or death of person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation and Homeland Security. 242, 265.
- 146....Makes various changes concerning detection and marking of subsurface installations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources. 571, 575, 1313, 1315, 1344, 1465*, 1930, 2100.
- 147....Revises provisions governing issuance of general obligation bonds of State of Nevada to provide grants to certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 509, 510.
- 149....Makes various changes concerning Board of Regents of University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Lee. 434, 2225, 2234, 2254*, 2302, 2552.
- 150....Revises provisions concerning false reporting of crimes and repeals provision concerning filing of certain false or fraudulent complaints of misconduct against peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 733, 734, 1295, 1320, 1462, 1540*, 1930, 2100.
- 152....Revises provisions relating to physical therapists. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Mathews. 486, 488, 1313, 1315, 1344, 1465*, 1761, 2050.
- 153....Revises provisions relating to management of common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy, Schneider, Townsend, Nolan, Beers, Amodei, Coffin, Lee, McGinness, and Titus. 1108, 1111, 1360, 1381, 1462, 1538, 1737, 1754, 1755*, 2053, 2184.
- 155....Requires hospitals to provide patients with certain information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Titus, Wiener, Horsford, Care, Carlton, Coffin, Lee, Mathews, Schneider; Assemblywoman Leslie. 338, 350, 1576, 1588, 1744*, 1930, 2100.
- 156....Encourages establishment of program of agronomy, horticulture, landscape ecology, and design and plant sciences within College of Agriculture of University of Nevada, Reno. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Lee. 1493, 1495, 2238, 2254, 2255*, 2552.
- 163....Makes changes relating to certain regulatory bodies which administer occupational licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. 770, 771, 1423, 1424, 1430, 1540*, 2054, 2086, 2187, 2474, 2499, 2503.

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- 164....Revises provisions requiring inclusion of personal identifying information in court orders and judgments relating to parentage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Raggio. 283, 284, 1168, 1188, 1196*, 1222.
- 165....Specifies permissible uses by State Department of Agriculture of certain fees and other money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 2053, 2055, 2378, 2390*.
- 169....Authorizes boards of county commissioners of smaller counties to use money in infrastructure fund for certain projects, facilities and activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 421, 1238, 1247, 1275, 1289, 1309*, 1573.
- 170....Authorizes certain smaller counties to impose additional local sales and use tax under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 486, 488, 1470, 1475, 1540*, 1761, 2050.
- 171....Revises provisions governing review of administrative regulations by Legislative Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 1295, 1316, 1656, 1742, 1748, 1752*, 2219, 2225, 2302, 2378, 2406, 2407.
- 172....Revises provisions relating to sale of real property under deed of trust. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1108, 1111, 1313, 1315, 1346, 1461, 1629, 1654*, 1930, 2100.
- 173....Increases amount of homestead exemption and makes various changes relating to property which is exempt from execution by creditors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 829, 830, 1295, 1321, 1466*, 1762, 1923, 2054, 2104, 2109, 2110, 2332.
- 174....Makes various changes relating to chiropractic. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Carlton. 300, 307, 1168, 1188, 1195, 1206, 1222, 1227, 1241, 1250, 1275, 1289, 1302, 1417, 1466*, 2054, 2087, 2187, 2454, 2456, 2474.
- 175....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Titus. 509, 510, 1295, 1324, 1466*, 1761, 2050.
- 177....Makes various changes related to fees charged in district courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 557, 558, 1136, 1143, 1157*, 1187, 1189.
- 180....Increases maximum amount of compensation board of county commissioners is authorized to provide for certain members of county board of equalization. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation. 421, 1238, 1247, 1275, 1289, 1309*, 1573.
- 181....Authorizes certain counties, upon approval of voters, to impose additional taxes on certain motor vehicle fuels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 733, 734, 1424, 1431, 1538, 1697, 1705*, 2053, 2184.
- 183....Makes appropriation to State Board of Examiners for new courthouse in White Pine County. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 1314.
- 184....Revises provisions relating to enterprise funds. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Care. 1108, 1111, 1255, 1283, 1309*, 1573.
- 186....Makes various changes concerning appeals to State Board of Equalization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 486, 488.
- 187....Revises provisions relating to payment of per diem and travel expenses for members of Advisory Committee on Traumatic Brain Injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 631, 633, 1790, 1806*, 2184.
- 188....Makes various changes relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 631, 634, 1492, 1494, 1503, 1737, 1748.
- 189....Makes various changes relating to franchises for sales of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 421, 422, 1492, 1494, 1506, 1738*, 2053, 2184.
- 191....Requires affidavit and report in action against certain design professionals involving nonresidential construction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 770, 771.
- 192....Prohibits importation into Nevada of certain live animals to protect State from effects of chronic wasting disease. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources. 413, 414, 1151, 1164, 1172*, 1198.

- No. Summary, Introducer and Page Reference*
- 193.... Makes various changes concerning Committee on Anatomical Dissection established by University and Community College System of Nevada and distribution and treatment of dead bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 1108, 1111, 1239, 1247, 1275, 1289, 1310*, 1576, 1788.
- 194.... Revises provisions regarding certain systems of communication related to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan. 486, 488, 1255, 1283, 1310, 1417, 1462, 1538, 1738*, 2050.
- 195.... Increases number of district judges in Eighth Judicial District. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary. 1296, 1297, 2343, 2347*.
- 197.... Provides for establishment of State Program for Fitness and Wellness and Advisory Council on State Program for Fitness and Wellness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener, Heck, Washington, Cegavske, Horsford, Mathews, and Nolan. 434, 1150, 1164, 1172*, 1173, 1198.
- 198.... Revises provisions of Articles 3 and 4 of Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care and Amodei; Assemblywoman Ohrenschall. 733, 734, 1222, 1226, 1629, 1630, 1745*, 1930, 1971, 2103, 2302, 2321.
- 199.... Adopts Uniform Partnership Act (1997) and provides for its applicability on voluntary basis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care and Amodei; Assemblywoman Ohrenschall. 829, 830, 1222, 1227, 1242*, 1291.
- 201.... Revises provisions of Articles 1 and 7 of Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care and Amodei; Assemblywoman Ohrenschall. 733, 734, 1222, 1227, 1250, 1251, 1275, 1289, 1310, 1417, 1466*, 1788.
- 202.... Revises manner in which school districts schedule contingent school days. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Raggio, Coffin, Schneider, Cegavske, Townsend, Amodei, Beers, Care, Hardy, Heck, Lee, McGinness, Nolan, Rhoads, Tiffany, Titus, Washington, and Wiener; Assemblymen Gansert, Allen, Christensen, Holcomb, Sherer, Atkinson, Konklin, Hardy, Hettrick, Koivisto, Mortenson, Parks, Perkins, Seale, and Smith. 404, 405, 1161, 1169, 1189*, 1208.
- 203.... Revises various provisions relating to industrial injuries and occupational diseases of certain police officers and firefighters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Mathews. 2323, 2378, 2390*.
- 205.... Revises provisions governing criminal and civil liability for engaging in certain acts relating to cemeteries. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Mathews. 509, 511, 1225, 1239, 1252*, 1296, 1311.
- 208.... Requires State Department of Agriculture to contract with Nevada Beef Council for establishment and administration of program of education, research and information on beef under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Rhoads. 770, 771, 1295, 1326, 1461.
- 209.... Provides that unclaimed capital credit of certain nonprofit cooperative corporations is not subject to provisions of Uniform Disposition of Unclaimed Property Act under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads. 421, 422, 1168, 1188, 1196, 1296, 2102, 2117*, 2332.
- 210.... Revises provisions governing county-owned telephone systems. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. McGinness. 486, 488, 1186, 1192, 1206*, 1236.
- 212.... Requires school districts to determine scheduling start times for public schools in certain manner. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Beers. 1108, 1112, 1423, 1424, 1432, 1538, 1738*, 1739, 1930.
- 214.... Revises provisions governing statewide system of accountability and revises other provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 1256, 1269, 1556, 1557, 1657, 1680*, 1681, 1930, 2100.
- 216.... Eliminates Division of Water Planning of State Department of Conservation and Natural Resources and transfers former duties of Division to newly created Water Planning Section. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Titus. 829, 830, 1139, 1296.
- 218.... Revises provisions relating to licensing and taxing of certain persons by local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Titus. 486, 488, 1359, 1360, 1382, 1396, 1466*, 1467, 1761, 2050.
- 219.... Revises provisions governing issuance of permits for certain oversized vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 1108, 1112, 1360, 1382, 1467*, 1761, 2050.

- No. Summary, Introducer and Page Reference*
- 221....Revises provisions governing interscholastic activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Cegavske. 1038, 1492, 1494, 1506, 1657, 1681*, 1694*, 1930, 2203, 2302, 2509, 2513, 2523.
- 224....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Townsend and Assemblywoman Gansert. 1108, 1112, 1575, 1589, 1693, 1707, 1753*, 2054, 2087, 2187, 2423, 2436, 2474.
- 225....Makes various changes relating to vocational rehabilitation counselors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Carlton. 770, 772, 1245, 1270, 1289, 1310, 1417, 1467*, 1788.
- 226....Makes various changes to provisions governing payment of certain workers' compensation claims. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Carlton. 1038, 1313, 1315, 1347, 1467*, 1762, 1927, 2184.
- 229....Creates certain tax incentives for economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford and Assemblyman Arberry. 1108, 1112, 1255, 1283, 1310, 1417, 1467*, 1788.
- 233....Makes various changes relating to alcoholic beverages. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Schneider. 1108, 1112, 1492, 1494, 1507, 1697, 1705*, 2053, 2184.
- 234....Revises qualifications for certain judges and justices and urges Supreme Court to study need for establishment of intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 557, 558, 1295, 1327, 1461, 1629, 1654*, 1930, 2100.
- 235....Revises provisions relating to procedure for dissolution of hospital districts in certain smaller counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. McGinness. 508, 511, 1225, 1240, 1251, 1311, 1396, 1494, 1521, 1657, 1694*, 1930, 2100.
- 238....Revises provisions governing regulation of certain public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Washington. 1038, 1423, 1424, 1433, 1538, 1737, 1755*, 2053, 2184.
- 240....Enacts provisions relating to health benefit plans that have high deductibles and are in compliance with certain federal requirements for establishing health savings accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Washington. 770, 772, 1492, 1494, 1507, 1737, 1748.
- 242....Requires Department of Motor Vehicles to perform certain inquiries to determine if vehicle is stolen and makes appropriation to cover additional costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Hardy. 1314.
- 243....Revises provisions governing operation of taxicabs in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 1108, 1112, 1186, 1192, 1206*, 1236.
- 245....Establishes provisions concerning hours of service for intrastate drivers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 1108, 1112, 1670, 1671, 1742, 1753*, 2053, 2184.
- 247....Revises provisions governing tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Titus. 1038, 1039, 1255, 1256.
- 250....Revises provisions governing practice of dentistry and dental hygiene. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Carlton. By request. 631, 634, 1168, 1188, 1195, 1206*, 1236.
- 251....Authorizes operation of certain motor vehicles without front license plate under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Raggio, Townsend, Hardy, Amodei, Beers, Cegavske, Heck, Mathews, McGinness, Rhoads, Tiffany, Titus, Washington, and Wiener; Assemblywoman Allen. 509, 511, 1493, 1494, 1507, 1697, 1706*, 2050.
- 252....Makes various changes relating to elections in certain larger counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Cegavske. 1108, 1112, 1294, 1329, 1462, 1538, 1739*, 1740.
- 254....Makes various changes relating to child care facilities operated by businesses as auxiliary service provided for their customers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan. 1038, 1039, 1295, 1332, 1467.
- 255....Revises provisions governing acquisition of branches of certain financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 631, 634, 1245, 1270, 1289, 1310, 1417, 1468*, 1788.
- 256....Revises certain provisions relating to regulation of public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 571, 575, 1423, 1424, 1428, 1444, 1452, 1538, 1737, 1748, 1756, 1757, 1758*, 2053, 2184.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
257....	Makes various changes relating to regulation of certified public accountants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 434, 1168, 1188, 1196*, 1222.
260....	Revises provisions concerning provision of prescription drugs pursuant to Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 571, 575.
261....	Includes snowboarders in provisions governing skier safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Townsend. 509, 511, 1225, 1240, 1252*, 1296, 1311.
262....	Authorizes remedies under certain circumstances if outdoor advertising structures are obstructed by certain highway construction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Raggio and Washington. By request. 1108, 1112, 1556, 1559, 1659, 1669, 1745*, 1930, 2100.
263....	Adopts Uniform Environmental Covenants Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Care, Titus, and Amodei; Assemblywoman Ohrenschaal. 1108, 1112, 1200, 1217, 1229, 1461, 1462, 1540, 1541*, 1761, 2050.
265....	Provides for allowances for certain travel expenses incurred by Legislators during legislative interim. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Rhoads and McGinness. 1314.
266....	Revises provision governing commencement of actions dismissed for lack of subject matter jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 829, 831, 1168, 1188, 1196*, 1197, 1222.
267....	Makes various changes regarding Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care and Hardy. 1108, 1113, 1556, 1560, 1656, 1657, 1745*, 1930, 2100.
268....	Revises provisions governing qualifications for employment as administrators of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers. 1038, 1039.
269....	Revises provisions relating to parking spaces for handicapped persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Beers and Schneider. 1038, 1039, 1279, 1299, 1417, 1468*, 1761, 1762, 2050.
270....	Revises provisions governing unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 421, 422, 1225, 1240*, 1291.
271....	Makes various changes concerning participants in program to assist victims of certain crime in maintaining confidential addresses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 421, 422, 1123, 1137, 1147*, 1166.
272....	Revises provisions governing confiscation and disposition of certain weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 571, 575.
274....	Revises certain provisions relating to governmental operations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Amodei. 2187, 2188, 2475, 2477, 2488*, 2550.
276....	Establishes uniform disciplinary process for certain regulatory bodies which administer occupational licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 1108, 1113, 1278, 1300, 1417, 1468*, 1761, 2050.
278....	Revises provisions relating to occupational safety and health. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 421, 422, 1168, 1188, 1197*, 1222.
280....	Authorizes certain entities to transport allegedly mentally ill person to mental health facility or hospital for emergency admission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske and Assemblywoman Giunchigliani. 829, 831, 1255, 1283, 1310, 1417, 1462, 1538, 1737, 1753*, 2050.
281....	Requires Division of Health Care Financing and Policy of Department of Human Resources to determine certain information concerning uncompensated care percentage for certain hospitals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Washington. 829, 831, 1295, 1334, 1462, 1538, 1737, 1748, 1756, 1758*, 2050.
282....	Makes various changes concerning convicted persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Washington and Horsford. 829, 831, 1359, 1360, 1383, 1462, 1538, 1737, 1748, 1755, 2302, 2317, 2348, 2379*, 2523, 2550.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
286....	Encourages Clark County School District to construct career and technical high school within certain area of Clark County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Wiener and Assemblyman Munford. 1108, 1113, 1161, 1169, 1189*, 1211, 1222.
287....	Prohibits person from knowingly and intentionally leaving child who is 7 years of age or younger in motor vehicle without certain supervision in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Wiener and Assemblyman Horne. 509, 511, 1295, 1334, 1462, 1541*, 1930, 2100.
288....	Revises provisions regarding alternative fuels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Tiffany. 1038, 1039.
290....	Makes various changes concerning issuance of certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Coffin. 631, 634, 1239, 1248, 1275, 1289, 1310, 1417, 1462, 1541, 1543*, 1762, 1899, 2103, 2474, 2496, 2499.
293....	Makes various changes relating to control of weeds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1151, 1576, 1617, 1745*, 1930, 2100.
294....	Revises provisions governing distribution of grants of money by State Conservation Commission to conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 557, 558, 1136, 1144, 1158*, 1185.
295....	Revises provisions governing motor vehicle fuel and petroleum products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources. 770, 772, 1239, 1249, 1275, 1289, 1310, 1417, 1468*, 1788.
296....	Revises provisions governing abuse or neglect of children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Human Resources and Education. 1108, 1113, 1359, 1360, 1384, 1461, 1629, 1653, 1746*, 1930, 2011, 2187, 2292, 2298, 2302.
297....	Makes various changes concerning family resource centers and funding of certain public welfare services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 557, 558, 1225, 1240, 1252, 1253*, 1311.
300....	Revises provisions governing regulation of contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 770, 772, 1682, 1683, 1746*, 2053, 2184.
301....	Revises duties of Director of Department of Human Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 486, 488, 1136, 1144, 1158*, 1185.
302....	Removes limitation on county and recreation board in certain larger counties from engaging in certain transactions involving real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 509, 511, 1424, 1434, 1538, 1739*, 1930, 2093, 2187, 2302, 2372.
303....	Revises provisions governing persons appointed to National Conference of Commissioners on Uniform State Laws to represent State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Care. 508, 511, 1238, 1239, 1760, 1765*, 2100.
304....	Authorizes Attorney General to issue identity theft passports to victims of identity theft. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Beers. 1296, 1298, 1424, 1434, 1460, 2219, 2235*, 2552.
306....	Authorizes pledge of certain sales and use tax proceeds and state funding for certain projects for promotion of economic development and tourism. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Washington. 829, 831, 1424, 1434, 1460, 2266, 2267, 2316, 2335, 2344*, 2345, 2523, 2550.
307....	Authorizes local assessment of unscheduled air transport companies that only use three or fewer small planes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. McGinness. 733, 734, 735, 1239, 1249, 1275, 1289, 1310, 1417, 1462, 1543*, 1762, 2050.
310....	Establishes provisions relating to promotion of safety of pedestrians. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan. 1493, 1495.
311....	Increases allowance for Legislators for reimbursement of travel and other expenses during legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Nolan. 631, 634, 1210, 1222, 1790, 1806, 1943*, 2103, 2184.
313....	Provides immunity from liability to certain persons and governmental entities for certain claims based on consumption of food. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan. 829, 831.

- No. Summary, Introductor and Page Reference*
- 314.... Transfers money from Fund for the Promotion of Tourism to certain state and local governmental entities for various cultural, historical and tourist-related activities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Titus and Beers. 2323, 2378, 2390, 2474, 2475*.
- 315.... Provides for regulation of certain business brokers and revises provisions governing disclosures in certain real estate transactions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Nolan. 1168, 1169, 1294, 1335, 1468*, 1469, 1788.
- 316.... Revises provisions limiting civil liability of certain persons providing gratuitous services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Nolan. 733, 734.
- 318.... Provides funding for repair and maintenance of state park facilities and grounds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Titus and Assemblyman Mortenson. 631, 634, 1136, 1144, 1145, 1295, 1417, 1469*, 1788.
- 321.... Requires Department of Taxation to administer exemption for sales to nonprofit organizations to include motor vehicles transferred to nonprofit organizations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Raggio. 486, 489, 1238, 1250, 1251, 1295, 1417, 1462, 1543*, 2050.
- 323.... Enacts various provisions relating to high-rise residential common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 1108, 1113.
- 325.... Makes various changes concerning common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Schneider. 1108, 1113, 1470, 1477, 1494, 1520, 1657, 1694*, 2054, 2055, 2187, 2302, 2370, 2371.
- 326.... Makes various changes to provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Care. 1038, 1039, 1313, 1315, 1322, 1444, 1454, 1543*, 1791, 2050, 2283.
- 327.... Transfers authority to provide for benches and shelters for public mass transportation from local governments to regional transportation commission in certain larger counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Lee. 631, 634, 1735, 1753.
- 328.... Makes various changes related to public retirement systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 508, 511, 1136, 1144, 1424, 1546, 1629, 1647, 1670, 1742, 1753*, 1930, 2095, 2187, 2236.
- 329.... Provides for option of voting "no preference" for ballot question or office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 1108, 1113, 1294, 1322.
- 331.... Makes various changes concerning Advisory Commission on Sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 733, 734, 1256, 1283, 1307, 1308*, 1576, 1788.
- 332.... Revises provisions relating to real estate. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 770, 772, 1492, 1494, 1507, 1657, 1694, 1695*, 2053, 2184.
- 333.... Revises provisions governing practice of cosmetology and related professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 770, 772, 1630, 1638, 1746*, 2054, 2095, 2187, 2504, 2509, 2523.
- 334.... Removes statutory limit on rate of interest pawnbroker may charge. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 421, 422.
- 335.... Revises provisions governing practice of barbering, cosmetology and related professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 770, 772, 1423, 1424, 1435, 1546*, 2054, 2095, 2187, 2302, 2509.
- 337.... Makes changes pertaining to intoxicating substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Wiener. 1108, 1114.
- 338.... Makes various changes concerning business associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1108, 1114, 1424, 1437, 1538, 1547*, 1930, 1971, 2103, 2299, 2301, 2302.
- 339.... Makes various changes concerning partial abatement of certain taxes for new or expanded businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 733, 735, 1692, 1746*, 2053, 2184.

- No. Summary, Introducer and Page Reference*
- 341.... Makes various changes concerning sex offenders and offenders convicted of crimes against children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Titus, Raggio, Nolan, Wiener, and Mathews; Assemblymen Gansert, Parks, and Ohrenschild. 1226, 1659, 1669, 2302, 2314, 2334*, 2474, 2499.
- 343.... Makes various changes to provisions related to mechanics' and materialmen's liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Hardy. 1108, 1114, 1674, 1742, 1748, 1752*, 1753, 1930, 2100.
- 344.... Establishes crime of driving under extreme influence of alcohol. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Cegavske. 1108, 1114.
- 346.... Revises provisions relating to Legislators' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 571, 575, 1294, 1335, 1462, 1538, 1697, 1706*, 2050.
- 347.... Makes various changes concerning personal identifying information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Wiener, Titus, Raggio, Townsend and Assemblyman Anderson. 733, 735, 1295, 1335, 1461, 1494, 1533, 1657, 1695*, 1930, 2100, 2373.
- 353.... Makes various changes to provisions governing guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 829, 831, 1295, 1337, 1469*, 1762, 2050.
- 354.... Revises provisions governing municipal solid waste management systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Schneider. 509, 511, 1295, 1337, 1469*, 1788.
- 356.... Revises provisions governing amount of sales and use taxes due on certain retail sales. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Townsend, Carlton, Hardy, Amodei, Nolan, Rhoads, Tiffany, and Wiener. 1038, 1039, 1556, 1560, 1739*, 2054, 2183, 2219, 2239.
- 357.... Creates Advisory Committee on Problem Gambling and authorizes grants of money for programs for prevention and treatment of problem gambling. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Nolan, Townsend, Raggio, and Wiener. 1761, 1762, 2302, 2317*.
- 358.... Revises provisions governing assessment of ad valorem taxes and special assessments upon property in common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Beers, Nolan; Assemblymen Christensen, Allen, Mabey, and Sibley. 1038, 1039, 1295, 1338, 1462, 1538, 1629, 1647, 1742, 1753*, 1754, 2053, 2184.
- 365.... Establishes and encourages use of certain systems and programs relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Nolan. 1108, 1114, 1470, 1490, 1538, 1737, 1756*, 2053, 2184.
- 367.... Revises provisions governing education of suspended and expelled pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Human Resources and Education. 557, 559, 1294, 1338, 1469, 1470*, 1930, 2050, 2104, 2302, 2320.
- 368.... Revises provisions regarding professional development of teachers and administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Human Resources and Education. 770, 772, 1294, 1340, 1462, 1546*, 2050.
- 369.... Makes various changes regarding judiciary. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1314, 2343, 2357*.
- 380.... Makes various changes relating to homeland security. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation and Homeland Security. 1226, 1424, 1444, 2240, 2267*, 2378.
- 381.... Revises provisions relating to manufactured homes, mobile homes and commercial coaches. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation and Homeland Security. 571, 575, 1313, 1315, 1351, 1470*, 1762, 2050.
- 382.... Makes various changes relating to property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 733, 735, 1168, 1188, 1197, 1250, 1253*, 1314, 1490.
- 384.... Revises provisions relating to Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 1108, 1114, 1295, 1340, 1490, 1546*, 2050.
- 386.... Makes various changes relating to public office. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections. 1108, 1114, 1423, 1424, 1444, 1494, 1522, 1739*, 2054, 2092, 2188.

- No. Summary, Introducer and Page Reference*
- 389.... Provides for creation of tax increment areas by municipalities to defray costs of certain undertakings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 1108, 1114, 1313, 1315, 1352, 1462, 1546*, 1762, 2050.
- 390.... Makes various changes regarding applicability and administration of certain taxes on transfers of real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 1929, 1930, 2238, 2242, 2254, 2267*, 2344.
- 391.... Revises provisions governing liability for tax on financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 1761, 1762, 2186, 2188*, 2552.
- 392.... Makes various changes to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 1761, 1763, 2102, 2104, 2108, 2117*, 2239, 2332, 2550.
- 394.... Makes various changes to provisions governing conveyance, subdivision and taxation of property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Taxation. 1038, 1040, 1556, 1561, 1629, 1647, 1742, 1754*, 2054, 2088, 2188, 2344, 2358, 2369.
- 395.... Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 631, 634, 1256, 1284, 1307, 1308*, 1573.
- 396.... Revises various provisions regarding waste disposal and regulation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 770, 772, 1295, 1340, 1461, 1494, 1520, 1739, 1740*, 1741*, 2054, 2080, 2236.
- 397.... Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources. 1108, 1114, 1576, 1618, 1746*, 2053, 2184.
- 398.... Delays prospective expiration of exemption from certain sales taxes for certain products and systems that use renewable energy. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources. 631, 634, 1294, 1340, 1490, 1546*, 1547, 2050.
- 400.... Provides for regulation of off-highway vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources. 2187, 2188, 2302, 2317*.
- 401.... Makes various changes concerning provision of certain transportation services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 509, 512, 1295, 1340, 1490, 1547*, 2050.
- 402.... Makes various changes concerning protection of children from abuse and neglect. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Human Resources and Education. 1108, 1114.
- 403.... Requires board of trustees of school district to report certain disciplinary information regarding teachers and school administrators to Department of Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Human Resources and Education. 829, 831.
- 404.... Creates Commission on Educational Excellence. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Human Resources and Education. 1314, 1315, 2408, 2409, 2420, 2422, 2423*, 2550.
- 406.... Requires State Board for Occupational Education to prescribe program of career and technical education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Human Resources and Education. 1761, 1763.
- 408.... Revises provisions governing Virgin Valley Water District. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 829, 831, 1186, 1192, 1206, 1207*, 1236.
- 409.... Revises definition of "state agency" for purposes of installment-purchase and lease-purchase agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 631, 634, 1424, 1444.
- 410.... Exempts University and Community College System of Nevada from requirement to purchase prescription drugs, pharmaceutical services, or medical supplies and related services through Purchasing Division of Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 631, 635, 1295, 1340, 1490, 1547*, 2050.

<i>No.</i>	<i>Summary, Introducer and Page Reference</i>
411....	Makes various changes relating to local improvements. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 1108, 1115, 1424, 1444, 1547, 1548*, 1930, 2100.
413....	Revises provisions relating to debt management commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 509, 512, 1136, 1145, 1158*, 1185.
415....	Authorizes public bodies to hold closed meetings for certain purposes relating to examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 631, 635, 1424, 1445, 1548*, 1930, 2100.
417....	Authorizes counties and cities to regulate use of electric personal assistive mobility devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 486, 489, 1210, 1227, 1242, 1243*, 1291.
420....	Authorizes Drug Use Review Board to hold closed meetings for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1115, 1359, 1360, 1384, 1461.
421....	Revises certain provisions relating to Open Meeting Law. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 829, 831, 1424, 1445, 1548*, 1930, 2100.
422....	Makes various changes relating to regulation of businesses and occupations by governing body of local government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 829, 832, 1424, 1446, 1538, 1740*, 1930, 2100.
423....	Revises provisions relating to certain meetings and hearings concerning prisoners and persons on parole and probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 631, 635.
424....	Revises provision governing authority of governing body of city to abate abandoned nuisance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 509, 512, 1238, 1250, 1275, 1289, 1307, 1308*, 1573.
426....	Revises provisions relating to certain public contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1038, 1040, 1492, 1494, 1508, 1657, 1696*, 1930, 2093, 2188, 2452, 2454, 2474.
428....	Prohibits admission of certain persons as parties to certain administrative proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 631, 635, 1424, 1447, 1495, 1657, 1696*, 2053, 2184.
430....	Eliminates authority of Commission on Ethics to seek removal of public officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1115.
431....	Makes various changes to provisions governing financial institutions and related business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 1108, 1115, 1630, 1747*, 2054, 2184.
432....	Revises exemption from execution of certain money, benefits, privileges or immunities accruing or growing out of life insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 829, 832, 1295, 1340, 1462, 1548*, 1930, 2100.
434....	Revises provisions governing regulation of contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 770, 772, 1630, 1641, 1747*, 2054, 2095, 2096, 2188, 2302, 2504.
438....	Authorizes justices of the peace and municipal judges to participate in Judicial Retirement Plan under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 631, 635, 1424, 1496, 1577, 1682, 1741*, 2050.
442....	Makes various changes relating to Commission on Judicial Discipline. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 486, 489, 1168, 1188, 1197, 1227, 1230*, 1275.
443....	Makes various changes to provisions relating to Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 631, 635, 1256, 1284, 1307, 1308*, 1573.
444....	Requires Nevada Gaming Commission to adopt regulations authorizing gaming licensee to charge fee for admission to area in which gaming is conducted under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 770, 773, 1313, 1315, 1354, 1462, 1548*, 1930, 2100.
445....	Revises various provisions related to State Board of Pardons Commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 557, 559, 1360, 1385, 1490, 1548*, 1549, 2344, 2522.

No. Summary, Introducer and Page Reference

- 449....Revises provisions governing crime of burglary. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 486, 489, 1222, 1227, 1243*, 1291.
- 450....Makes various changes to provisions governing temporary and extended orders for protection against stalking, aggravated stalking, harassment and domestic violence and for protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 770, 773, 1295, 1340, 1490, 1549*, 1930, 2100.
- 452....Revises provisions pertaining to Central Repository for Nevada Records of Criminal History. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1108, 1115, 1295, 1342, 1490, 1549*, 1930, 2100.
- 453....Makes various changes concerning business entities and notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1108, 1115, 1313, 1315, 1354, 1490, 1549*, 2054, 2055, 2188, 2302, 2321.
- 456....Makes various changes to provisions relating to crime of involuntary servitude. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 557, 559, 1123, 1137, 1147*, 1166.
- 457....Revises provisions relating to intoxicating liquor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1108, 1115, 1630, 1644, 1742, 1747, 1748, 1755, 1756*, 2054, 2087, 2188, 2344, 2374, 2377.
- 458....Makes various changes concerning time within which person who is transported to hospital is transferred to place in hospital where he can receive services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Human Resources and Education. 770, 773, 1556, 1566, 1737, 1756, 1757*, 1930, 2100.
- 459....Requires instruction in financial responsibility in public high schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 1038, 1040.
- 460....Revises provisions governing class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 829, 832, 1424, 1447, 1549*, 1762, 2207, 2302, 2436, 2474.
- 461....Provides for enrollment of certain pupils in university school for profoundly gifted pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Human Resources and Education. 1493, 1495, 2408, 2415, 2420, 2423*, 2550.
- 462....Repeals, reenacts, reorganizes and revises provisions relating to Department of Human Resources and Department of Employment, Training and Rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Human Resources and Education. 1108, 1115, 1424, 1447, 1460, 2186, 2188, 2235*, 2344, 2408, 2409, 2550.
- 463....Makes various changes concerning use of revenues from disposition of unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1761, 1763.
- 464....Revises certain provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1108, 1115.
- 466....Requires certain public bodies to make written determinations before sales or certain leases of their water rights. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 631, 635, 1424, 1449, 1549, 1695, 1696*, 1930, 2100.
- 467....Makes various changes to laws governing public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 829, 832, 1556, 1567, 1657, 1696*, 2054, 2184.
- 472....Revises provisions concerning penalties for failure to secure child in approved child restraint system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 733, 735, 1137, 1146, 1158*, 1185.
- 473....Requires Department of Transportation to establish pilot program allowing local governments to use certain automated systems for enforcement of traffic laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 1108, 1115.
- 475....Limits liability of certain private operators who contract with regional transportation commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 1108, 1116.
- 477....Makes various changes relating to Legislature and Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 1108, 1116, 1556, 1568, 1657, 1696*, 1697, 2054, 2184.

- No. Summary, Introducer and Page Reference*
- 479.... Makes various changes to provisions governing health insurance coverage for public personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 631, 635, 1556, 1568, 1573, 1577.
- 481.... Makes various changes relating to Civil Air Patrol. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 1108, 1116, 1278, 1300, 1417, 1490, 1550*, 2050.
- 483.... Establishes joint and severable liability for payment of certain taxes, interest and penalties administered by Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 486, 489, 1255, 1284, 1307, 1308*, 1573.
- 484.... Revises provisions governing programs providing health insurance coverage to public personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 1296, 1298.
- 485.... Temporarily extends prospective expiration of provisions governing allowances paid by Public Employees' Retirement System to certain re-employed retired public employees and continues experience study. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1314, 1315, 1790, 1807*, 2184.
- 488.... Makes various changes concerning adoption of certain rules and regulations affecting business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 1108, 1116, 1424, 1450, 1550*, 1930, 2100.
- 489.... Makes various changes to provisions concerning protection of consumers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 631, 635, 690, 1313, 1315, 1359, 1490, 1550*, 1930, 2100.
- 493.... Provides certain tax incentives for registered motion picture companies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections. 829, 832, 1294, 1296, 1297.
- 496.... Makes appropriation and authorizes expenditure of federal money for early funding for design of Las Vegas Readiness Center. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 508, 512, 829, 1042, 1119*, 1138.
- 504.... Makes appropriation to Legislative Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 631, 635, 1108, 1130, 1137, 1147*, 1166.
- 509.... Revises provisions governing property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 1279, 1297, 1575, 1619, 1627, 1628, 1747*, 2054, 2184.
- 510.... Makes appropriation for expenses relating to arbitration associated with design and construction of Southern Nevada Veterans' Home. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1493, 1495, 1790, 1807*, 2184.
- 511.... Makes supplemental appropriation to Department of Education for signing bonuses for teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1493, 1495, 1790, 1807*, 2184.
- 512.... Makes supplemental appropriation to Department of Human Resources for support of Nevada Medicaid Health Care Financing and Policy and Nevada Check-Up Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 1576, 1577, 2001, 2050, 2091*, 2236.
- 514.... Revises provisions governing annual assessment of hospitals for support of Bureau for Hospital Patients within Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1576, 1577, 2102, 2117*, 2332.
- 515.... Revises various provisions governing sales and use taxes for clarification and consistency and to carry out Streamlined Sales and Use Tax Agreement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 1761, 1763, 2102, 2117*, 2332.
- 517.... Makes various changes to provisions providing funding for state parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 1761, 1763, 2102, 2117*, 2332.
- 518.... Replaces Interstate Civil Defense and Disaster Compact with Emergency Management Assistance Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation and Homeland Security. 1761, 1763, 2378, 2391*.
- 519.... Provides for one-time issuance of check to certain persons and entities who registered one or more motor vehicles in Nevada during calendar year 2004. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2113.

<i>No.</i>	<i>Summary, Introductor and Page Reference</i>
520....	Creates State Printing Office within Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 2103, 2104, 2219, 2235*, 2552.
521....	Makes appropriations to Division of Parole and Probation of Department of Public Safety and to State Board of Parole Commissioners for installation of and expenses relating to closed-circuit security systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2258, 2259, 2378, 2391*.
522....	Authorizes expenditures by agencies of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 2258, 2259, 2343, 2357*.
523....	Temporarily reduces rate of tax on certain businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 2323, 2324, 2378, 2409, 2422*.
524....	Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 2266, 2333, 2339*.
525....	Apportions State Distributive School Account in State General Fund for 2005—2007 biennium. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 2302, 2324, 2343, 2346, 2347*.
526....	Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 2474, 2475, 2522, 2527*.
527....	Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 2488, 2513, 2527.

LISTING OF SENATE RESOLUTIONS AND ACTION THEREON

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

SENATE JOINT RESOLUTIONS

- No. *Summary, Introducer and Page Reference*
- 1.... Urges Congress to take certain actions concerning wilderness areas and wilderness study areas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 434, 1151, 1164, 1173*, 1198.
 - 2.... Urges President of United States to reverse his position on, and alternatively urges Congress to reject, his federal budget proposal to use money derived from sales of land in Nevada to lower federal deficit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Titus, Rhoads, Coffin, Wiener, Amodei, Beers, Care, Carlton, Cegavske, Heck, Horsford, Lee, Mathews, Raggio, Schneider, Tiffany, and Washington; Assemblymen Buckley, Mortenson, Ohrenschall, Manendo, Giunchigliani, Allen, Anderson, Arberry, Atkinson, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hardy, Hogan, Home, Kirkpatrick, Koivisto, Leslie, Mabey, McClain, McCleary, Munford, Ocegueda, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith. 72, 76, 78*, 100.
 - 5.... Proposes to amend Nevada Constitution to impose certain limitations on amount that Legislature or governing body of governmental entity may appropriate and authorize for expenditure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Beers, Cegavske, Hardy, Tiffany and Washington. 733.
 - 11.... Proposes to amend Nevada Constitution to provide that certain orders from courts which command or compel State or its political subdivisions to levy or increase taxes are not binding unless approved by Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Amodei. 109, 1210.
 - 12.... Urges President of United States to direct Secretary of the Interior to provide full funding for Clark County Sport Shooting Park. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Lee. 508, 509, 1238, 1250, 1275, 1288, 1307, 1309*, 1573.
 - 13.... Urges Congress to preserve Community Services Block Grant program as independent federal program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Human Resources and Education. 557, 565, 1200, 1217, 1229*, 1230, 1275.

SENATE JOINT RESOLUTIONS OF THE 72nd SESSION

- No. *Summary, Introducer and Page Reference*
- 11.... Proposes to amend Nevada Constitution to provide for payment of compensation to members of Legislature for each day of service during regular and special sessions and to provide for payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationery. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 1227, 1243*, 1291.

SENATE CONCURRENT RESOLUTIONS

- No. *Summary, Introducer and Page Reference*
- 1.... Provides for compensation of clergy for services rendered to Senate and Assembly during 21st Special Session and 73rd Session of the Nevada Legislature. Raggio and Titus. 60.
 - 2.... Declares 2005 as "The Year of Languages." Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener. 60, 61.
 - 3.... Designates the second Wednesday in April as "Service Animal Recognition Day." Committee on Human Resources and Education. 445, 446, 1150, 1163, 1189.
 - 4.... Designates February 17, 2005, as E Clampus Vitus Day at Nevada Legislature. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Home, Mabey, Manendo, Marvel,

No.

Summary, Introducer and Page Reference

- McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Seale, Sherer, and Sibley. 82, 106.
- 5.... Commemorates 100th anniversary of founding of Las Vegas and designates 2005 as “Las Vegas Centennial Celebration.” Senators Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Giunchigliani, Pierce, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Seale, Sherer, Sibley, Smith, and Weber. 104, 105, 134.
- 6.... Acknowledges February 23, 2005, as Rotary International Day in the State of Nevada. Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Washington, and Wiener; Assemblymen Ocegüera, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 113, 114, 141.
- 7.... Recognizes and commemorates month of February as African-American History Month in Nevada. Senators Horsford, Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener; Assemblymen Arberry, Horne, Atkinson, Perkins, Buckley, Allen, Anderson, Angle, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 148, 149, 154, 168, 172.
- 8.... Directs Legislative Commission to conduct interim study to develop plan to deconsolidate Clark County School District. Tiffany. 2474, 2527.
- 9.... Congratulates Dr. Donald K. Grayson for being selected as recipient of Nevada Medal given by Desert Research Institute. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 202, 220.
- 11.... Temporarily suspends subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2. Raggio and Titus. 265, 266, 311.
- 14.... Proclaims March 29, 2005, as Boys & Girls Club Day in Nevada. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gansert, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 372, 410.
- 15.... Commends participants in effort to prevent listing of sage grouse as threatened or endangered species and encourages continued conservation efforts. Committee on Natural Resources. 509, 510, 1137, 1140, 1166.
- 16.... Recognizes unveiling of statue of Sarah Winnemucca in National Statuary Hall in United States Capitol in Washington, D.C. and celebrates unveiling of replica of statue at Nevada State Capitol in Carson City. Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Carpenter, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 435, 481, 568.
- 18.... Recognizes mission and accomplishments of Nevada Alliance for Chronic Disease Prevention. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington; Assemblymen Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen,

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- Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 598, 600, 766.
- 19.... Commends Dean Richard Morgan and William S. Boyd School of Law for success of law school and contributions to betterment of State of Nevada. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Ocegüera, Horne, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 679, 825.
- 20.... Designates April 21, 2005, as Kiwanis Day in State of Nevada. Senators McGinness, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Sherer, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sibley, Smith, and Weber. 737, 1034.
- 21.... Urges Washoe County and City of Reno to study feasibility of collocating or unifying Justices' and Municipal Courts. Committee on Judiciary. 1191, 1192, 1256, 1279, 1311.
- 23.... Memorializes Tony Armstrong, beloved Mayor of City of Sparks. Senators Washington, Mathews, Raggio, Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, and Wiener; Assemblymen Anderson, Marvel, Smith, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber. 1116, 1138.
- 24.... Expresses support of Legislature for implementing standards for social studies curriculum offered in Nevada schools, particularly in area of civics and skills and values of citizenship. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington; Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1118, 1138.
- 25.... Commends Frank Lamping Elementary School on its visionary and ambitious science program. Senators Tiffany, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener; Assemblymen Sibley, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Smith, and Weber. 1142, 1166.
- 26.... Creates interim study of use, allocation and management of water resources in Nevada. Committee on Natural Resources. 2378, 2527.
- 27.... Memorializes eminent educator and coach Bud Beasley. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1153, 1154, 1156, 1185.
- 28.... Commends California/Nevada Automotive Wholesalers' Association on 50 years of distinguished service to its members. Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Ocegüera, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey,

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- Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1153, 1156, 1185.
- 29.... Acknowledges planning group established by Health Division of Department of Human Resources and Department of Education for collaborative commitment to design statewide policy to prevent obesity in Nevada. Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington; Assemblymen Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1164, 1189.
- 30.... Memorializes former First Lady Carolyn O'Callaghan. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1177, 1182, 1198.
- 31.... Memorializes former Governor Mike O'Callaghan. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1177, 1178, 1182, 1198.
- 32.... Commends Dr. Claude Perkins, former Superintendent of Schools in Clark County, for his service to Clark County School District and encourages naming of school in his honor. Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Horne, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1191, 1193, 1222.
- 33.... Recognizes Jake Waters as Children's Miracle Network Champion Child of Nevada. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1194, 1222.
- 34.... Memorializes Jackalyn Ross Laxalt, former First Lady of Nevada. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Marvel, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1202, 1236.
- 35.... Directs Legislative Commission to conduct interim study of measures needed to protect and maintain natural treasures of Nevada. Titus. 2378, 2527.
- 36.... Memorializes former Assemblywoman Eileen Brookman. Senators Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Giunchigliani, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1217, 1275.
- 37.... Congratulates Virginia City High School boys' basketball team for winning Nevada Interscholastic Activities Association 1A State Basketball Championship. Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads,

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- Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Grady, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1217, 1220, 1221, 1275.
- 38.... Expresses support for international education and foreign exchange student programs. Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Parks, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1230, 1275.
- 39.... Memorializes noted philanthropist and Nevada gaming pioneer Warren Nelson. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1230, 1232, 1275.
- 40.... Commends Las Vegas Dispensing Pharmacy for Medco Health Solutions, Inc., for its significant contribution of medicine to tsunami relief effort. Senators Tiffany, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener; Assemblymen Manendo, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1230, 1234, 1275.
- 41.... Congratulates Ryan Moore for amateur and collegiate victories in golf. Senators Townsend, Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1234, 1235, 1275.
- 42.... Declares that certain regulations to which Legislative Commission has objected will not become effective. Committee on Legislative Operations and Elections. 2219, 2236, 2239, 2303, 2333.
- 43.... Memorializes Judge John W. Barrett. Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber. 1304, 1573.
- 44.... Recognizes Southern Nevada Area Health Education Center for its contributions towards prevention of child abuse. Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Weber, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith. 1808, 2184.
- 45.... Supports repeal of Wright Amendment. Committee on Legislative Operations and Elections. 2103, 2111, 2332.
- 46.... Encourages Public Utilities Commission of Nevada to participate in discussions to upgrade electric transmission system in Western Interconnection. Committee on Legislative Operations and Elections. 2104, 2112, 2332.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY
Seventy-Third Session, 2005

<i>Title</i>	<i>Name</i>	<i>Mailing Address</i>
Speaker	Richard D. Perkins	328 Fife Street, Henderson 89015-2700
Speaker pro Tempore	Christina R. Giunchigliani	706 Bracken Avenue, Las Vegas 89104-1644
Chief Clerk	Nancy S. Tribble	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Third Session, 2005

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Carson City (part), Washoe (part), No. 40.....	Parnell, Bonnie (D)	804 Saratoga Way, Carson City 89703-3656
Clark, No. 1	Kirkpatrick, Marilyn K. (D)	4747 Showdown Drive, North Las Vegas 89031-2133
Clark, No. 2	Mabey, Garn (R)	1404 Silver Oaks Street, Las Vegas 89117-1456
Clark, No. 3	Pierce, Peggy (D)	5304 Gipsy Avenue, Las Vegas 89107-3847
Clark, No. 4	Allen, Francis O.(R)	P. O. Box 34718 Las Vegas, 89133-4718,
Clark, No. 5	Weber, Valerie E. (R)	10001 Harpoon Circle, Las Vegas 89117-0931
Clark, No. 6	Munford, Harvey J. J. (D)	809 Sunny Place, Las Vegas 89106-3637
Clark, No. 7	Arberry, Morse Jr. (D)	5300 W. Spring Mountain Road, #104, Las Vegas 89146-8721
Clark, No. 8	Buckley, Barbara E. (D)	5442 Holbrook Drive, Las Vegas 89103-2439
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Avenue, Las Vegas 89104-1644
Clark, No. 10	Hogan, Joseph M. (D)	2208 Plaza De La Candela, Las Vegas 89102-4043
Clark, No. 11	McCleary, Bob (D)	2205 Flower Avenue, North Las Vegas 89030-7159
Clark, No. 12	Ohrenschall, Genie (D)	1124 S. 15th Street, Las Vegas 89104-1740
Clark, No. 13	Christensen, Chad (R)	9101 W. Sahara Avenue, Suite 105, Las Vegas 89117-5799
Clark, No. 14	Koivisto, Ellen M. (D)	1147 Timber Ridge Court, Las Vegas 89110-2545
Clark, No. 15	McClain, Kathy (D)	2457 Swan Lane, Las Vegas 89121-5242
Clark, No. 16	Oceguera, John (D)	7655 Chaumont, Las Vegas 89123-1491
Clark, No. 17	Atkinson, Kelvin (D)	5631 Indian Springs Street, North Las Vegas 89031-5078
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122-6149
Clark, No. 19	Claborn, Jerry (D)	6617 Network Circle, Las Vegas 89156-7015
Clark, No. 20	Hardy, Joe (R)	P.O. Box 60306, Boulder City 89006-0306
Clark, No. 21	Seale, Bob (R)	1000 North Green Valley Parkway, #440, Henderson 89074-6172

<i>District</i>	<i>Name and Party</i>	<i>Mailing Address</i>
Clark, No. 22	Sibley, Scott (R).....	930 4th Street, Suite 100, Las Vegas 89101-6845
Clark, No. 23	Perkins, Richard (D)	328 Fife Street, Henderson 89015-2700
Clark, No. 28	Denis, Moises (D)	3204 Osage Avenue, Las Vegas 89101-1838
Clark, No. 29	Gerhardt, Susan I. (D).....	2245 North Green Valley Parkway, #512, Henderson 89014-5024
Clark, No. 34	Horne, William C. (D)	2251 North Rampart Blvd., No. 357, Las Vegas 89128-7640
Clark, No. 37	Conklin, Marcus (D)	1600 Palmae Way, Las Vegas 89128-3244
Clark, No. 41	Parks, David R. (D).....	P. O. Box 71887, Las Vegas 89170-1887
Clark, No. 42	Mortenson, John H. (Harry) (D).....	3930 El Camino Road, Las Vegas 89103-2221
Douglas, Carson City (part), Washoe (part), No. 39.....	Hettrick, Lynn (R).....	1475 Glenwood Drive, Gardnerville 89460-8981
Elko, Humboldt (part), No. 33 ..	Carpenter, John C. (R)	P. O. Box 190, Elko 89803-0190
Esmeralda, Lincoln, Mineral, Nye, Churchill (Part) No. 36	Sherer, Rod (R)	2091 Zuni Avenue, Parump 89048-4811
Eureka, Pershing, White Pine, Churchill (part), Humboldt (part), Lander (part), Washoe (part) No. 35.....	Goicoechea, Pete (R)	P. O. Box 97, Eureka 89316-0097
Humboldt (part), Lander (part), Washoe (part), No. 32.....	Marvel, John (R)	P. O. Box 1270, Battle Mountain 89820-1270
Lyon, Storey, Carson City (part) Churchill (part), No. 38 ...	Grady, Tom (R).....	43 Fairway Drive, Yerington 89447-2170
Washoe, No. 24	Holcomb, Brooks (R).....	705 S. Brookfield Drive, Reno 89503-2616
Washoe, No. 25	Gansert, Heidi S. (R)	316 California Avenue, #302, Reno 89509-1650
Washoe, No. 26	Angle, Sharron (R).....	1802 Rainbow Ridge Road, Reno 89523-1847
Washoe, No. 27	Leslie, Sheila (D)	825 Humboldt Street, Reno 89509-2009
Washoe, No. 30	Smith, Debbie (D).....	3270 Wilma Drive, Sparks 89431-1173
Washoe, No. 31	Anderson, Bernie (D).....	747 Glen Meadow Drive, Sparks 89434-1536

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Seventy-Third Session, 2005

<i>Name</i>	<i>Title</i>	<i>City</i>
Diane Keetch	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk.....	Schurz
Matthew Baker	Journal Clerk.....	Carson City
Kathryn Fosnaugh	Recording Clerk	Carson City
Jason Hataway	Media Clerk.....	Carson City
Kasey Sheldon	Document Clerk	Yerington
Terry Sullivan	Sergeant at Arms.....	Washoe Valley
Robin Bates	Deputy Sergeant at Arms	Gardnerville
Casey Bales	Assistant Sergeant at Arms	Mesquite
Steven Henricksen	Assistant Sergeant at Arms	Reno
Kathleen Maskaly	Assistant Sergeant at Arms	Carson City
Kyle Wentz	Assistant Sergeant at Arms	Reno
June Rigbsby	Director of Administrative Services	Carson City
Theresa Horgan	Assistant Director of Administrative Services	Carson City
Kathryn Alden	Speaker's Executive Assistant.....	Carson City
Jennifer Arias.....	Leadership Attaché—Research.....	Reno
Ethan Guillen.....	Leadership Attaché—Public Relations.....	Fallon
Dylan Shaver	Leadership Attaché—Receptionist.....	Reno
Marge Griffin.....	Speaker pro Tempore's Executive Attaché	Carson City
Barbara Houger	Majority Floor Leader's Executive Assistant.....	Carson City
Nenita Wasserman.....	Minority Floor Leader's Executive Assistant.....	Carson City
Kerry Porec.....	Assistant Majority Floor Leader's Executive Attaché	Carson City
Christina Bailey	Assistant Minority Floor Leader's Executive Attaché	Carson City
Laurel Armbrust	Majority Whip's Executive Attaché	Gardnerville
Kathryn Oetting	Minority Whip's Senior Attaché	Reno
Sheree Rosevear	Minority Whip's Senior Attaché	Silver City
Julie Morrison	Assistant Majority Whip's Attaché	Reno
Patricia Hutson	Assistant Majority Whip for Procedure's Attaché	Carson City
Jasmine Shackley	Senior Committee Manager/Personal Attaché	Carson City
Millicent Jorgenson	Committee Manager/Personal Attaché	Carson City
Rachel Pilliod	Committee Manager/Personal Attaché.....	Reno
Deanna Duncan	Committee Manager.....	Minden
Angela Flores.....	Committee Manager.....	Carson City
Linda Utt.....	Committee Manager.....	Carson City
Judy Maddock	Committee Manager/Committee Attaché	Carson City
Sheila Sease	Committee Manager/Committee Attaché	Carson City
Stacy Shaffer	Assistant Committee Manager.....	Carson City
Cynthia Carter	Ways and Means Committee Manager.....	Carson City
Connie Davis	Lead Ways and Means Committee Attaché	Carson City
Anne Bowen	Ways and Means Committee Attaché	Carson City
Susan Cherpeski	Ways and Means Committee Attaché.....	Carson City
Lila Clark.....	Ways and Means Committee Attaché.....	Carson City
Linda Smith	Ways and Means Committee Attaché.....	Dayton
Carol J. Thomsen.....	Ways and Means Committee Attaché.....	Carson City
Mirenda Haywood.....	Ways and Means Receptionist/Committee Attaché	Carson City
Vanessa Brown.....	Committee Attaché	Reno
James Cassimus	Committee Attaché	Carson City
Mary Garcia	Committee Attaché	Carson City
Sarah Gibson	Committee Attaché	Carson City
Celeste Gunther	Committee Attaché	Carson City
Nancy Haywood	Committee Attaché	Gardnerville
Jane Oliver.....	Committee Attaché	Gardnerville
Paul Partida.....	Committee Attaché	Carson City
Linda Ronnow	Committee Attaché	Gardnerville

<i>Name</i>	<i>Title</i>	<i>City</i>
Michael Shafer.....	Committee Attaché	Carson City
Gregory Sharry.....	Committee Attaché	Carson City
Carole Snider.....	Committee Attaché	Carson City
Kyle Zive.....	Committee Attaché	Reno
Katherine Andrews.....	Committee Assistant	Reno
Matthew Mowbray.....	Committee Assistant	Reno
Shari Andreasen.....	Personal Attaché	Carson City
Susan Bailey.....	Personal Attaché	Carson City
Patricia Baker.....	Personal Attaché	Carson City
C. Ryan Bauman.....	Personal Attaché	Carson City
Mary Bean.....	Personal Attaché	Carson City
Chelsea Bibb.....	Personal Attaché	Reno
Sylvia Brown.....	Personal Attaché	Minden
MaryLou Burks.....	Personal Attaché	Minden
Patrick Cowan.....	Personal Attaché	Carson City
Ann Marie Cutkosky.....	Personal Attaché	Gardnerville
Keris Dahlkamp.....	Personal Attaché	Gardnerville
Vicky Goodson.....	Personal Attaché	Carson City
Donna Hancock.....	Personal Attaché	Carson City
Joyce Hess.....	Personal Attaché	Virginia City
Novella Kowallek.....	Personal Attaché	Reno
Carol Loomis.....	Personal Attaché	Minden
Christopher Mayhew.....	Personal Attaché	Reno
Carolyn Maynick.....	Personal Attaché	Carson City
Toshiko McIntosh.....	Personal Attaché	Carson City
Alan Mills.....	Personal Attaché	Reno
Linda Paul.....	Personal Attaché	Carson City
Loretta Peterson.....	Personal Attaché	Carson City
Helen Poupeney.....	Personal Attaché	Dayton
Ashley Smith.....	Personal Attaché	Reno
Jerry Stacy.....	Personal Attaché	Reno
Janet Stokes.....	Personal Attaché	Carson City
Victoria Thompson.....	Personal Attaché	Carson City
Maxine Milabar.....	Lead Proofreader.....	Reno
Stephanie Elliott.....	Senior Proofreader	Carson City
Michael Nakamoto.....	Proofreader.....	Reno
Bruce Pfeiffer.....	Proofreader.....	Carson City
Jerry Pieretti.....	Proofreader.....	Carson City
William Souigny.....	Document Processing Center Supervisor	Carson City
June Bennett.....	Minutes Coordinator/Data Entry Technician	Carson City
Gwenavere Dally.....	Assembly Attaché.....	Carson City
Norm Budden.....	Director of Bill Services	Carson City
Mary Carel.....	Assistant Director of Bill Services	Carson City
Diane Bacus.....	Bill Services Attaché.....	Reno
Brandi Colunga.....	Bill Services Attaché.....	Carson City
John Davis Jr.	Bill Services Attaché.....	Carson City
Gail Eller.....	Bill Services Attaché.....	Carson City
Mark Frady.....	Bill Services Attaché.....	Carson City
Joyce E. Ghiselli.....	Bill Services Attaché.....	Carson City
Don Hataway.....	Bill Services Attaché.....	Carson City
Stephen Honey.....	Bill Services Attaché.....	Carson City
Laverne LaFleur.....	Bill Services Attaché.....	Carson City
Lois Lahair.....	Bill Services Attaché.....	Dayton
Teresa Love.....	Bill Services Attaché.....	Carson City
Bob Maynick.....	Bill Services Attaché.....	Carson City
Reid Meyer.....	Bill Services Attaché.....	Carson City
Robert Murphy.....	Bill Services Attaché.....	Carson City
Elaine Quilici.....	Bill Services Attaché.....	Carson City
Frank Tetz.....	Bill Services Attaché.....	Carson City

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-THIRD SESSION

THE FIRST DAY

CARSON CITY (Monday), February 7, 2005

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Dean Heller at 12:08 p.m.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats, Carson City, Nevada.

To the One who unites us, be Thou our vision, be our inspiration. Beyond dividing political lines, bring us to work together in the diversity of Nevada. Call us to a vision of wholeness and peace for all Your people. Give us courage to leave behind our fears and prejudices, to be willing to leave behind our vested interests, to work for the health and welfare of all Your people, including those generations to come.

Today we ride into Your new future, filled with Your hope, freely giving our lives and our creativity on behalf of all Your people. Sustain us, we pray.

AMEN.

Presentation of the Colors by the Nevada Air National Guard.

Special musical rendition of the National Anthem by Master Sergeant Rick Hays of the Nevada Air National Guard.

Pledge of Allegiance to the Flag.

Special musical rendition of "God Bless America" by Master Sergeant Rick Hays of the Nevada Air National Guard.

Special musical rendition of the Battle Hymn of the Republic and America the Beautiful by the Carson Chamber Choir, conducted by Mrs. Judy Monson.

Mr. Secretary of State requested Ms. Nancy Tribble to serve as temporary Chief Clerk of the Assembly.

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

Roll called.

Present: Assemblymen Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber.

Mr. Secretary of State appointed as a committee Assemblywoman McClain and Assemblyman Manendo to escort Chief Justice Nancy A. Becker of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

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

Chief Justice Becker administered the oath of office to the Assemblymen.

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

Roll called.

Present: Assemblymen Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber.

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

Motion carried unanimously.

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

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

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblywoman Buckley nominated Assemblyman Perkins for Speaker.
Remarks by Assemblywoman Buckley.

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Secretary of the State. As we convene this Seventy-third Session of the Nevada Legislature, our state faces many challenges. We must improve our school system so that our children are ready for success. We must improve health care in Nevada to remove Nevada from being the fourth-highest rate of uninsured, with our emergency rooms clogged. We must manage the fiscal affairs of this state in a way that is prudent but considers the long-term needs of our state.

Our success or failure in meeting these challenges will depend a lot on the leaders whom we elect. The choice of Speaker has momentous consequences. The formal duties of the Speaker are well defined. The Speaker is the presiding officer over this Body, rules the proceedings, maintains order and decorum, and signs all necessary bills and resolutions that this Body passes. The power of the Speaker extends far beyond the walls of this Chamber. As the acknowledged leader of the majority, the Speaker's influence both in and out of the Legislature ranks him as one of the highest elective legislative positions, next to the Governor.

Our colleague from Henderson is eminently qualified for this post. Richard Perkins is a native of Nevada, something that most of us from southern Nevada have difficulty saying. He was elected to the Assembly in 1992, and has been a member of this Body and served as Speaker for the last two sessions. Of course, this is a citizens' Legislature, and like most of us, Richard has a life outside this body; a wife Terri, in front of me here, and five children. I think we have three present today. For more than 20 years, he has been a member of the Henderson Police Department, starting as a beat cop, rising to the Deputy Police Chief. From his background in law enforcement, he brings us a unique perspective and understanding and knows what it is like to put your life on the line to protect the public. In both his private and public life, he believes in making our state a better place. He is a man of action and not many words.

Those of us who have worked with Rich Perkins know him to be bright, hard-working, fair, compassionate, and caring. It is for these reasons that I nominate my colleague, my mentor, and my friend, Richard D. Perkins, to be Speaker of the Assembly.

Assemblyman Hettrick moved that nominations be closed.

Motion carried unanimously.

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

Mr. Secretary of State appointed Assemblyman Anderson and Assemblywoman Gerhardt as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

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

Motion carried unanimously.

Mr. Speaker appointed Assemblyman Carpenter and Assemblywoman Ohrenschall as a committee to escort the Secretary of State to the Bar of the Assembly.

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

Remarks by Mr. Speaker.

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

MR. SPEAKER:

It is customary for the Speaker to make brief remarks on Opening Day. I have done it myself every session since 2001. The Speaker's words are usually one part ceremony and one part pep rally. Not today. Today I'm going to talk frankly about the mistakes I think we made in 2003 and the ways that I think we are going to avoid repeating them this session. Admit it: in the last legislative session, we did a disservice to our constituents. I am not talking about policy mistakes or errors in processing this bill or that. It was worse. We made the joint mistake of false pride and misplaced loyalty. We, all of us, myself included, allowed ourselves to get sucked into behavior that not only delayed action, it demeaned the institution we serve. We damaged long-term relationships. Minority Leader Hettrick and I have served together for more than a decade. In 2003 we abandoned that working relationship in favor of partisan bickering. Mr. Hettrick, we need to work together, and I pledge to do my part. Mr. Carpenter and Mr. Marvel were men I had looked up to since my arrival in the Assembly. In 2003, I foolishly set aside that respect. For that, I apologize. But this is a new session. The past is behind us, and we're not going back there again, period. Always remember: we are all Nevadans, first.

This year we have different challenges. I hope we now will also have a different approach to solving them. So while I take this opportunity to welcome each of you in ceremonial fashion, I also want to talk about how we should get down to doing the people's business. Now. This needs to be a session of action, and that's going to start right away. Let me give you two examples. In 2004, the people of Nevada overwhelmingly approved a ballot measure to raise the minimum wage. As you know, this question will have to be voted on in 2006 in order for it to take effect. I say we pass it now. There is no reason why working men and women should be forced to wait two more years for something as basic as a decent living wage. We don't need polls to tell us this is the right thing to do right now. We are going to pass the minimum wage bill out of this House in our first month of work. Its time has come.

While we are quickly addressing the immediate needs of wage-earning families, we are also going to address the future of their children's education. In his State of the State address two weeks ago, Governor Guinn stood in this chamber and graciously asked us to approve bonding capacity to save the Millennium Scholarship. With due respect to the Governor, I disagree. The Millennium Scholarship is truly one of Nevada's great successes. The program was far-sighted, bipartisan, and results-oriented. We do not need to mortgage our children's financial future in order to ensure the future of their education.

I believe there is sufficient revenue in the state surplus, together with the funding stream from Unclaimed Properties, to endow the Millennium Scholarships now, without selling state bonds. We have the money to do the right thing, so let us do it.

Doing the right thing is not always easy. Far too often, I think, we allow the process to get in the way of what we know is right. This session can be different. We can do the right thing and do it now. But let me tell you one thing we are not going to do in this house this year. We are not going to legalize marijuana. After putting criminals in jail for more than 20 years, I can tell you legalizing pot is the wrong thing to do, now or ever. Over 80 percent of the inmates now in Nevada prisons are drug users. The link between drug use and crime is clear. I am not going to make it any easier, not on my watch. Instead, we should turn our attention to issues that matter to Nevadans.

I have spent much of my time since the last session traveling to all corners of this state. People are concerned about us, my friends. Us. Elected officials. The scandals that have plagued elected officials in the past few years have tarnished us all. In order to restore the public's faith in our institutions, we must act now to police ourselves and be tougher on those who would use government to their advantage. That's why I put together a package, along with Attorney General Brian Sandoval, to put some teeth in our ethics laws. We are going to begin putting criminal penalties in the law for false filings, stiffening penalties in other areas, and clarifying that willful violations cannot be explained away with an "Oh-but-I-didn't-really-mean-it"

defense. Our package will create a “three strikes and you’re out” policy for repeat violators. And it will make a violation of the Open Meeting Law an immediate ethics violation to be counted on the three-strikes list.

Public integrity should always be at the forefront of our minds. But now, more than ever, we owe it to the citizens of this state, some of whom are sacrificing their lives in a war thousands of miles away, to do the people’s business in a way that makes them proud. I think this is the perfect session to extend the gratitude I know each of you feel to the men and women who serve America in the military. Let us begin by asking every veteran or active military member in this chamber and in the audience to stand and be recognized. As well, and they have already stood, we have with us some military guests.

Brigadier General Randal Sayre, please stand again, Brigadier General Lawrence Cerfoglio, Colonel Cindy Kirkland, Major General Giles Vanderhoof, welcome again, and Chief Cindy Sullivan. Welcome to our chambers, and thank you for what you do for our country.

Ladies and gentlemen, we can do more than just applaud these folks. Today I am proposing a three-part program to express the gratitude of the people of Nevada for the men and women who are called into active duty as members of the Nevada National Guard. First, we will provide for a sales tax exemption for the families of those called into active duty. We do this today for non-profits, so it will be easy to do it for Guard families. Second, while I hope none are redeemed, we will institute a \$250,000 life insurance policy for all Nevada National Guard members called to active duty. Lastly, I am calling upon Nevada banks, mortgage companies, and financial institutions to allow for a “mortgage amnesty” when a Guard member is called into active duty. These citizen soldiers often leave behind high-paying jobs when they are called. They should not have to lose their homes while they forego their private income to keep us safe. When they return from duty, they can pick up where they left off. I know that Assemblymen like Mr. Anderson, Mr. Grady, Mr. Hardy, Mr. Hogan, Mr. Marvel, Mr. McCleary, and Mr. Parks, who are themselves veterans, will join me in this effort now, when it is most important.

You know as well as I do that military families are not the only ones suffering with issues like mortgage payments and, most importantly, property taxes. Governor Guinn said he looked forward to working with the Legislature in providing property tax relief. Today I am offering one solution. I propose that property tax relief come in the form of an exemption of the first \$50,000 of taxable valuation. In keeping with our state’s tradition of protecting each resident’s primary home, this has been commonly referred to as the Homestead Exemption. The plan is simple. A house taxed today on \$200,000 of value will now be taxed on only \$150,000 of value. Due to the phenomenal growth of tax valuations, this formula will not adversely impact local governments, but it will provide relief for Nevadans like our seniors and young families just trying to get started.

As I said, this needs to be a session of action. Nevada voters are waiting for us to tackle the issues that matter. Before I conclude, I would like to touch on two more of these issues, health care and education. Governor Guinn spoke forcefully and meaningfully about the need to hold school principals accountable. I could not agree more. But I also believe we can do more, and we can do it now. We don’t need a commission to study this. We need action. I am calling on Chairwoman Parnell and the Education Committee to quickly and meaningfully address teacher and classroom accountability measures. It is important to hold principals accountable, but it is also important to hold teachers, superintendents, and the rest of our educational system accountable. Nevada students deserve no less.

I also believe that we need to be held more accountable for the way we treat our teachers. A 2000 Legislative Audit found that the average classroom teacher in grades K-6 spends \$500 of his or her own money on classroom supplies. We have let them down. This Legislature can and should provide funding to send every elementary school teacher a check for \$500 in the first year of the biennium. This should be in addition to addressing teacher salaries. It’s a short-term answer, I know, but it’s a step in the right direction. The long-term answer will come when we pass a statewide lottery to provide more than \$40 million a year in dedicated, stable funding for books, computers, and classroom materials. We can do it. We can do it now. And we will.

But we can do more. Health care, for example. I want to call on Majority Leader Buckley, Chairwoman Leslie, Chairwoman Koivisto, and our two doctor-legislators, Dr. Mabey and Dr. Hardy, for help in solving some of our medical challenges. This week, some 300,000 of

southern Nevada's public servants and casino workers will be left without hospital coverage. Why? Because out-of-state health care corporations are refusing to agree to sensible coverage plans. Ladies and gentlemen, enough is enough.

Every two to three years the health care delivery system in Las Vegas reaches another crisis. We need to find the root cause now, before the next crisis is upon us. We also need legislation that prohibits these out-of-state corporations from harvesting our pocketbooks to ship millions of dollars back East. I propose that we look at a Community Reinvestment Act for Health Care modeled on the financial services industry. This would require hospitals to invest a percentage of their profits into local programs before they pay off corporate headquarters.

Obviously, I will be counting on each of you to help make these ideas and others a reality. I believe we can do it, and we can do it together. This "session of action" should be known for a sense of bipartisan workmanship. There is no reason for grandstanding, obstruction, or infighting. The people are fed up with us. They expect action now. And as the leader of this Chamber, I intend to do everything in my power to make sure they get it.

I am not the Speaker of southern Nevada. I am not the Speaker of one party, any more than you are the representative of one district or one political platform. It is my sincere hope that when we come to this Body, we can put all those labels aside. We are working for the betterment of all Nevadans, and that work is waiting for us to do now.

The challenges I have made to you today will not be met unless we work together. Let us make this a legislative session that will be remembered, not for its length, but for the quality and quantity of what we accomplished. It's time again to be Nevadans first and partisans second. Thank you. Now let's get to work.

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

Assemblyman Arberry nominated Assemblywoman Giunchigliani for Speaker pro Tempore.

Remarks by Assemblyman Arberry.

Assemblyman Conklin moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Giunchigliani to be Speaker pro Tempore of the Assembly.

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

Assemblyman Parks nominated Ms. Nancy Tribble to be Chief Clerk.

Assemblywoman Weber moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Nancy Tribble to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Ocegüera, Leslie, and Hardy as a committee to inform the Senate that the Assembly was organized and ready for business.

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

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

Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 1:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera reported that his committee had informed the Senate that the Assembly was organized and ready for business.

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

A committee from the Senate composed of Senators McGinness, Heck, and Lee appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assemblywoman Buckley moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 7, 2005, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ASSOCIATED PRESS: Kathleen Hennessey, Brendan Riley, Elizabeth White; CREATIVE IMAGES PHOTOGRAPHY: Daniel Nollsch; ELKO DAILY FREE PRESS: Samuel Brown; KLAS-TV: Matthew E. Adams, Richard Czarny, Brandon Eisenberg, George Knapp, Colleen McCarty, Lindsay Patterson, Cory Royer; KNPB-TV Channel 5: Beth Bornhoft, Erin Meehan Breen, Tom Drakulich, Ryan C. Jerz, Justin Reed, Dave Santana, Katie Smith; KOH 780 AM: Ande Engleman; KOLO-TV: Edward Barnett, Mark Andrew Cronon, Timothy Ill, Justin Kanno, Habib Obi, Ed Pearce, Terri Russell, James Steiner, Karen Todd, Kara Tsuboi; KRNVT-TV News 4: Kausik Bhakta, Valerie Bischoff, Josh Brackett, Victoria Campbell, Hetty Chang, Jeff Deitch, Gene Kennedy, Chuck King, Melissa Santos, Michael Thompson; KVBC-TV: Lisa Hidalgo, Zumi Hidalgo; KVVU-TV FOX 5: Lorraine Blanco; LAS VEGAS REVIEW-JOURNAL: Kevin M. Cannon, Erin Neff, Sean Whaley, Ed Vogel; LAS VEGAS SUN: Cy Ryan; NEVADA APPEAL: Geoff Dornan; NEVADA OBSERVER: Johnny Gunn; NEW YORK TIMES: John M. Broder; RENO GAZETTE-JOURNAL: Andy Barron, Anjeanette Damon, Lisa Tolda, Candice Towell; SAM SHAD PRODUCTIONS: Lisa Jansen, Marlene Lockard, Sam Shad; SENIOR SPECTRUM NEWSPAPER: Connie McMullen; WE THE PEOPLE: Shayne Del Cohen.

Motion carried.

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

COMMERCE AND LABOR—

Buckley, Ocegüera, Anderson, Arberry, Conklin, Giunchigliani, McClain, Parks, Perkins, Allen, Gansert, Hettrick, Seale, Sherer.

EDUCATION—

Parnell, Smith, Atkinson, Horne, McCleary, Manendo, Munford, Angle, Hardy, Holcomb, Mabey.

ELECTIONS, PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS—

Koivisto, Mortenson (Co-chair), Conklin (Co-vice chair), McCleary (Co-vice chair), Denis, Giunchigliani, McClain, Munford, Angle, Gansert, Holcomb, Seale, and Sibley.

GOVERNMENT AFFAIRS—

Parks, Pierce, Atkinson, Claborn, Kirkpatrick, McCleary, Munford, Parnell, Christensen, Goicoechea, Grady, Hardy, Sibley.

GROWTH AND INFRASTRUCTURE—

Perkins, Giunchigliani, Anderson, Kirkpatrick, Leslie, Mortenson, Parks, Pierce, Allen, Grady, Hettrick, Sibley, Weber.

HEALTH AND HUMAN SERVICES—

Leslie, McClain, Gerhardt, Horne, Koivisto, Parnell, Pierce, Angle, Hardy, Mabey, Weber.

JUDICIARY—

Anderson, Horne, Buckley, Conklin, Gerhardt, Manendo, Mortenson, Ocegueda, Ohrenschall, Allen, Angle, Carpenter, Holcomb, Mabey.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

Claborn, Atkinson, Denis, Hogan, Kirkpatrick, Ohrenschall, Smith, Carpenter, Goicoechea, Grady, Marvel.

TRANSPORTATION—

Ocegueda, Ohrenschall, Atkinson, Claborn, Gerhardt, Hogan, Manendo, Carpenter, Christensen, Goicoechea, Sherer.

WAYS AND MEANS—

Arberry, Giunchigliani, Denis, Hogan, Koivisto, Leslie, McClain, Perkins, Smith, Gansert, Hettrick, Marvel, Seale, Weber.

MAJORITY FLOOR LEADER—

Barbara E. Buckley.

ASSISTANT MAJORITY FLOOR LEADER—

John Ocegueda.

MAJORITY WHIP—

Bernard Anderson.

ASSISTANT MAJORITY WHIP—

Sheila Leslie.

ASSISTANT MAJORITY WHIP FOR PROCEDURE—

Genie Ohrenschall.

MINORITY FLOOR LEADER—

Lynn C. Hettrick.

ASSISTANT MINORITY FLOOR LEADER—

Garn Mabey.

MINORITY WHIP—

Valerie Weber.

MINORITY WHIP—

Heidi Gansert.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, February 1, 2005

THE HONORABLE WILLIAM J. RAGGIO, THE HONORABLE RICHARD D. PERKINS, NEVADA

LEGISLATURE, 401 S. CARSON STREET, CARSON CITY, NEVADA 89701

DEAR SENATOR RAGGIO AND SPEAKER PERKINS:

Please find enclosed my message to the 73rd Session of the Nevada Legislature. As you know, I delivered the message, as required by Article 5, Section 10, of the Nevada Constitution, earlier to a gathering of your colleagues and other guests on Monday, January 24, 2005, in the Assembly Chambers in Carson City.

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

Sincerely,

KENNY C. GUINN
Governor

Assemblywoman Buckley requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 24, 2005, be entered in the Journal.

Thank you, Speaker Perkins. I want to thank Majority Leader Raggio, Lieutenant Governor Hunt, certainly members of the State Assembly, the Senate, honorable judges of the Supreme Court, our constitutional officers, of course the distinguished guests who are here tonight, and my fellow citizens all across this great state. I want to say good evening to you and then I want to say I am very excited about being here tonight, this night, because it is a special night for me, having been before you over the last three sessions. Tonight is an exciting time. I would like to begin by making a heartfelt acknowledgment of my lovely wife, Dema, who is seated in the audience with my family; my two sons, Jeff and Steve, and their wives, Monica and Wynn; my sister, Shirley; and my grandson, Blake. Dema, you have been at my side every step of the way as Governor. You have had a tremendous influence on Nevada as our First Lady. You have championed health issues for women and children, and you have led the way on a great number of historic preservation efforts. Dema, thank you for everything that you have done for our family and what you have done for our Nevada family. Thank you very much.

Governor Mike O'Callaghan was a great leader of this state. And he was a true friend to many of us. He was a strong man, with a strong spirit. So strong, in fact, that if we make any bad decisions this session, we will no doubt hear from him. Carolyn O'Callaghan and Jackie Laxalt were two of the most graceful, witty, and intelligent First Ladies in our history. And although these great Nevadans are no longer with us, their influence on our state will remain forever. Please join me in a moment of silent reflection for three very notable Nevadans.

Thank you very much. We have a very special guest with us tonight representing our National Guard, who embodies the spirit of our state. Nevada has one of the highest percentages of National Guard members serving in Iraq and Afghanistan and other foreign lands. We have more than 750 members of our Air and Army Guard, as well as other military personnel who are dedicating themselves to the wartime effort. They are men and women like Sergeant Henry Lujan, from Henderson. Sergeant Henry Lujan was wounded in Iraq when a truck he was riding in was attacked by terrorists. This is an extraordinary man. As a cancer survivor he could have avoided the rigors of war, but his love for his country exceeded his personal concerns. He insisted it was his duty as a Nevada National Guardsman and as an American to serve his country in a time of war. Sergeant Lujan, would you please stand. Thank you very much. Thank you, Sergeant Lujan. We are proud of you and all of our men and women in our military. Thank you for being with us tonight. It is an honor, sir. Thank you very much. Thank you.

During my last State of the State Address, I said we were at a crossroads, and it was time for Nevada to choose its path. I want to say to all of you tonight, we chose wisely. I am proud to report that the state of our state is strong; in fact, it is very strong. The state's economy is firing on all cylinders. Our gaming and tourism industries have rebounded strongly. A record 50 million tourists came to our state last year alone and they spent more money than ever before. Our economy is also diversifying and growing every day. Las Vegas is constantly and consistently the country's fastest-growing market for small business and it is a major one. Chief executives across the land rank Nevada as the second-best state in the country to do business. This has allowed us to broaden and stabilize our revenue streams so that we can meet the needs of today and prepare for the challenges of tomorrow. Nevada has its lowest unemployment rate on record. Let me repeat this remarkable feat: the lowest unemployment rate on record. We are nearly two points below the national average. With 50,000 new jobs in 2004, Nevada remains a place where dreams can be fulfilled. We are creating these new jobs at a faster rate than any other state in the country. And these are good jobs, they are quality jobs. They are jobs that offer

livable wages and benefits for our working families. Given this news, it is no surprise that so many people want to come here and enjoy the wonderful opportunities and lifestyle that Nevada has to offer.

Yes, even the state of the budget is strong. And I commend this Legislature for helping to put Nevada on a stable course. Now that times are good, let us not forget that our Rainy Day Fund has shielded us in the past from devastating economic hardships. We need to be careful in these good times to save for tomorrow. Together we have diligently sought to strike a balance between providing for the needs of our citizens and protecting our fantastic business environment. We need to continue with these efforts. I want to strengthen our future by saving for a rainy day. My budget ensures that a total of \$200 million will be deposited into the state's Rainy Day Fund. By investing in this Fund, we will be protecting our citizens from future hardship. We have to remember that when tough times come, in Nevada they come quickly. This \$200 million provides us with needed insurance should our economy falter.

As guardians of the public trust, join me in supporting this very important savings plan. Because of the strength of our gaming and tourism industry and the broadening and stabilizing of our revenue streams, we will be able to do more this session than just save for a rainy day, and do a lot more. It is time that the people of Nevada see a direct benefit from the investments they have made. I am proposing that \$300 million be given back to the taxpayers. \$300 million. As your Governor, I have reviewed our revenues and expenditures and given our funding priorities serious consideration. Over the last six years as your Governor, I have always believed that we must fund our top priorities with reasonable allocations, and, while being fair to the taxpayers, we must do this. After funding these priorities, our state is still experiencing a surplus. I believe the right thing to do is to get this money back into the hands of as many taxpaying Nevadans as possible. Now, while it is worthy of debate, perhaps, I will tell you you will get no argument from the voters I have spoken to, except for how soon they will get it.

Through my plan for a DMV registration rebate, the registration and fees that you paid in 2004, up to \$300 per registration for each car, each motorcycle, RV, or trailer that you registered, will be sent to you as soon as my budget has been approved by the Legislature. The rebates on two million vehicles will be a welcome addition to peoples' pocketbooks and will serve as a continued stimulus to our booming economy that we have in Nevada. I have faith that the families of Nevada know best how to spend this \$300 million rebate.

We all know it is vital that property tax relief be discussed in great detail beginning in the earliest days of this session. Property owners, particularly seniors on fixed incomes and working families, are worried about this seemingly overnight jump in their property taxes. Just the other day I read an article about a retired married couple, William and Janet Rhoden, who moved to Las Vegas from Chicago in 1992. The taxable value of their home in Summerlin, in southern Nevada, has gone up 41 percent this last year. William went to the county Board of Equalization and pleaded with the board. He said, "I am asking this group to give us relief, whatever you can do." Sadly, nothing could be done for them. I feel for a couple like the Rhodens, and I am sure you do, too. We need to find relief for William and Janet, and the thousands and thousands of other homeowners in Nevada who are facing this punishing burden.

I encourage you to have lively debate on this issue. Working with local governments, school boards, and taxpayers, we can provide a solution that protects our home and property owners, all across this state. At the same time, we can protect the services they expect. I am calling upon our Legislature and our local governments to commit themselves to work with great focus on this issue of critical importance to our citizens. The people of Nevada deserve the best work we can produce, and I know together we are up to this task. And my pledge to the people of Nevada is this: we will not rest until property tax relief is a reality.

This is the fourth and final time I have been privileged to stand before you to deliver a State of the State Address. I am proud to say that this \$5.7 billion budget has been thought out in great detail. I believe there is strong justification for the programs presented to you. This budget promotes a Nevada built on partnership and progress, a Nevada that rewards the needs, the energy, and the passion of its citizens.

All my life, and throughout my two terms as your Governor, my focus has been and will be education. Each time I have stood before you, I have focused my passion on the service we provide that has the power to change one's life. Education is not part of my agenda; it is my

agenda. The Millennium Scholarship is changing the future of our state. More than 40,000 students have qualified for the program. Yes, that is 40,000 bright, young Nevadans. And last year we graduated the first class of Millennium Scholars. This year, almost 18,000 students are taking advantage of this wonderful opportunity. Enrollment in our institutions of higher learning is now at record levels. We know what this means for the future of our state: the best-educated workforce in our state's history. My budget accommodates the more than 7,000 bright and energetic new students who will be arriving on our campuses over the next two years. Our professional staff, our libraries, our laboratories, and classrooms must keep pace with this growth. I am providing higher education with an additional \$250 million for much-needed faculty, infrastructure, and research.

When you travel the state, you feel the excitement that our young people have for the Millennium Scholarship. You can see it in their eyes. You hear it in the voices of their parents and their grandparents. And last spring I met Candice DeGuzman. Her parents are immigrants from the Philippines. If not for the Millennium Scholarship, she would have sought her education outside of our state at the University of Southern California, where she was heavily recruited. She has since graduated from UNLV and just finished her first semester at the University of Nevada School of Medicine. Candice is here tonight and she is one step closer to realizing her family's lifelong dream for her to become a doctor. Candice, where are you? Stand up, Candice. USC got the national championship and we got Candice. We would much rather have you, Candice. I just want to say to Candice, you are an important part of helping make her dream come true. The Millennium Scholarship is working. The best and the brightest young minds are staying in our state for college. No parent and no child should ever have to worry about how long the Millennium Scholarship will last. And that is why my budget provides for \$100 million in new state bonds so the Millennium Scholarship will be available to Nevada's students for years to come.

More critical to the future success of our state is our investment in the public schools, where formal education begins. Last session, we worked together so the children of Nevada would receive the quality education they deserve. The growth and diversity of our schools has never been greater. We will have 35,000 new students in our schools over the next two years. My budget meets this demand, with more than \$500 million in new money for kindergarten through the 12th grade. That is a continued funding for things such as teachers, their training, textbooks, and classroom supplies, which we must have. In total, I am investing close to \$2 billion for our students.

As many of you know, new state and federal standards, such as No Child Left Behind, are dictating how we evaluate our schools. It is good to have standards. They provide important factors to our schools and parents. I applaud our Legislature, which has consistently supported educational reform, higher standards, and accountability. Tonight, I am concerned because the state of Nevada has 120 schools classified as failures under this new system. Another 99 schools are on the warning list. Now, although there are many reasons why we have schools on these lists, we must work to find the best practices, the best methods, and the best allocation of our resources to help them achieve. Ultimately, this will provide the best hope for our children's success. As a state, we must give our students the support they need to meet and exceed our expectations.

In our schools, there's no substitute for strong, visionary leadership, for leaders who are willing to take chances today so that their students can grasp the hope of tomorrow. We already have many, many success stories in our state; schools that have defied the odds. They are blueprints for what can happen when at-risk schools become no-risk schools by implementing proven programs that help students achieve in key areas, especially reading. There are schools with visionary leadership and tireless faculties and staff. They have shown us the way, and we need to follow their footsteps. They are schools like Anderson Elementary in Reno. Under the leadership of principal Peter Hall, Anderson has gone from a school that did not make Adequate Yearly Progress for two years to what it is today, a high-achieving school. Anderson teachers have given their students a great gift: the love of reading. These kids simply devour their books. Their school has added an additional 90 minutes of literacy instruction onto the already district-mandated 90 minutes. They have made unbelievable gains, gains that we could all be proud of. There are schools like Corbett Elementary in Reno. Corbett has a lower-income

student population with limited English proficiency. Yet under the leadership of Principal Patricia Casarez, Corbett has met Adequate Yearly Progress standards for the past two years.

We have a great story in Clark County as well: schools such as Squires Elementary in North Las Vegas with 90 percent minority enrollment and 70 percent limited English proficiency. Squires set and met all of the goals during this last school year. This great school has been honored nationally as one of the two Nevada distinguished Title I schools. Current Squires principal Marcie McDonald could not be here tonight, but we do have the outstanding leader who began these efforts, Carol Lark. As principal for six years at Squires, she laid a foundation for true success. Please join me in recognizing Carol, Pete, and Patricia, who are here with us tonight. Thank you.

We want all of our schools to reach this level of success, and that is why we must be decisive. I am calling for a dedicated fund of \$100 million for our troubled schools. \$100 million. I am also proposing a blue-ribbon commission driven by leaders like the ones you just met. The Governor's Commission on Excellence in Education will oversee these unprecedented influxes of funding for public education. This investment in public education allows for the establishment of best practices for remediation programs at schools that most clearly need this funding. It could include special programs such as all-day kindergarten, increased emphasis on literacy, the hiring of more bilingual teachers, and professional staff development. It will empower the parents, the teachers, and principals who know what their children need.

I will mandate a system of checks and balances to ensure that this funding produces results for our children. To have any impact, we must fast-track this money to provide funding before school begins each year, so I am asking that we move quickly. We must not rely so much on spreadsheets and funding formulas but more on common sense. We must develop a system that is long on accountability and short on excuses. It must be a system that demands progress. And if progress is not made, then we must require that leadership in these failing schools be changed. Why? Because the future of our children depends on it. The future of our state depends on it. I fully expect our schools to be successful with these additional investments of funds and a strong system of accountability.

I am also asking for your support in establishing pay-for-performance salary incentives for the schools that are in trouble. Thanks to the cooperation of parents, teachers, and administrators, tying salary incentives to the performance of our schools is already working in this state. And I want to thank our principals and teachers who created this idea. In meeting with our school superintendents, they encouraged me to develop programs that would include special funding to help improve these at-risk schools. It is time to make performance salary incentives a statewide effort for our troubled schools.

While we are at it, our parents, our local school boards, our superintendents, and I, urge you to extend the class-size flexibility program beyond our rural areas into our two largest school districts, Washoe and Clark. Last session, you built in the safeguards to make sure this program would work, and it is working. So let us better use this \$260 million we spend on class-size reduction by empowering our local school boards to make the best decision on class-size flexibility at home.

What about the issue of health care? We are all affected by health care in one way or another. I know personally what it means to have good health, because I am a cancer survivor. Many of you are in the same position. You have either had a major health-care concern or have had a loved one facing this huge challenge. We all know how critical health care is to our families and our friends. And while I am your Governor, I will not turn my back on people in need. Affordable, high-quality health care will keep our families healthy, our businesses competitive, and our state strong. I have built a budget that protects the existing services that we have all worked very hard to establish with funding of more than \$1.6 billion for health and human services. This represents an infusion of more than \$275 million of new money to support these crucial programs.

I had like to highlight just a few important ways that this money will be used to improve the lives of Nevadans. I am continuing Nevada's effort as one of the nation's leaders in preventing our disabled population from being placed in institutions. My budget gives these Nevadans the resources they need to become an integral part of our communities. I am earmarking nearly \$7 million for the state's personal assistance service for people with disabilities. I am pledging

my continued support of the state's family preservation program, which helps people who are currently caring for profoundly disabled family members. This will keep our families together and loved ones out of institutions. And I am continuing my strong commitment to mental health care. This budget includes more than \$100 million in new mental health spending.

We are making an infusion of nearly \$45 million, in addition to the \$35 million previously budgeted for construction, to open and fully staff the new state mental health hospital in Las Vegas. This is \$45 million that will help address the mental health crisis we are experiencing in Las Vegas, which has seen its emergency rooms overflow with mental health patients who have nowhere else to go. It will also increase the psychiatric medication and community service budgets to ensure these people can be cared for in their own community. I am directing over \$6 million in new funding to early intervention services for our children who suffer from developmental delays, and an additional \$13-plus million dollars for children who are in need of mental health care. This will be the first time in the state's history that families will have early access to these types of services. These initiatives will bring treatment and diagnosis much earlier in the lives of these children and will give their families a fighting chance for the future.

Under my budget, the state will also be doing its part regarding health-care coverage. The budget reflects the continued growth of Senior Rx that is helping more than 9,000 low-income seniors receive low-cost medications they need, as well as Nevada Check Up, which provides health-care coverage to nearly 27,000 Nevada children from working families. This helps reduce the number of uninsured children in our state. And, in the process, in the proposed budget, we will serve up to 30,000 uninsured children over the next two years. No eligible senior or child in Nevada should go without the medication or the health care they need. No one.

This budget also includes \$8 million to expand health-care coverage for pregnant women and improves health-care access for low-income families who work for small businesses that can not afford the premium. In addition, my budget makes a firm commitment to programs in suicide prevention and problem gambling. Time will not allow me to tell you about all the great things we are doing for health care in this budget, but I want to tell you that I will be convening a summit with the Nevada Commission on Aging and AARP to talk about affordable prescription medications for our seniors and the disabled. For the first time in our nation's history, seniors and people with disabilities will be receiving a drug benefit offered by the federal government through Medicare. I believe it is the state's duty to educate our seniors and the disabled concerning this complex issue. They need to be fully informed of their options, and that is exactly what we intend to do.

As you can tell from the programs and the infusion of funding that I have listed, we will become a much healthier Nevada. Our state has evolved to a point where we can attract and develop cutting-edge programs in medical research. That is why I am excited about the beginnings of two historic partnerships. One partnership is between the Nevada Cancer Institute and the University of Nevada School of Medicine. I am particularly pleased because this commitment will help build a Nevada Cancer Institute facility on the northern Nevada campus of the School of Medicine. It will provide a critical northern link to the impressive work already being done by the Cancer Institute in southern Nevada. The other partnership is between the Lou Ruvo Center for Alzheimer's Care and Research and our School of Medicine. Each partnership will create joint research facilities combining our state's finest medical minds in the fight against cancer and Alzheimer's. I am pledging more than \$11 million in support of these two partnerships.

These partnerships will provide cutting-edge research and health care. They will also bring exciting possibilities for economic development, technology transfer, and the promise of new, high-paying jobs. The Nevada Cancer Institute has created more momentum for cancer research in our state than any other project of its kind. They have raised more than \$100 million in just a few short years, and they are bringing some of the world's best doctors and cancer researchers to our state. In addition, the state's investment in staffing at the privately funded, \$20 million Ruvo Alzheimer's Center brings similar focus to treatment and research of a devastating disease that will have a profound impact on our state's growing senior population.

Finally, to ensure that our finest young medical minds remain in our state, my budget provides \$4.5 million for the addition of 40 new positions to the residencies and fellowship programs in our School of Medicine. As you know, Nevada needs them, and that is why we are

going to train them. As you can see, we must have a common, compelling vision if the best medical research, education, and treatment is to be available to our citizens. So that is why tonight I am announcing the creation of the Nevada State Commission on Medical Research and Health Care. This commission will provide advice on establishing common priorities and help our health care organizations benefit from each other's strengths.

I would like to introduce, at this time, the people who have been instrumental in bringing about these partnerships: Heather Murren, president and CEO of the Nevada Cancer Institute; Larry Ruvo, founder of the Lou Ruvo Center for Alzheimer's Care and Research; Dr. John McDonald, dean of the University of Nevada School of Medicine; and Dan Van Epp, former president of the Howard Hughes Corporation and a distinguished Nevadan. Dan has agreed to serve as chairman of this commission. Please join me in thanking these dedicated Nevadans who have done so much for us. Thank you very much. Heather and Dan, thank you. Thank you. I truly believe that your efforts will stimulate new discoveries, forge new partnerships in our state, and save countless lives. It will create a statewide blueprint for health care in Nevada for years to come. And I want to thank you very much for your work.

Nevada needs to continue with its efforts to be one of the best business-friendly climates in the Union. The Nevada Development Authority, led by Somer Hollingsworth, and the Economic Development Authority of Western Nevada, led by Chuck Alvey, have helped to tell our great story at every turn. These private economic development organizations return hundreds of dollars to our state for each dollar invested in them. They often make the difference between a business relocating in Nevada or somewhere else, helping to bring quality businesses and high-paying jobs to our state each year. And that is why I am proposing we provide \$9 million in new grants to these private economic development efforts within our metropolitan areas so we can continue the economic success that leads the nation.

As we all know, the bright lights of our metropolitan areas attract most of the attention, but rural Nevada has an equally compelling story. Rural Nevadans deserve our support for economic independence as well. I have called upon Lieutenant Governor Hunt to focus more of the attention of the commissions on Economic Development and Tourism on rural Nevada. This budget invests an additional \$1 million in grants so we can aggressively promote economic development and tourism in this important part of our state.

We all know with prosperity comes the need to invest in our infrastructure. In the last two years, we have embarked on the single most ambitious transportation program in the state's history. I am proud of the work being done by our Department of Transportation. A 2004 study ranked Nevada number one in the country for how well it maintains its roads and ranked our Department of Transportation fourth in the country for its cost-effectiveness. Our highways are now among the best in the country. But we have more work to do, and that is why I have outlined an investment of nearly a billion dollars to continue to build new highways, make our roadways safer, and attack the gridlock that plagues our growing cities. We are widening U.S. 95 in Las Vegas, and we are building a much-needed interchange in Henderson. We are constructing a spectacular bypass bridge at Hoover Dam, and we are finishing the link between Reno and Carson City. This work is on schedule, and over the next two years you will see projects like them moving forward throughout our state.

The budget we have tonight calls for sufficient funding for the Department of Motor Vehicles for personnel and technology and provides alternatives so you can do your DMV business from your home or office. Last year, over 300,000 transactions were completed without anyone having to step into a DMV office. I can tell that all of you use the Internet. The slogan that we have used, "You are never more than a click away from being first in line at DMV," has never rung more true. We are moving into that age.

In the last election, the people of Clark County supported Sheriff Bill Young's efforts to place hundreds of new police officers on the streets. The State of Nevada will do its part to support the fight against crime. This budget provides for new prison space and increases funding for law enforcement officers in the Departments of Public Safety and Corrections. These proposals are at the core of our obligations. So send me the legislation and I will sign it immediately.

We must also remember the contributions that teachers and state and university employees make towards improving our lives. And I have not forgotten the positive efforts that you make each year. I appreciate your hard work, and I am pleased to announce that we are providing a

well-deserved cost-of-living increase of two percent for each year of the biennium of this budget.

As Governor, I have been committed to the health and well-being of the state employees, as you all know, but currently state employees receive full payment for health care coverage every year after they retire. Just like all other health care costs, these costs have risen dramatically for the state. We can no longer expect taxpayers to pay for these benefits. The majority of them can never expect to receive this kind of coverage, no matter if they retire from a public or private employer. Tonight I am announcing a plan that is bold, that is plain, and is absolutely essential. This plan cuts the cost for retiree health benefits for any new state employee that we hire. No existing employee or retiree will be affected by this plan. But I propose that, for all new hires, we discontinue this benefit. I will bring a plan before this Legislature that deals head-on with a liability that grows by the millions every year. Over the next 30 years, this plan will save taxpayers nearly \$500 million.

I have talked about many things, this evening, of great importance to our citizens. But the picture of our state's future is not complete if we forget the dreams of our working men and women who hope to own their own home. There is something permanent, and something extremely profound, in owning a home. We are a prosperous state, and we are building more condominiums and apartments and homes than any time in our history, and yet many working families are being squeezed out of the housing market.

I am proud to announce my plan to help these families become homeowners. As you know, the federal government manages and owns approximately 87 percent of the land in Nevada. We have an opportunity to acquire some of this federal land for minimal cost. And I want private developers, in conjunction with the state Housing Division, to make homes available on this land. This land would be placed into a permanent state trust and would not be included in the price of the home, resulting in a much lower price for the home buyer. This innovative plan is something that no one else in the country has ever accomplished. It needs the support of many people, including our congressional delegation, the Bureau of Land Management, HUD, our local governments, financial institutions, and private home builders in this state who want to help us give something back to our citizens. Senators Reid and Ensign have laid the groundwork for acquiring federal land by working to maximize the use of their Public Lands Act, and I am grateful for their assistance, but I need your help also. I am asking this Body to pass a resolution in support of this important program, and I am requesting city and county officials to work with our Housing Division so that we can make this initiative possible. We must open this door of opportunity, because home ownership should never be an impossible dream for the working families of Nevada.

Over the last six years, we have accomplished great things. In this year, as we celebrate the centennial of Las Vegas and Sparks, let me remind you that here in Nevada we are a community of pioneers. We are a community where the word first is not uncommon: first in job growth, first in new business creation, and together, we were the first state in the nation to privatize our workers' compensation system. We created a first-of-a-kind prescription drug program for senior citizens, and together we conducted the first fundamental review of our state government to analyze the expenditure side of our system before looking at the revenue side. Nevada has been first in many things, and we have traveled this difficult road together. The quality of life of those who place their trust in us is better for it.

Tonight, I have laid out a blueprint for the future, investing in our education, in medical research, and in economic development; saving for a rainy day; caring for those who need us most and whose voices often go unheard; building our physical infrastructure to handle the prosperity these investments will bring; and providing homes for our families. My plan for you tonight is not a series of programs but a road map for the future. Let this be the bold legacy, the rich inheritance of hope, we leave for all the people of Nevada.

As I look to the future, I am excited about what we can accomplish. We can make all the difference to the hardworking ranchers in rural Nevada, to the small business owners in all of our communities, to the high-tech companies of our growing cities, to the first-generation minority and women business owners, to the state's senior citizens, and, perhaps most important of all, to the kindergartner who raises her small hand to her heart and recites the Pledge of

Allegiance for the first time in a Nevada classroom, fully equipped, fully staffed, and ready to fully meet her educational needs.

For the fourth and the final time, let me humbly repeat these words: I am proud to be your Governor. God Bless America and God bless our great state of Nevada, and thank you and good evening and have a great session. Thank you very much.

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

January 31, 2005

THE HONORABLE RICHARD PERKINS, *Speaker*, State of Nevada Assembly, Legislative Building,
401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I am writing to request the honor of speaking before both houses of the Nevada State Legislature at 5:00 p.m. on Wednesday, February 23, 2005.

My Reno office will be coordinating the details of my visit. Please call Mary Conelly or June Schmidt at 775-686-5750 if you have any questions.

Thank you for your kind consideration. I look forward to speaking to the Legislature on issues of mutual interest.

With all best wishes,

Sincerely,
HARRY REID
United States Senator
Democratic Leader

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

January 25, 2005

MS. NANCY TRIBBLE, CHIEF CLERK OF THE ASSEMBLY, 401 South Carson Street, Carson City,
Nevada 89701-4747

DEAR NANCY:

It would be my honor and pleasure to address a joint session of the Nevada Legislature at 5:00 p.m. on Thursday, February 24, 2005, to deliver a formal assessment of our Congressional agenda and its impact on our state.

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

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

Sincerely,
JIM GIBBONS
Member of Congress

SUPREME COURT OF NEVADA
CHIEF JUSTICE NANCY A. BECKER
201 SOUTH CARSON STREET

CARSON CITY, NEVADA, 89701-4702 February 4, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker Of The Assembly*, Nevada Legislature,
401 S. Carson Street, Carson City, NV 89701-4747

RE: State of the Judiciary Address

March 2, 2005

2005 Legislative Session

DEAR SPEAKER PERKINS:

As Chief Justice of the Supreme Court of Nevada, it is my privilege to request to address the Senate and Assembly of the State of Nevada. I am informed that the date of Wednesday, March 2, 2005, at 5:00 p.m., has been tentatively scheduled for this purpose and shall take place

in the Assembly Chambers of the Legislative Building. If a conflict exists with this time and date, please contact my office.

The Supreme Court's reception for the Legislature will be held immediately following the Judiciary Address. We cordially invite the members of the Legislature to attend.

Thank you.

Sincerely,

NANCY A. BECKER
Chief Justice

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

February 3, 2005

DEAR MEMBERS OF THE 2005 NEVADA STATE LEGISLATURE:

It gives me great pleasure to join with the citizens of Carson City to extend to you and all of the members of the Nevada State Legislature our official greetings and warm welcome as we prepare for the start of the 2005 Legislative Session.

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

We would like to invite you to attend a reception co-hosted by Douglas County, Lyon County, Storey County, and Carson City on February 8, 2005, at the Carson City Nugget, 507 North Carson Street, between 5:30—8:00 p.m. We hope to welcome you to Carson City, provide an opportunity to introduce you to other elected officials, and highlight several displays which demonstrate our regional pride.

Again, it is our pleasure to have you in our community, and we look forward to seeing you on February 8. If there is any way we may be of assistance to you, please do not hesitate to call on me or any member of our city's staff. Best wishes for a successful session and thank you for allowing us to be your host these next few months.

Sincerely,

MARV TEIXEIRA
Mayor

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 14, 2005

NANCY TRIBBLE, *Chief Clerk Of The Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747 Legislative Building

DEAR MS. TRIBBLE:

This letter is in acknowledgement of the transfer of Assembly Joint Resolution No. 11 (AJR 11) and Assembly Joint Resolution No. 13 (AJR 13) of the 72nd Legislative Session pursuant to NRS 281.390(2). AJR 11 was assigned file number 85 and AJR 13 was assigned file number 74. Pursuant to your request, the engrossed and enrolled originals of these resolutions were transferred from the Elections Division to your office on Friday, January 14, 2005.

If you have any questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,

DEAN HELLER
Secretary of State

By: ELLICK C. HSU, ESQ.
Deputy Secretary for Elections

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

TO THE HONORABLE 2005 LEGISLATURE OF THE STATE OF NEVADA, CARSON CITY,
LADIES AND GENTLEMEN OF THE ASSEMBLY:

Pursuant to the provisions of sections 2 and 3 of Article XIX of the Constitution of the State of Nevada, and the statutes enacted under the authority thereof, I have the honor to present to you, with this letter, the following entitled Initiative Petitions:

(1) "NEVADA CLEAN INDOOR AIR ACT." This Initiative Petition proposes a new statute to restrict the use of smoking tobacco, in any form, in certain areas. The number of registered voters verified was 64,871.

(2) "RESPONSIBLY PROTECT NEVADAN'S FROM SECOND-HAND SMOKE ACT." This Initiative Petition also proposes to restrict the use of smoking tobacco, in any form, in certain areas. The number of registered voters verified was 74,348.

(3) "REGULATION OF MARIJUANA INITIATIVE." This Initiative Petition proposes to revise Title 40 of the NRS by adding a new chapter that would exempt persons 21 years of age and older from any civil or criminal penalty due to the possession or use of one ounce or less of marijuana, and would provide for the regulation and taxation of marijuana by the state. The number of registered voters verified was 69,261.

Pursuant to an order of the Federal District Court, the number of signatures required was 51,337. Accordingly, the above captioned Initiative Petitions are deemed qualified.

The petitions were filed within the constitutional and statutory period of time prior to the convening of the 2005 Session of the Nevada Legislature, for presentation thereto as required by the state Constitution and applicable statutes enacted under the authority thereof.

The copies transmitted to you on this date are symbolic copies. The original petitions will be retained on file in the Secretary of State's office and are accordingly public record and available for your review at any time.

Respectfully,
DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 11 of the 72nd Session—Proposing to amend the Nevada Constitution to provide for the election of certain members of the Board of Regents and the gubernatorial appointment of certain members of the Board of Regents, and to specify the number and terms of the members.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 7 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[Sec. 7. The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first Four Years and until their successors are elected and qualified constitute]~~

Sec. 7. 1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. ~~[But the]~~ 2. The Board of Regents consists of nine members.

Except as otherwise provided in this subsection, one member must be elected from each congressional district in this state and the remaining positions, if any, must be filled by the Governor by appointment. If at any time this state is apportioned more than nine congressional seats, the Legislature shall provide for the districts from which the nine members of the Board of Regents must be elected.

3. The Legislature shall provide for the arrangement of the terms of the elected members of the Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. The Governor shall provide for the arrangement of the terms of the appointed members of the

Board of Regents so that an equal number of terms, as nearly as may be, expire every 2 years. After initial terms of 2 or 4 years to ensure staggered terms, each member of the Board of Regents shall serve a term of 4 years, and until his successor is elected and qualified or appointed and qualified.

4. If a vacancy occurs during the term of a member appointed by the Governor, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

5. Not more than two-thirds of the appointed members of the Board of Regents may be members of the same political party.

6. The Legislature shall ~~for its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new~~ define the duties of the members of the Board of Regents. ~~[and define their duties.]~~

And be it further

RESOLVED, That the term of any member of the Board of Regents who was elected before November 4, 2008, expires on January 5, 2009. The Governor shall make his appointments pursuant to subsection 2 of Section 7 of Article 11 of the Nevada Constitution as soon as practicable after January 5, 2009, and in making those appointments may appoint a former member of the Board of Regents.

And be it further

RESOLVED, That this resolution becomes effective on January 1, 2008, for purposes of nominating and electing members to the Board of Regents from each congressional district, and on January 5, 2009, for all other purposes.

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

Motion carried.

By the Committee on Elections, Procedures, and Ethics:

Assembly Joint Resolution No. 13 of the 72nd Session—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 days, limit the matters which may be considered during a special session and provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each house.

WHEREAS, There are currently 34 State Legislatures that have the ability to call a special legislative session when deemed necessary; and

WHEREAS, The Nevada Legislature is 1 of only 16 state legislative bodies in the Nation that may not call a special session, and 1 of only 9 Legislatures that may not determine any of the subject matter to be considered at a special session; and

WHEREAS, The Nevada Constitution is grounded on the principle of three equal branches of State Government, with the ultimate authority and responsibility to enact necessary legislation being vesting in the Legislative Branch, subject to final approval by the Governor; and

WHEREAS, Nevada's current constitutional language, which allows only the Governor to call the Legislature into special session, impedes and is contrary to the constitutional provision that vests the legislative authority of the State of Nevada in its elected Legislature; and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as consistent with the separation of powers principle, and should be empowered to identify those topics that may require the Legislature to call a limited special session deemed in the best interest of the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 2A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon petition signed by two-thirds of the members of each House of the Legislature. A petition must specify the

business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. No bills, except those related to the business specified in the petition and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. A special session convened pursuant to this section takes precedence over a special session called by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition calling for the special session.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

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

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

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

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

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

~~[Sec. 9. The]~~ Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the Governor may , on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses , when organized, the purpose for which they have been convened . ~~[, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~

2. No bills, except those related to the purpose for which the Legislature has been specially convened and those necessary to provide for the expenses of the session, may be introduced at a special session convened pursuant to this section.

3. *The Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight of the 20th calendar day of that session. Any legislative action taken after midnight on the 20th calendar day is void.*

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 73rd Session of the Legislature.

Resolved by the Assembly of the State of Nevada, the Senate Concurring, That the Joint Rules of the Senate and Assembly as amended by the 72nd Session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 73rd Session of the Legislature:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

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

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

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

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

MESSAGES

Rule No. 2. Procedure Concerning.

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

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The Secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the

Governor to be received and read, and all special messages to be received, read and entered in full in the Journal of proceedings.

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

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

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

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

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

Rule No. 5. Joint Sponsorship.

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

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

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

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

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

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

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An

amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chairman of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

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

PRINTING

Rule No. 6. Ordering and Distribution.

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

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:
 - (a) Propose an amendment to the Nevada Constitution.
 - (b) Ratify a proposed amendment to the United States Constitution.
 - (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
 - (a) Amend these Joint Rules.
 - (b) Request the return from the Governor of an enrolled bill for further consideration.
 - (c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.
 - (d) Express facts, principles, opinion and purposes of the Senate and Assembly.
 - (e) Establish a joint committee of the two Houses.
 - (f) Direct the Legislative Commission to conduct an interim study.
3. A concurrent resolution or a resolution of one House may be used to:
 - (a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.
 - (b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative [Affairs and] Operations and Elections or the Assembly Committee on Elections, Procedures, [and] Ethics , and Constitutional Amendments before submission to the Legislative Counsel.

VETOES

Rule No. 8. Special Order.

Bills which have passed [~~a previous~~] the Legislature, and which are [~~transmitted to the Legislature next sitting,~~] accompanied by a message or statement of the Governor's disapproval,

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

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

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

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

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

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

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

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

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

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

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

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the

proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

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

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

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

RECORDS OF COMMITTEE PROCEEDINGS

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

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

2. The secretary of a standing committee shall:

- (a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;
- (b) Keep the records in chronological order; and
- (c) Deposit the records immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

- (a) Index the records;
- (b) Make the records available for accessing by any person during office hours under such reasonable conditions as he may deem necessary;
- (c) Maintain a log as a public record containing the date, time, name and address of any person accessing any of the records and identifying the records accessed; and
- (d) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner he deems reasonable to ensure access to the record in the foreseeable future.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

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

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

- (a) Two requests from each Assemblyman; and
- (b) Four requests from each Senator,

for the drafting of a bill or resolution.

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

legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

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

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

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

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

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

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

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

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

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

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

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

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

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

(1) The 10th calendar day following delivery of the introductory copy of the bill [s] or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
whichever is earlier.

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

(1) The 15th calendar day following delivery of the original introductory copy of the bill [s] or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
whichever is earlier.

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

(1) The 20th calendar day following delivery of the original introductory copy of the bill [s] or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
 ✓ whichever is earlier.

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

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

(2) A standing or interim committee or other requester is the ~~[50th]~~ 51st calendar day of the legislative session.

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

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

SCHEDULE FOR ENACTMENT OF BILLS

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

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

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

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

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

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

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

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

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

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

2. A request submitted pursuant to subsection 1:

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

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

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the

person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

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

2. A waiver granted pursuant to subsection 1:

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

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

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

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

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

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

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

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

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

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

Rule No. 14.6. Exemptions.

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

(a) Contains an appropriation; or

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

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or

Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. ~~[A notation of each exemption granted]~~ When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term “exempt” must be printed on the face of all ~~[subsequent]~~ reprints of the bill ~~[-]~~ after the bill becomes exempt.

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

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

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

(a) A ~~[bill required to carry]~~ measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

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

Rule No. 14.7. Amendments.

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

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

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

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

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

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

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

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

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

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

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

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

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

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

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

Rule No. 18. Topics of Consideration.

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

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

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

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

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

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

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

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

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

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

committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

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

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

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

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

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

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

VOTE ON GENERAL APPROPRIATION BILL

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

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

USE OF LOCK BOXES BY STATE AGENCIES

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

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

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

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

Resolved by the Assembly of the State of Nevada, That the following persons are elected as attaches of the Assembly for the 73rd Session of the Legislature of the State of Nevada: Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Patti Higdon, Jason Hataway, Harle Glover, Terry Sullivan, Robin Bates, Sandra Geyer, Kathleen Maskaly, Kasey Sheldon, Andrea Touyarot, Kyle Wentz, June Rigsby, Theresa Horgan, Robert Josephs, Kathryn Alden, Jennifer Arias, Ethan Guillen, Dylan Shaver, Marge Griffin, Barbara Houger, Nenita Wasserman, Kerry Porec, Christina Bailey, Laurel Armbrust, Kathryn Oetting, Sheree Rosevear, Julie Morrison, Patricia Hutson, Jasmine Shackley, Victoria Thompson, Patricia Blackburn, Millicent Jorgenson, Rachel Pilliod, Deanna Duncan, Angela Flores, Linda Utt, Stacy Shaffer, Connie Davis, Anne Bowen, Susan Cherpeski, Lila Clark, Linda Smith, Carol J. Thomsen, Mirenda Haywood, Vanessa Brown, Joe Bushek, James Cassimus, Mary Garcia, Sarah Gibson,

Celeste Gunther, Nancy Haywood, Judy Maddock, Kiz Malin, Jane Oliver, Paul Partida, Linda Ronnow, Michael Shafer, Gregory Sharry, Carole Snider, Katherine Andrews, Casey Bales, Matthew Mowbray, Susan Bailey, Patricia Baker, C. Ryan Bauman, Mary Bean, Chelsea Bibb, Alecia Biddison, MaryLou Burks, Cynthia Carter, Patrick Cowan, Ann Marie Cutkosky, Keris Dahlkamp, Vicky Goodson, Donna Hancock, Joyce Hess, Novella Kowallek, Carol Loomis, Yhvana Martin, Christopher Mayhew, Toshiko McIntosh, Patti McKay-Timm, Alan Mills, Linda Paul, Loretta Peterson, Helen Poupeney, Sheila Sease, Ashley Smith, Jerry Stacy, Janet Stokes, Maxine Milabar, Stephanie Elliott, Betty Gardner, Michael Nakamoto, Jerry Pieretti, William Souigny, June Bennett, Norm Budden, Mary Carel, Diane Bacus, Brandi Colunga, John Davis Jr., Gail Eller, Mark Frady, Joyce Ghiselli, Don Hataway, Juanita Heston, Stephen Honey, Laverne LaFleur, Lois Lahair, Teresa Love, Christy Malarchuk, Bob Maynick, Reid Meyer, Robert Murphy, Elaine Quilici and Frank Tetz.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

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

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 3—Adopting the Standing Rules of the Assembly for the 73rd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 72nd Session are adopted, with the following changes, as the Standing Rules of the Assembly for the 73rd Session of the Legislature:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

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

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

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

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

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

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

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

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

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

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

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

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

Rule No. 11. Open Meetings.

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

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

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

Rule No. 21. Portable Electronic Communication Devices.

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

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

Rule No. 22. Reserved.

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

1. The Committee on Ethics consists of:

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

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

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

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

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

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

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the Committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

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

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

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

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

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

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

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

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

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

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

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

7. Only a member who:

(a) Has been certified by the Committee on Elections, Procedures, ~~and~~ Ethics, and Constitutional Amendments or a special committee of the Assembly; and

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

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

Rule No. 31. Reserved.

Rule No. 32. Announcement of the Vote.

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

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

Rule No. 33. Voting by Division.

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

The next rule is 40.

V. LEGISLATIVE BODIES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, ~~fifteen~~ fourteen members.
3. ~~Taxation, twelve~~ Growth and Infrastructure, thirteen members.
4. Education, ~~twelve~~ eleven members.
5. Elections, Procedures, ~~and Ethics, ten~~ Ethics, and Constitutional Amendments, thirteen members.
6. Natural Resources, Agriculture, and Mining, ~~twelve~~ eleven members.
7. Transportation, ~~twelve~~ eleven members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, ~~ten~~ eleven members.
10. Government Affairs, thirteen members.
- ~~11. Constitutional Amendments, five members.~~

Rule No. 41. Appointment of Committees.

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

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

Rule No. 42. Committee Action.

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

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

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

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

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

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

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

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

Rule No. 43. Subcommittees.

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

Rule No. 44. Committee on Elections, Procedures, ~~and Ethics,~~ *Ethics, and Constitutional Amendments.*

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

Rule No. 45. Procedure for Election Contests.

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

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

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of

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

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Rule No. 46. Committee Action on Reports.

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

Rule No. 47. Committee Records.

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

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

Rule No. 48. Disposition of Committee Records.

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

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

Rule No. 50. Reserved.

Rule No. 51. Reserved.

Rule No. 52. Concurrent Referrals.

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

The next rule is 60.

VI. RULES GOVERNING MOTIONS

Rule No. 60. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

Rule No. 61. Reserved.

Rule No. 62. Reserved.

PARTICULAR MOTIONS

Rule No. 63. Reserved.

Rule No. 64. Reserved.

Rule No. 65. Indefinite Postponement.

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

Rule No. 66. To Strike Enacting Clause.

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

Rule No. 67. Division of Question.

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

Rule No. 68. To Reconsider—Precedence of.

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

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

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

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

Rule No. 81. Previous Question.

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

Rule No. 82. Privilege of Closing Debate.

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

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

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

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

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

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

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

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

3. Subsection 1 does not apply to:

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

Rule No. 93. Reserved.

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

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

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

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

Rule No. 96. Peddling, Begging and Soliciting.

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

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

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

Rule No. 97. Petitions and Memorials.

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

Rule No. 98. Request of Purpose.

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

Rule No. 99. Remarks.

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

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada.

2. The Statutes of the State of Nevada.

3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

4. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

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

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Substitute Bills.

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

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee

referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

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

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

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

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

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

Rule No. 111. Consent Calendar.

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

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

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

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

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

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

Rule No. 116. Vetoed Bills.

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

Rule No. 117. Reserved.

C. RESOLUTIONS

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

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. ~~{Renumbered as Rule No. 102 and reserved for future use.}~~ *Reserved.*Rule No. 123. ~~{Renumbered as Rule No. 82 and reserved for future use.}~~ *Reserved.*

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. ~~{Renumbered as Rule No. 116 and reserved for future use.}~~ *Reserved.*

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

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

Rule No. 141. Use of the Assembly Chamber.

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

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

PREFILED BILLS

By Assemblyman Hardy:

Assembly Bill No. 1—AN ACT relating to nursing; requiring the State Board of Nursing to waive the application fee for certain applicants applying for a license to practice professional nursing or practical nursing; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 2—AN ACT relating to deceptive trade practices; prohibiting the issuance of a gift card or gift certificate containing an expiration date; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 3—AN ACT relating to the Department of Wildlife; requiring the Legislative Auditor to conduct a performance audit of the Department; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 4—AN ACT relating to education; authorizing the Department of Education to transfer money from the State Distributive School Account to pay for full-day kindergarten in certain schools; requiring the Department of Education to prescribe forms for applications for allocations of money to pay for full-day kindergarten and, in consultation with certain other state entities, to review applications and select school districts to receive allocations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 5—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to develop and implement a pilot program for mentor teachers; making an appropriation to the Department of Education for the distribution to school districts that participate in the pilot program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 6—AN ACT relating to capital punishment; prohibiting the imposition of a sentence of death upon a person for a crime committed while the person was under the age of 18 years; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—AN ACT relating to criminal procedure; prohibiting the civil compromise of misdemeanor offenses committed against certain elderly persons and certain offenses related to domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 8—AN ACT relating to domestic violence; revising the qualifications for a master appointed by a court to take testimony and recommend orders in actions concerning orders for protection against domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 9—AN ACT relating to civil liability; limiting the liability of certain persons, corporations and associations that contract to provide medical services for the Division of Mental Health and

Developmental Services of the Department of Human Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 10—AN ACT relating to criminal procedure; prohibiting the civil compromise of a battery that constitutes domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 11—AN ACT relating to traffic laws; repealing the prohibition against certain use by a governmental entity or its agent of photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 12—AN ACT relating to justices' courts; extending the period for justice of the peace to transmit a copy of the transcript of a criminal case to the district court after a notice of appeal is filed by a defendant; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 13—AN ACT relating to public welfare; revising the qualifications of the State Welfare Administrator of the Welfare Division of the Department of Human Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 14—AN ACT relating to energy; exempting retail customers who purchase energy from municipal or local governmental utilities from the payment of the universal energy charge; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 15—AN ACT relating to wildlife; revising provisions governing the expenditure of money in the Wildlife Heritage Trust Account to authorize the expenditure of certain annual deposits; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT relating to metropolitan police departments; changing the date by which metropolitan police departments must submit their budgets for the next fiscal year to the governing bodies of the participating political subdivisions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 17—AN ACT relating to attorneys; repealing the requirement that an attorney, other than a public defender or deputy public defender, appointed to represent an indigent defendant report to the State Public Defender concerning such representation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 18—AN ACT relating to time; exempting the State of Nevada from the provisions of the federal law requiring daylight saving time; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 19—AN ACT relating to deceptive trade practices; prohibiting the issuance of a gift certificate that contains an expiration date under certain circumstances; prohibiting the issuer of a gift certificate from charging a fee for inactivity to the buyer or holder of the gift certificate; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Grady:

Assembly Bill No. 20—AN ACT relating to state obligations; increasing the amount of general obligation bonds that the State Board of Finance may issue to support the program to provide grants for water conservation and capital improvements to certain water systems; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gerhardt:

Assembly Bill No. 21—AN ACT relating to criminal procedure; prohibiting the civil compromise of misdemeanor offenses involving domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 22—AN ACT relating to libraries; authorizing the appointed trustees of a city library to sell, exchange, transfer, assign or otherwise dispose of the real or personal property of the library; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 23—AN ACT relating to governmental administration; authorizing state agencies and political subdivisions to request and receive certain information concerning a person applying to attend an academy for training peace officers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 24—AN ACT relating to traffic laws; removing the requirement that certain parking spaces for the handicapped be designated for the exclusive use of vehicles with side-loading wheelchair lifts and the requirements for corresponding signs; and providing other matters relating properly thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 25—AN ACT relating to the State Environmental Commission; revising the membership of the Commission; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 26—AN ACT relating to veterans; requiring the Executive Director for Veterans' Services to establish and implement rules, policies and procedures for the management, maintenance and operation of veterans' homes; requiring the Executive Director to establish a schedule of rates to be charged for occupancy of rooms at veterans' homes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 27—AN ACT relating to health care; revising the provisions governing the fees that the Director of the Department of Human Resources is authorized to impose upon certain insurers in this State; eliminating the requirement that hospitals and certain other institutions file a proposed operating budget each fiscal year with the Department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 28—AN ACT relating to the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; abolishing the positions of Chief of the Bureau of Services to the Blind and Visually Impaired and Chief of the Bureau of Vocational Rehabilitation and transferring the powers and duties of those positions to the Administrator of the Rehabilitation Division; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 29—AN ACT relating to the Department of Administration; removing from the jurisdiction of the Buildings and Grounds Division of the Department the buildings, grounds and other properties owned or leased by certain boards; removing the duty of the Division to provide services to such boards; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 30—AN ACT relating to parole; expanding the list of sexual offenses for which certification by a panel is required before the State Board of Parole Commissioners may release the prisoner on parole; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 31—AN ACT relating to public records; making certain records of local governmental entities containing personally identifying information confidential if such information was provided to the local governmental entity in relation to the use of recreational facilities of the local governmental entity or participation in instructional or recreational activities of the local governmental entity; allowing the disclosure of such information if ordered by a court to protect public safety or prosecute a crime; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 32—AN ACT relating to the State Department of Agriculture; making certain information collected by the Department confidential; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 33—AN ACT relating to land; revising provisions governing the manner in which the State Land Registrar may sell certain land owned by the State of Nevada; providing for the direct sale of such land

under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 34—AN ACT relating to residential contractors; increasing the amount of the maximum recovery paid from the Recovery Fund administered by the State Contractors' Board based upon certain claims made against any single contractor; providing that the increase applies retroactively; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 35— AN ACT relating to children; authorizing an agency which provides child welfare services to enter into agreements with certain persons for the provision of maintenance and other services; requiring an agency which provides child welfare services to develop a transition plan for certain children in foster care to make the transition from foster care to economic self-sufficiency; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 36—AN ACT relating to public welfare; requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have "aged out" of foster care are eligible for Medicaid; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 37—AN ACT relating to mental health; providing for the transfer of duties relating to the mental health of children from the Division of Child and Family Services of the Department of Human Resources to the Division of Mental Health and Developmental Services of the Department; revising provisions governing the discharge of a child from a facility of the Division of Mental Health and Developmental Services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 38—AN ACT relating to the protection of children; authorizing the release of information identifying the subjects of reports of child abuse or neglect to persons engaged in bona fide research or an audit under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Parks:

Assembly Bill No. 39—AN ACT relating to purchasing by local governments; providing a procedure for a bidder to file a notice of protest regarding certain contracts; authorizing a local government to use on-line bidding as the exclusive means to receive bids in reverse auctions; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 40—AN ACT relating to health; requiring the licensure of community triage centers by the State Board of Health; authorizing an allegedly mentally ill person to be admitted to a community triage center for medical care before his emergency admission to a mental health facility under certain circumstances; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 41—AN ACT making an appropriation for the operating expenses of the mental health court in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 42—AN ACT relating to the protection of children; establishing a presumption that it is in the best interests of a child who is in need of protection to be placed together with his siblings; requiring an agency which provides child welfare services to include with its report to the court concerning the placement of a child in need of protection certain information concerning the placement of the child in relation to his siblings; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 43—AN ACT relating to the protection of children; establishing certain rights for children who are placed in foster homes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 44—AN ACT relating to compensation; deleting the provisions that exempt certain employees from receiving one and one-half times the regular wage rate of those employees; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 45—AN ACT relating to domestic relations; expanding the circumstances in which a court may grant to a great grandparent or grandparent a reasonable right to visit his great-grandchild or grandchild; revising the proof required to overcome the presumption that granting visitation rights to certain persons is not in the best interests of the child; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 46—AN ACT relating to the protection of children; extending the prospective expiration of the Legislative Committee on Children, Youth and Families; requiring the Division of Child and Family Services of the Department of Human Resources to develop a plan for funding the provision of child welfare services in this State and to transfer

certain duties of the Division to an agency of the county in certain large counties; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 11 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 11 be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 1.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 1:

Yeas—42.

Nays—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, Francis, the privilege of the floor of the Assembly Chamber for this day was extended to Dilly Allen, Harry Allen, Betsy Allen, Marjanae Ebrahimi, Donna Fettig, Carl Fettig, Emily Gadbois, Garry Gadbois, Sherri Gadbois, Cleve Goring, Jeanne Goring, Nancy Greenhalgh, Patricia Halstead, Kathy Jordon, Leah Korona, Celia Korona, Deanna Lazovich, Greg Macfarlane, Paul Enos, Mary Lau, Liz Macmenamin, Lea Lipscomb, Dr. Hang Won Kim, Mrs. Kyung Son Oh, Charlie Fettig, Aggie Fettig, Beverly Rachael Donahoe, and Heidi Bouvier.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda H. Anderson, Natha Clyde Anderson, Lani Anderson, Becca Gardner, Michael Gardner, Whitney Gardner, Barbara Iler, Kyle Zive, Edward P. Anderson Sr., Edward P. Anderson Jr., and Kelly Gardner.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Reynolds, Will Rasavage, Paul Corine, Ray Westhafer, Margaret Westhafer, Ted Samuel, Bill Fiedrich, Ted Angle, and VeeAnn Fiedrich.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson and Clarence Williams.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Anderson, Natalie Anderson, Aiden Kendrick, Edith Buckley, and Jane Buckley.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Christensen, Cole Christensen, Reed Christensen, Cooper Christensen, and Race Christensen.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Carol E. Claborn, Shelly L. Hogan, Phil Hogan, William C. Waggoner, Mickey J. Adams, and Billy R. Boon.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Mijanne Conklin.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Denis, Diana Gale, Kylene Gale, Dustin Denis, Daniel Denis, Denae Denis, Dallin Denis, David Cook, and Armando Denis.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Gansert, MacKenzie Gansert, Kirsten Gansert, Hank Gansert, Lisa Laughlin, Moya Tsatsos, Leo Seevers, Debbie Fuetsch, George Fuetsch, Glenn Gansert, Diane Seevers, Marian Gansert, and Gary Gansert.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Gerhardt, Bob Meyer, Pat Meyer, Michael Steen, and Peggy Cunningham.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Myrna Giunchigliani, Jeanne Hagens, Gary Gray, and Donna VanHuesden.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jolene Goicoechea, Gladys Goicoechea, Ashley Smith, Edward McCallen, and Louise McCallen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes, Gary Cordes, Cady Cordes, Sean Cordes, Taylen Cordes, Tami Harmon, Addison Harmon, Jace Harmon, Pat Grady, and Mary Bean.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dane Phillips Reynolds Hardy, Jill Kathleen Hardy, and Ann Marie Cutkosky.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Smith, Samantha Goldstein, John “Iani” Dunbar, Nenita Wasserman, and Erin Russell.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Hogan and Christopher Mayhew.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Laurian Jill Holcomb and Julie Vaughan.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Horne, William Henry Horne II, Mary Jackson, and Chelsea Calabria.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Kirkpatrick, Sarah Kirkpatrick, Dalton Kirkpatrick, Tara Kirkpatrick, Diedra Mireles, Nicholas Mireles, Erica Mireles, Tami Methany, Anita Wood, Doug Wood, Steve Mosier, and Karen Mosier.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Shackley, Celeste Gunther, and Victor Koivisto.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Fulkerson, Julie Morrison, and Joe Bushek.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Keris Dahlkamp, Kaitlin Backlund, and Sarah Romike.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Willie Marvel, Dawn Fournier, Jeanne C. Tribble, Edmond H. Tribble, and Valya Leaton.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Connie McMullen and Alecia D. Biddison.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Mortenson and Sheila Sease.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Hansen, Karen Hansen, Linda Mertens, and Eileen Montgomery.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Ross, Frank Daykin, James Ohrenschall, and Michael Louis Hutton.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Wallace, Karen Wallace, Jim Parsons, and Gail Parsons.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Perkins, Rikki Perkins, Jared Perkins, Ashley Perkins, Stephanie Perkins, Brigadier General Randal Sayre, Chief Cindy Sullivan, Brigadier General Lawrence Cerfoglio, Gene Sullivan, Jared Mackelprang, Colonel Cindy Kirkland, and Major General Giles Vanderhoof.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Simpson, Brian Krolicki, Trey Delap, Janice Wright, and Kate Krolicki.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Sherer, Sarah Sherer, Cody Sherer, Toshiko McIntosh, and Mike Nolan.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Sibley, Stephanie Sibley, Anthony Sibley, Zachary Sibley, Gavin Sibley, Jeanne Sibley, Steve Sibley, Ford Sibley, and Cindy Sibley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Smith, Judy Lancing,

Sue Pellini, Olivia Bouch, Emma Bouch, Ian Smith, Erin Smith, Henry Pellini, Scott Rogers, Samantha Rogers, Marge Clausen, Cindy Porath, Larry Porath, Phyllis Jackson, John Jackson Sr., Richard Daly, Charles Billings, Michelle Rogers, and Tahis Castro.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Weber and Lee Hubert Weber.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 9, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:03 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), February 9, 2005

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Most Merciful One, seeing your new generations unfold makes us aware of our own mortality. As we acknowledge the finiteness of human life, we are only too aware that we are all broken and hurting people in need of Your amazing grace. Touch us, we pray, and open our hearts to remember Your blessing always with us; blessing in our lives, in our families, in the people and land of Nevada, in Your world.

Help us to be true servants in love to Your world, for from dust we have come and to dust we shall return. Make our daily lives and the work of this 2005 Nevada State Legislature be acts of healing in Your world.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 8, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 1, 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio and Titus:

Senate Concurrent Resolution No. 1—Providing for the compensation of the clergy for services rendered to the Senate and Assembly during the 21st Special Session and the 73rd Session of the Nevada Legislature.

WHEREAS, The members of the 21st Special Session and the 73rd Session of the Nevada Legislature appreciate the daily religious services that are rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provide inspiration and guidance for the members of the Nevada Legislature as they face the challenges and demands of a legislative session; and

WHEREAS, A reasonable compensation should be provided for the clergy who perform such services; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the State Controller is authorized and directed to pay the sum of \$35 per service out of the Legislative Fund to the members of the clergy who performed religious services for the Senate and the Assembly during the 21st Special Session and for those members of the clergy who perform religious services for the members of the 73rd Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblymen Koivisto and Hardy.

Resolution adopted.

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Senate Concurrent Resolution No. 2— Declaring 2005 to be “The Year of Languages.”

WHEREAS, Under the guidance of the American Council on the Teaching of Foreign Languages, language education programs throughout the United States are celebrating 2005 as “The Year of Languages”; and

WHEREAS, For over 200 years, citizens from other countries have settled in our communities, enhancing the diversity of this nation and underlining the importance of understanding different cultures and languages; and

WHEREAS, Americans have growing social, cultural and economic ties to the global community, offering great opportunities and presenting new challenges as we seek to communicate with and understand those from different linguistic and cultural backgrounds; and

WHEREAS, The underlying tenet of “The Year of Languages” is to celebrate the increasing importance of learning other languages for use in our schools and everyday life, not only to promote a greater understanding of others, but to enhance career opportunities and to provide life-long learning opportunities for people beyond school age; and

WHEREAS, Foreign language educators are working cooperatively to promote the benefits of language learning to students, parents, businesses, health and social services leaders, and policy makers throughout this State and the nation; and

WHEREAS, Language education in the 21st century includes a commitment to the study of long sequences of world languages beginning in early grades to allow students to develop the level of proficiency needed to communicate effectively with others from different cultures, both at home and abroad; and

WHEREAS, The benefits gained from studying other cultures and languages include improved cognitive, analytical and communication skills, improved academic achievement, expanded career opportunities, and greater international awareness and understanding; and

WHEREAS, This year of celebrating languages serves as a look to the future for young Americans who will be entering the workforce at a time when international awareness, cross-cultural understanding and linguistic capacity are increasingly important for enhancing career opportunities and for their success as citizens of a broader world; and

WHEREAS, Each month “The Year of Languages” initiative will focus on different areas, including the importance of international engagement, the interrelationships between languages and other subject areas or professions, higher education learning, exploring different languages and cultures within our communities, adult learning and language use, parents’ roles in providing language opportunities, early language learning and maintenance of our heritage languages such as Native American languages and American Sign Language; and

WHEREAS, The success of “The Year of Languages” depends on the support and involvement of local foreign language teachers and guidance counselors, those who have access to the students, parents and community members to whom this effort is intended to reach; and

WHEREAS, Language educators are urging the public to recognize the value of delivering better education to students, of expanding the cultural and literary horizons of adult learners and of strengthening America’s position and security around the world; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislature of the State of Nevada does hereby recognize 2005 as “The Year of Languages”; and be it further

RESOLVED, That the efforts of organizations such as the Sierra Nevada World Language Collaborative, a 26-year-old organization of Washoe County foreign language educators that meet to share teaching ideas and to promote the study of foreign languages in our schools are hereby recognized and encouraged; and be it further

RESOLVED, That the residents of the State of Nevada are urged to become familiar with the services and benefits offered by language education programs in the State and to support and participate in these programs to gain proficiency not only in English, but in other languages as well.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblymen Gansert, Anderson, Hardy, and Leslie.

Assemblyman Hardy requested that his remarks be entered in the Journal.

Je voudrais vous dire que cette chose est très bonne. Merci Bien.

(I would like to tell you that this thing is very good.)

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 47—AN ACT relating to juvenile justice; requiring that certain delinquent children be screened for mental health and substance abuse problems; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 1, 2, and 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to David Henley and Paulina Sparkuhl.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Dornan.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Andre Portal and Paul Carelli.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Lonnie Hammargren, Fumiko Okamura Bichard, and Wayne Tanaka.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Shriver and Alan DiStefano.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Rudolph Gunnerman.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Bryant and Shelley Hartman.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Gayle Anderson and Mariano Lemus.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 11, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 11, 2005

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Leslie, Ocegüera, and Parks, who were excused.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats.

Before our prayer, I'd like to share a few words of context. My husband and I lived in Malaysia and Indonesia for five years, in coastal fishing villages about 100 miles from the villages and cities devastated by the tsunami in Aceh. I know all of us here today hold in our thoughts and prayers the people in the 11 nations affected by the tsunami. I am also aware of the hundreds of thousands of people who have lost their livelihoods from the destruction of the fishing economy and whatever farmland there was in the areas contaminated by salt water.

During this time many of our Asian brothers and sisters celebrate the lunar New Year, and have the custom of giving red paper envelopes filled with money to children for blessing and prosperity. Let us pray for that same kind of blessing and prosperity for the children and their families affected by the tsunami and the children and their families here in Nevada.

Let us pray:

Guide our feet, Lord, while we run this race. Remind us of all those in need of prayers for health, longevity, prosperity, and happiness. Keep us as flexible as bamboo bending, not breaking, in times of stress or conflict. In the decisionmaking of this Assembly, give the members the inner strength that comes from this kind of flexibility, strength to work and create together for the good of all. We ask for Your blessing.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 9, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker*, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I am writing to you today to express my desire to address both houses of the Legislature during the 2005 legislative session. It appears that March 24, 2005, is available, and I would enjoy the opportunity to share my views with the Legislature on national issues and the challenges that confront us in Congress. Many of these issues will affect Nevada citizens directly, and the perspectives of the members of the Nevada Legislature are paramount to my decision-making.

I would appreciate it if you could contact my District Director, Tod Story, to confirm the date and time for my address to the Legislature. You can reach Tod at 702-220-9823.

Thank you, and I look forward to hearing from you.

Sincerely,
SHELLEY BERKLEY
Member of Congress

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Holcomb:

Assembly Bill No. 48—AN ACT relating to education; revising provisions governing the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district; changing the name of “occupational education” to “career and technical education”; requiring the State Board for Occupational Education to prescribe a program of career and technical education; requiring each school district to establish and maintain a program of career and technical education in accordance with the program prescribed by the State Board; authorizing charter schools to establish and maintain a program of career and technical education in accordance with the program prescribed by the State Board; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Holcomb moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 49—AN ACT relating to the Marlette Lake Water System; authorizing the issuance of revenue or general obligation bonds to finance the capital costs of improving and modernizing the Marlette Lake Water System; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—AN ACT relating to the adoption of children; requiring the Division of Child and Family Services of the Department of Human Resources to notify certain persons of any medical history and medical information submitted to the State Register for Adoptions in certain circumstances; expanding information required to be maintained by the State Register for Adoptions to include medical history and medical information about certain persons; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—AN ACT relating to adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for postadoptive contact; providing the procedure to modify such an agreement; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 52—AN ACT relating to motor vehicles; making various changes concerning the issuance of drivers' licenses to persons who are 16 or 17 years of age; revising certain restrictions relating to the transportation of passengers who are minors by persons who are 16 or 17 years of age; providing that a parent or legal guardian of a person who commits certain violations with respect to the operation of a motor vehicle is liable to pay the fine or penalties imposed for such a violation and may be required to perform community service if unable to pay the fine or penalties; revising provisions governing automobile driver education in public schools; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 53—AN ACT relating to health care; creating the Division of Minority Health within the Department of Human Resources; creating an Advisory Committee to the Division of Minority Health; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 54—AN ACT relating to juveniles; creating the Legislative Committee on Juvenile Justice; prescribing its powers and duties; creating a full-time position in the Audit Division of the Legislative Counsel Bureau; requiring the Legislative Auditor to appoint an auditor to conduct performance audits of institutions and facilities where juvenile offenders are incarcerated, detained or under residential confinement pursuant to a court order; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Manendo moved that KNPB-TV Channel 5: Megan Berner; KRNV-TV: John Allen, Adrianna Banovich, Doug Barden, Bill Frankmore, Joe Hart, Sarah Johns, Michelle Kinney, Brian Shaw, and Parker Stremmell; KVBC-TV: Mark A. McBride and Gerard Ramalho; LAS VEGAS SUN: Kirsten Searer; MEDIA CENTER/SNCAT: Don Alexander, Henry King, Matthew Lahtinen, John Ponzio, and Earl Spriggs; WINNEMUCCA PUBLISHING: David Gouger be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to David Lee Kennedy.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Clarno.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Scroggins.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Arellanes.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Nolan.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Weber and Diane Steele.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 14, 2005 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 14, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Conklin, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Loving Heavenly Father, today is St. Valentine's Day and we celebrate love. Therefore, we celebrate You. You are love—the definition and demonstration of love. Lover of our souls, help us to love with a love that promotes the best interests of those whom we represent and serve.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to justices of the peace; increasing the amount of the bond required of a justice of the peace before entering upon the duties of his office; requiring the county to furnish the bond for a justice of the peace; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Genevieve F. Allen, Connor W. Anderson, Jourdan L. Bader, Juan J. Barajas, Amanda L. Belarde, Alexis P. Burrows, Jaime A. Coyne, Brent M. Crowley, Vanessa De La Luz, Larry O. Dotson, Erika M. Estrada, Cameron L. Farney, Jose L. Flores, Ashley N. Florez, Nicole J. Garcia, Carington A. Grimes, Victor G. Jimenez, Taylor K. Koch, Stacey A. Lansford, Elizabeth Lopez, Marshay M. Lyons,

Jamie C. Marshall, Airren M. McClanahan, Ivan N. Meza Fonseca, Zachary M. Moore, Matthew J. Oliphant, Christian M. Pascual, Meagan M. Peterson, Michael J. Powell, Christian G. Renger, Emily G. Robbins, Courtney A. Scott, Rebecca L. Solomon, Jessica D. South, Guadalupe Suarez, Michael A. Thibos, Sarah L. Verness, Sergio A. Aguilar, Tanner S. Allen, Alexandria P. Barsanti, Siera R. Barton, Dylan Bustillos, Jennifer R. Cabanilla, Jace T. Causey, Alexandra M. Davis, Kylie M. Dinapoli, Shannon C. Eckes, Grant A. Faanes, Bianca O. Garza, Christopher J. Gay, Joshua J. Gould, Sedell A. Huntley, Aaron M. Iffrig, Wayne K. Izykowski, Bailey M. Jones, David A. Kuckler, Marian M. Lakey, Alissa A. Marshall, Tyler Mollenberg, Brandon L. Mondragon, Juan M. Mora, Angela C. Myers, Adam M. Petrini, Nina N. Pike, Briana L. Ripley, Jeanette K. Riviera, Bianca A. Schmidt, Cory R. Sparks, Marisa M. Stephens, Victoria R. Valenzuela, Richard A. Vargas, Katrina L. Wilhite, Jessica A. Wilson, Michael S. Austria, Geraldine L. Bailie, Sara L. Beebe, Ivy N. Binks, Ashia A. Burke, June H. Chung, Samantha C. Chung, Sandra L. Conklin, Tyler P. Deceunynck, Janette E. Dewater, Steven C. Fink, Stephanie S. Gail, Lacy R. Graham, Berenis Guzman, Cody W. Hill, Eric M. Hill, Stephanie M. Jimenez, Jacob G. Kettler, Marcus Jiemar V. Lapuz, Zane R. Lightner, Karla M. Lima, Briana R. Lockett, Marya A. Matthews, James R. McCollum, Briana V. Milligan, Aldron V. Purisima, Ziad S. Rashdan, Erika P. Reyes, Ramiro M. Rivas, Carlos V. Rodriguez, Nicolas E. Ruizarias, Aglantini I. Simons, Sarah E. Smitherman, Samantha R. Terry, Nancy Tovar, Brian L. Trimble, Kyle D. Zadina, Mitchell H. Allen, Katie A. Avila, Megan Andrea J. Benitez, Trevor A. Burns, Shayl Carleton-Hirakawa, Elizabeth R. Chavez, Chaz Deboer, Anthony W. Disalvo, Timothy J. Eaton, Lorenzo Fernandez, Daniel A. Garcia, Sahara C. Harrington, Brandie J. Harry, Chyanne E. Hernandez, Branden J. Hinen, Sayra Jimenez, Dalton M. Kelly, Tamlyn R. Ketchum, Kayla S. Klix, Alasataire R. Kolk, Kimberly J. Krtinich, Corine C. Lightner, Daniel A. Long, Richard A. Merrigan, Cherie A. Moore, Danielle R. Mull, Joanna Orozco, Adam C. Pearce, Deitrik P. Reed, Maurice R. Roberto, Irene I. Santos, Abhijaat Sidher, Daniel B. Tayo, Valerie Troup, Shanice Vernon Jackson, Michael R. Wallin, and Keegan M. Wood.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Cornwall and Chelsea Cornwall.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Clark.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 16, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 16, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of Lights, You are light and in You there is no darkness. Your Word is a lamp unto our feet and a light unto our path. Enable us to see clearly the issues set before us and grant us the wisdom to make decisions which will brighten the lives of all the citizens of this great state. I pray in the Name of the One who is even now the Light of the World.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

February 10, 2005

SPEAKER RICHARD PERKINS, 401 S. Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER PERKINS:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, March 30, 2005. I look forward to sharing with you and your colleagues information pertaining to some of the important matters that the United States Congress will address in the next two years.

Thank you in advance for your consideration of my request and I wish you all the best for a productive session.

Sincerely,
JON C. PORTER
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 14, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 40.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 15, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 2—Requesting the Nevada Supreme Court to review the manner in which district courts receive and decide petitions to open files and records of the courts in adoption proceedings and to report its findings to the Legislature.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 2.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 56—AN ACT relating to liens; expanding the list of persons upon whom a hospital is required to serve a notice of lien under certain circumstances; extending the period of limitation for a hospital to enforce a lien to recover certain unpaid costs of providing services to an injured person who has received compensation from a third party pursuant to a judgment or settlement; authorizing a hospital to bring an action against certain persons who have received such payments for compensation and have

not paid the hospital for the services rendered to the injured person; removing the prohibition against a hospital foreclosing a lien upon real property while certain persons reside on the property and hold title to the property; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

By the Committee on Health and Human Services:

Assembly Bill No. 57—AN ACT relating to public welfare; repealing certain provisions concerning money provided to a county which is unable to pay the nonfederal share of its expenses required by an interlocal agreement for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 58—AN ACT relating to industrial insurance; requiring the licensure of certain insurance adjusters who handle claims involving industrial insurance; requiring the payment of compensation for the lost wages of injured employees who receive medical treatment under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Pierce, Leslie, Allen, Atkinson, Claborn, Gerhardt, Hogan, Horne, Manendo, Mortenson, Munford, Ocegüera, and Smith; Senators Amodei and Care (by request):

Assembly Bill No. 59—AN ACT relating to public health; requiring certain medical facilities to report hospital-acquired infections as sentinel events to the Health Division of the Department of Human Resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 60—AN ACT relating to education; expanding the personnel of a school district who are eligible for certain retirement credit; authorizing certain teachers to receive a stipend in lieu of the purchase of retirement credit; requiring the Department of Education to make an allocation from the State Distributive School Account to purchase one-fifth of a year of service or to provide a stipend to certain educational personnel, to provide signing bonuses to newly hired teachers and to provide stipends to certain educational personnel; requiring the board of trustees of each school district to review the years of experience of each principal in the district; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 61—AN ACT relating to taxes; exempting from the imposition of the governmental services tax vehicles owned by the governing body of an Indian reservation or Indian colony under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 62—AN ACT relating to the Department of Motor Vehicles; authorizing the Department to issue drivers' licenses, instruction permits and identification cards to certain persons affiliated with the University and Community College System of Nevada; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Leslie, Buckley, Giunchigliani, Parks, Anderson, McClain, and Ocegüera:

Assembly Bill No. 63—AN ACT relating to insurance; prohibiting certain health insurers from denying a claim solely because the claim involves an insured who was injured while intoxicated or under the influence of a controlled substance; prohibiting certain health insurers from canceling or refusing to issue a policy or contract of health insurance solely because an insured or applicant has made such a claim; repealing a section in the

Uniform Health Policy Provision Law which allows certain health insurers to deny claims involving losses sustained by an insured while intoxicated or under the influence of a narcotic; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Carpenter, Goicoechea, Marvel, Grady, Hettrick, Claborn, and Sherer; Senators Rhoads and McGinness:

Assembly Bill No. 64—AN ACT relating to ethics in government; exempting a person elected as a supervisor of a conservation district from the requirement of filing a statement of financial disclosure with the Secretary of State; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Carpenter withdrew the motion that Assembly Bill No. 64 be referred to the Committee on Government Affairs.

Assemblyman Carpenter moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Pierce, Leslie, Parks, Giunchigliani, Conklin, Anderson, Arberry, Atkinson, Buckley, Gerhardt, Kirkpatrick, Koivisto, McClain, Ocegüera, Ohrenschall, Parnell, Perkins, and Smith; Senator Titus:

Assembly Bill No. 65—AN ACT relating to programs for recycling; requiring the State Environmental Commission to adopt regulations prohibiting the disposal of electronic waste at a municipal solid waste landfill or other disposal site; requiring the Commission to adopt regulations establishing a program for the recycling of such waste; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Conklin, Giunchigliani, Pierce, Leslie, Parks, Atkinson, Buckley, Claborn, Denis, Gerhardt, Horne, Manendo, Ocegüera, Parnell, and Perkins; Senators Carlton and Titus:

Assembly Bill No. 66—AN ACT relating to the State Board of Pharmacy; requiring a wholesaler or manufacturer to report to the Board certain gifts or other economic benefits provided by the wholesaler or manufacturer to practitioners, registered pharmacists or administrators of health care facilities or plans; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 19.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 40.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 2.

Resolution read.

Remarks by Assemblymen Buckley, Angle, Carpenter, Giunchigliani, and Anderson.

Conflict of interest declared by Assemblywoman Angle.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I think the Minority Leader of the Senate said it pretty well yesterday. Over the years we see a lot of resolutions, and I do not think any, with the exception of Yucca Mountain, is as important with regard to the federal government and states' rights as this one. Recently, the President, in an attempt to reduce the soaring federal deficit, has recommended in his budget that money generated by federal land sales in Clark County be funded to the national treasury. Specifically, the proposal is to siphon off 70 percent of our lands sale revenue, or some \$700 million a year, to pay for the staggering \$527 billion deficit.

Since the Southern Nevada Public Land Management Act was adopted in 1998, land sales in southern Nevada have generated approximately \$1.6 billion. That is much higher than anyone ever anticipated. Five percent goes to our schools, 10 percent for water infrastructure, and 85 percent for environmental restoration, parks and recreation projects, and sensitive land acquisition throughout the state, including \$300 million specifically for Lake Tahoe, one of Nevada's treasures.

Now Washington wants to take it away from us. If the Bush budget is adopted, it will be devastating for Nevada. Projects like the Clark County Shooting Range, the Spring Mountains Information Center, improvements at Lake Mead and Red Rock, our treasure in southern Nevada, and the purchase of 770 acres of Incline Lake property east of Lake Tahoe, among others, will be jeopardized.

Not long ago, Interior Secretary Gale Norton came to Nevada and praised our program and how it was working: the idea of taking money and earmarking it for special programs and uses, and the way it was operating here. She did not mention, however, that the President was so impressed by our program that he planned to take all of our money away.

Mark my words, they will come after Clark County next. Next time it will be Lincoln County and northern Nevada land sales as well. Nevada has done enough. We already receive much less in federal funding than we contribute in taxes. We only get about 70 cents on the dollar returned to Nevada.

Furthermore, the federal government owns about 86 percent of land in our state, more than any other state in the continental U.S. This is land that cannot be developed and remains outside our tax rolls, which is a terrible deterrent to economic development and us controlling the destiny of our state.

Nevadans are proud Americans. We want to do our share. We pay our taxes. We play by the rules. We work hard. We support lowering the federal deficit, but do not do it at the expense of Nevada. Enough is enough. The money from the sale of land in Nevada should stay in Nevada to preserve our Nevada treasures, to build our infrastructure, and to educate our children. Nevada deserves no less. I urge your support of this resolution.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. As you know, I am an advocate for the Constitution, a strong supporter of the Tenth Amendment, state sovereignty, and state rights, but I have a conflict of interest and I will not be able to vote on this bill.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. To me this is a pretty simple issue. The money that comes from the sale of lands in Nevada ought to stay in Nevada. So I support this resolution.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I guess my colleague from Elko took what I was going to say. What goes in Nevada stays in Nevada, but that wasn't really what I was going to say. I think the Majority Leader summed it up. Our lands are 84 percent already owned by the federal government. We have tried years and years and years to come up with some creative ways to get the government out of our business. Luckily, Senators Ensign and Bryan, at that time, actually wrote the Public Lands Act bill, which gave us some dollars back for our public. It is time that we pass this resolution, saying, "Stop trying to raid our coffers." We are spending millions of our own taxpayer dollars to fight them on Yucca Mountain, for example. Every time we turn around it is the federal government trying to take money out of our pockets. It is time for them to live within their own means and not come to Nevada for our dollars. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I guess it would be nice to indeed just say we all have that kind of conflict. I rise in support of this resolution. None of us likes to remind the federal government of the uniqueness of Nevada and Nevada land. Because of when we became a state, we are one of the few states in the United States that has such an onerous ownership of public lands. It detracts from everything we do. The availability of land makes us one of the highest metropolitan states in the United States. We do not think of us as a metropolitan area, and yet that is the reality of life because we are hemmed in by the national government in terms of what our rights and the rights of the citizens of this state are. So, clearly, this resolution only reaffirms us to an equal position with the other 49 states, and it would be negligent of our obligations not to support this resolution. Thank you, Mr. Speaker.

Roll call on Senate Joint Resolution No. 2:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 67—AN ACT relating to taxation; authorizing the Department of Taxation to suspend or revoke a business license under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 68—AN ACT relating to taxation; authorizing the Department of Taxation to refuse to issue or renew certain licenses or permits if the applicant for the license or permit is liable to the Department for the payment of money; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Michael D. Grandon.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Cash A. Minor.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Maury Astley.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to David Grenz, George Pomeroy, and Amy Lee.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Nichols.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Rianna Durrett.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Marius Nintas.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Adams.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Mann.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 17, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 17, 2005

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, our Lord, how majestic is Your Name in all the earth. The glory of the sunset, the fragrance of the rose, the song of the meadowlark, and the whisper of the brook all declare Your handiwork. Guide us and bless our efforts so that our efforts may prove to be handiwork which is pleasing in Your sight. In Jesus' name I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 3—Declaring February 13 through February 19, 2005, as Career and Technical Education Week and commending career and technical education student organizations.

WHEREAS, February 13 to 19, 2005, has been designated Career and Technical Education Week by the Association for Career and Technical Education; and

WHEREAS, Profound economic and technological changes in our society are reflected in the structure and nature of our workforce, thereby placing new and additional responsibilities on our educational system to prepare students with the necessary basic skills to be successful; and

WHEREAS, Career and technical education improves the quality of education by giving secondary and post-secondary students experience in practical, meaningful applications of basic skills; and

WHEREAS, SkillsUSA, a national organization serving more than 264,500 high school and college students and professional members enrolled in training programs in technical, skilled and service occupations, provides quality educational experiences for students in leadership, teamwork, citizenship and character development, builds self-confidence, work attitudes and communications skills in students, emphasizes life-long education and pride in the dignity of work, and promotes understanding of the free enterprise system and involvement in community service activities; and

WHEREAS, The Distributive Education Clubs of America (DECA) has given young people the tools and aptitudes needed to pursue career opportunities in marketing and management and entrepreneurial opportunities; and

WHEREAS, The mission of Future Business Leaders of America—Phi Beta Lambda (FBLA-PBL), a nonprofit education association of students preparing for careers in business and

business-related fields, is to bring business and education together in a positive working relationship through innovative leadership and career development programs; and

WHEREAS, The National FFA Organization, formerly Future Farmers of America, has seen millions of students achieve real-world success as it pursues its mission to make a positive difference in the lives of students by developing their potential for leadership, personal growth and career success through agricultural education; and

WHEREAS, Family, Career and Community Leaders of America, Inc., (FCCLA), whose central focus is the family, has promoted personal growth and leadership development through family and consumer sciences education, with over 220,000 members preparing for and choosing careers which will ultimately help achieve global cooperation and harmony; and

WHEREAS, These and other organizations provide young Americans with a school-to-career connection and offer them opportunities to learn new skills which provide them with career choices and personal satisfaction as they become productive members and leaders of their communities; and

WHEREAS, The participants in these organizations become the backbone of a strong, well-educated workforce which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

WHEREAS, The ever-increasing cooperative efforts of career and technical educators and business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for careers in fields forecast to experience the largest and fastest growth; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Nevada Legislature hereby declares February 13 through February 19, 2005, as Career and Technical Education Week; and be it further

RESOLVED, That SkillsUSA, DECA, Future Business Leaders of America—Phi Beta Lambda, the National FFA Organization, Family, Career and Community Leaders of America, Inc., and similar organizations are commended for their decades of fostering personal growth and community leadership among the young people of our country and emphasizing the achievement of excellence in whatever vocation they choose; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Association for Career and Technical Education, Nevada SkillsUSA, Nevada DECA, Inc., Nevada FBLA-PBL, the Nevada FFA Association, the Nevada Association FCCLA and the Department of Education.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Goicoechea.

Resolution adopted.

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

Motion carried unanimously.

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

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Mabey, Manendo, Marvel, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Seale, Sherer, and Sibley:

Senate Concurrent Resolution No. 4—Designating February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature.

WHEREAS, It has come to the attention of the Nevada Legislature that the Ancient and Honorable Order of E Clampus Vitus has maintained its honorable status throughout the known world and especially in this great State of Nevada; and

WHEREAS, The Ancient and Honorable and Exceedingly Humble Order of E Clampus Vitus has survived the test of time to become one of the longest surviving brotherhoods of men that continue to fulfill a fundamental need in providing protection and kindness while advancing the noble cause of Clamperdom to residents of the Silver State, especially all the “widders” and orphans, and descendants of the Argonauts; and

WHEREAS, The Honorable Order of E Clampus Vitus was founded in West Virginia in 1845 by Ephram Bee, owner of a tavern on the National Road, and shortly thereafter the warmhearted brothers affectionately became known as the “Clampin Vipers”; and

WHEREAS, In 1860, William Stewart founded the first Ancient and Honorable Order of E Clampus Vitus, Winnemucca Lodge #1, in the Utah Territory, in the unsuspecting peaceful town known as Carson City; and

WHEREAS, The creed of the Clamproctors, yesterday, as well as today, is “to protect the ‘widders’ and orphans, and MAINLY the ‘widders’”; and

WHEREAS, The State of Nevada is proud to continue the tradition of 160 years of devoted service with the Nevada chapters, which now include the Snowshoe Thompson Chapter of Douglas County, the Julia C. Bulette Chapter of the Comstock, the Lucinda Jane Saunders Chapter of Elko County and the Queho Chapter of Clark County; and

WHEREAS, It is an honor and privilege to recognize one of our fellow Clamproctors, Harold “Sonny” Marshall, as the Sublime Noble Grand Humbug of The Honorable Order of E Clampus Vitus; and

WHEREAS, While tradition and revelry will continue, the members of this body were deeply saddened to learn of the passing of our fallen brothers who have gone on to the Silver Hills and Golden Hills and whose long-standing participation in the activities of this Ancient and Honorable Order will be sorely missed; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature, of whom many are proud members of E Clampus Vitus, do hereby declare February 17, 2005, as E Clampus Vitus Day at the Nevada Legislature, a day to be marked by appropriate revelry and thanksgiving; and be it further

RESOLVED, That the Ancient and Honorable Order of E Clampus Vitus is praised and commended for its contributions to mankind and others, and recognized as an illustrious group of Clampers, Clampatrious, Vituscans and Frolicking Friars who must continue to serve and protect the residents of the Silver State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Clamp Patriarchs, Peter Van Alstyne and Jerry Robich.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Indeed it would be hard to top the eloquent language in the resolution, which clearly states the purpose and intent of such a noble group. I, of course, chose my shirt today in honor of this auspicious occasion and the group that we honor today for the sixteenth time. That means over the last 32 years we have had a legislative day for this group that has appeared in the Nevada Legislature. Once again we see them here because of their concern for “widders.” Widders are near and dear to our hearts and clearly one of the questions which are in front of us.

My love of history compels me to remind the Body that E Clampus Vitus (ECV) Organization originated in the 1800s and became famous in the gold fields of California in the 1850s. The chapter quickly sprung up through the Mother Lode, in places like Downieville, Mokelumne Hill, and Sierra City. One of the purposes of the EVC was to provide relief for miners, widows, and orphans. Some might say that the interest in “widders” had some personal overtones and of course, such relationships were natural to happen.

Traveling salesmen called “drummers” often found it hard to sell their wares in these communities unless, of course, brother EVC members were entertained. An early saying in the gold camps was, “Clampers only patronize brother Clampers.” Therefore a good business practice would be to belong to such a group. In fact, some members, I believe, of our Body may be joining this group today for such a purpose. Sometimes the salesmen would end up in a rowdy drinking organization in order to facilitate the sale of his product and, of course, these members would take advantage of this opportunity, so when the sales drummer’s poke would be empty, generally speaking, the party came to an end.

As more people came out West, more staid fraternal organizations came into existence. The new lodges tended to be more clannish and serious when compared to the rowdy Clampers. To poke fun at the pomp and ceremony of these later organizations and the fancy sashes and bejeweled vests worn by some of their members, the Clampers made fun of these groups by cutting can lids into odd shapes and pinning them to their own simple vests. They called this “wearing your tin,” a practice continued to this day; although badges, ribbons, and enameled pins have taken the place of those tin cup lids.

The organization was revitalized in San Francisco in 1931. Today, E Clampus Vitus is a nonprofit organization, for me, that is involved in humanitarian and public help programs, while maintaining a steadfast program of historic preservation. There are numerous active chapters throughout the southwest dedicated to preserving western and mining history. This “serious” side of the organization works to find, research, and dedicate plaques to sites, incidents, and people in western history that might otherwise be overlooked. In fact, my family members maintain that I will never drive by one of these sites without making them all stop and read the plaque.

In their fun and frivolity and their ability to poke fun at themselves, they take on this serious business of continuing to have a good time and look after the needy “widders” who are out there, to keep our social lives alive, to care for the communities in which we live, and to make sure that if there are any traveling salesmen who need a good opportunity to see their poke go dry, they will be happy to fill it up.

Thank you, Mr. Speaker.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Koivisto, Claborn, McClain, Giunchigliani, Parks, Anderson, Arberry, Atkinson, Conklin, Denis, Gerhardt, Kirkpatrick, Manendo, McCleary, Ocegüera, Pierce, and Smith:

Assembly Bill No. 69—AN ACT relating to employment practices; authorizing an employer to enter into a fair share agreement with a labor organization which requires employees who are not members of the labor organization to pay a fee to the labor organization as a condition for employment; and providing other matters properly relating thereto.

Assemblywoman Koivisto moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kirkpatrick, McCleary, Sibley, Allen, Anderson, Arberry, Atkinson, Conklin, Denis, Gansert, Giunchigliani, Goicoechea, Hardy, Hogan, Koivisto, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, and Smith; Senator Carlton:

Assembly Bill No. 70—AN ACT relating to school property; exempting certain nonprofit educational organizations from charges associated with the use of school property; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Christensen, Conklin, Hettrick, Parks, Sherer, Allen, Carpenter, Claborn, Denis, Gerhardt, Goicoechea, Hardy, Hogan, Horne, Mabey, Marvel, McClain, Pierce, and Sibley; Senators Nolan, Amodei, Schneider, Lee, and Care:

Assembly Bill No. 71—AN ACT relating to common-interest communities; requiring an association of a common-interest community to provide a unit's owner with a copy of the declaration of covenants, conditions and restrictions upon request by the unit's owner; and providing other matters properly relating thereto.

Assemblyman Christensen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 72—AN ACT relating to controlled substances; increasing the penalty for subsequent convictions within a 3-year period for the use of drug paraphernalia or the possession of drug paraphernalia with the intent to use the drug paraphernalia; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 73—AN ACT relating to the Department of Business and Industry; authorizing the Director of the Department to appoint and employ certain personnel to assist the Local Government Employee-Management Relations Board and the Taxicab Authority; providing that the Real Estate Division is subject to the administrative supervision of the Director for the purposes of the Uniform Common-Interest Community Act; authorizing the Director to appoint the Executive Director of the Nevada Athletic Commission; requiring the Director to appoint the Executive Director of the State Dairy Commission; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 74—AN ACT relating to local improvements; authorizing the governing body of a local government to create maintenance districts to pay the cost of maintaining and improving certain local improvement projects; providing for the levying of assessments in connection with such maintenance districts; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McCleary, Atkinson, Kirkpatrick, Munford, Claborn, Denis, Hardy, and Manendo; Senators Hardy, Care, and Lee:

Assembly Bill No. 75—AN ACT making an appropriation to Clark County School District for use by Rancho High School to purchase a stand for a fighter plane that was donated by the United States Air Force; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 76—AN ACT relating to education; authorizing the board of trustees of a school district to accommodate certain pupils who are physically or mentally unable to attend school in the policy for attendance of pupils at school; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Horne, Giunchigliani, McCleary, Leslie, Atkinson, Allen, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Smith; Senators Carlton, Cegavske, Amodei, and Hardy:

Assembly Bill No. 77—AN ACT relating to motor vehicles; requiring the board of trustees of each school district to establish and maintain courses in automobile drivers' education; prohibiting a person who is under the age of 16 years from obtaining an instruction permit unless he is enrolled in a course in automobile drivers' education; requiring every policy of liability insurance covering a motor vehicle to provide for reduced premiums for certain persons who have completed a course in automobile drivers' education; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

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

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Horne withdrew the motion that Assembly Bill No. 77 be referred to the Concurrent Committees on Education and Ways and Means.

Assemblyman Horne moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—AN ACT relating to estates; revising certain provisions relating to the powers and duties of a public administrator; revising provisions governing the sale of personal property of an estate; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 79—AN ACT relating to civil practice; allowing the court under certain circumstances to require a person found guilty of contempt to pay the reasonable expenses incurred by a party as a result of the contempt; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 34.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sonny Marshall, Rob McKeivitt, Scoop Robich, Cappy Cook, Buck Jones, Gary Wright, Marsh Fey, Augie Fey, Jim Lydon, Peter Van Alstyne, Charlie Harper, Bob Romer, Danny Coyle, Geno Oliver, John Worthy, Ralph Hultburg, Nate Hughes, Ron Bradley, Rocky Dixon, David Tehee, Bob Inderbieten, Eric Vargas, Scott Gross, Ellis Nelson, Jim Lacey, Steve Shermen, John Boyne, Tom Ries, and Rob Clark.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Virgie R. Vincent and Rodney Brown.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Johnson.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Rice, Nancy Kerns Cummins, Karen Hume, Bob Cooper, Keith Olsen, Sherise Smith, Jason Van Havel, Michelle Kaiser, Ronda Malvey, C. Armando Valencia, James H. Benesch, Taylor L. Cobb, Dillon M. Coleman, Evelyn A. Cunningham, Andrew K. Evans, Liam M. Gomez, Zachery T. Hall, Dylan S. Harris, Allison E. Kreutzian, Grant M. Kukuk, Travis R. Mattoon, Alexandra M. McReynolds,

Olivia A. Moore, Hannah Murphy, Blake H. Achtsheim, Isabella E. Pitts, Kaitlin M. Ramirez, Kellen W. Richards, Kayleen R. Richter, Molly A. Salmon, Chase H. Barnes, Emily Breslow, Maria C. Cagney, Alexa M. Conte, Jerad D. Hershewe, Kaytlin A. Justis, Vincent E. Koci, Christopher J. Lennox, Ryan P. Magera, Wesley G. Matthews, Rex H. Nowak, Eric M. Petralia, Shane C. Ryan, Andrea J. Sanford, Nabila Sarkar, Devin K. Smith, Janice D. Ta, Destinee Terry, Tyler B. Van Ry, Garret T. Volk, Brittany N. Wade, Leah J. Whitefield, Garrett M. Wright, Daniel D. Yi, Ryan D. Akers, Ivan V. Biondi, Ryan J. Bush, Lily W. Cooper, Alexis K. Coulter, Kayla M. Crocco, Allina L. CUMmins, Alyssa M. Eckert, James D. Ferrari, Mackenzie C. Fuller, Michael Z. Harrison, Tyler G. Harrison, Annamarie H. Heydon, Lauren K. Hoogs, Evan M. Jacobs, Cody A. Kaiser, Marcus S. Lorang, Makenzi A. Malvey, Jessica A. Olson, Michael J. Peck, Kevin M. Pikero, Adrian G. Rodriguez, Lauren B. Sandberg, Taylor E. Sibson, Austin D. Smith, Brennen D. Alonso, Anna L. Brackney, Patrick K. Briggs, Albert R. Bylund, Drew A. Calvillo, Katherine L. Clark, Kevin G. Eisele, Shane M. Gump, Ryan K. Hansen, Gabrielle M. Kanellos, Aaron S. Karr, Maxwell S. Kiene, Camille E. Mathis, Ashley K. McPhail, Tessyn C. Opperman, Jachary M. Paquette, Camille E. Perry, Dana Rao, Zachary R. Rice, Hannah M. Rosser, Sedona A. Shonnard, Lydia R. Valencia, Ashley C. Van Havel, and Carter S. Zumtobel.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to David Gouger, Lauren Forbus, David Grenz, George Pomeroy, and Amy Lee.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to David Richards.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 18, 2005, at 8:00 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 18, 2005

Assembly called to order at 8:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Allen, Carpenter, Christensen, Mabey, and Smith, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our awesome God, our Heavenly Father, public service born of a servant's heart is true greatness. Exalt and equip these who serve tirelessly and with willing hearts in order to improve the quality of life for all Nevadans. Strengthen them so that they will not grow weary in this great work. We pray in the name of the One who came not to be served, but to serve.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bills Nos. 23, 26, 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 17, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Goicoechea, Christensen, Allen, Carpenter, Sherer, Gansert, Grady, Marvel, and Sibley; Senator McGinness (by request):

Assembly Bill No. 80—AN ACT relating to wells; authorizing the temporary abandonment of an irrigation well used for agricultural purposes under certain circumstances; requiring continuing education for well drillers; revising the membership of the Well Drillers' Advisory Board; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Buckley, Atkinson, Claborn, Denis, Gerhardt, Hogan, Horne, Koivisto, Leslie, Mabey, McClain, McCleary, Ocegüera, Pierce, and Smith; Senators Care, Amodei, and Titus:

Assembly Bill No. 81—AN ACT relating to housing; requiring a contract for the sale of a mobile home in a mobile home park to include certain provisions; requiring the seller of a mobile home to disclose, under certain circumstances, that the mobile home does not meet certain standards required by a statute or ordinance at the time of sale; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 82—AN ACT relating to highways; authorizing the Department of Transportation to designate lanes on highways for the use of high-occupancy vehicles in certain circumstances; restricting the use of farm tractors and other implements of husbandry on certain highways; revising provisions concerning the formula to determine the allowable gross weight carried by any group of axles on certain highways; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen McCleary, Manendo, and Munford:

Assembly Bill No. 83—AN ACT relating to public works; revising the requirements relating to the payment of overtime to certain mechanics and workmen employed on public works; revising the manner in which a contractor or subcontractor engaged on a public work may discharge his obligation to pay wages to workmen; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McCleary, Leslie, Parks, Manendo, Munford, Atkinson, and Pierce:

Assembly Bill No. 84—AN ACT relating to public welfare; exempting homeless persons from paying certain fees to obtain replacements of certain forms of identifying information; requiring the Legislative Commission to

appoint an interim committee to study the problem of homelessness in Nevada; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Concurrent Committees on Health and Human Services and Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Gansert, Hardy, Allen, Angle, Buckley, Christensen, Denis, Gerhardt, Grady, Hettrick, Holcomb, Kirkpatrick, Mabey, Manendo, Munford, Ocegüera, Parnell, Pierce, Sherer, Sibley, Smith, and Weber:

Assembly Bill No. 85—AN ACT relating to education; making completion of community service a condition to eligibility for a millennium scholarship; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gansert, Hardy, Sibley, Allen, Angle, Buckley, Christensen, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hettrick, Holcomb, Horne, Mabey, Manendo, Marvel, Munford, Ocegüera, Ohrenschall, Parks, Pierce, Sherer, Smith, and Weber; Senator Mathews:

Assembly Bill No. 86—AN ACT relating to antifreeze; requiring the addition of a bittering agent to certain antifreeze to render it unpalatable; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Gansert moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 8 and 34 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 8:19 a.m.

ASSEMBLY IN SESSION

At 8:22 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that the action whereby Assembly Bill No. 84 was referred to the Concurrent Committees on Health and Human Services and Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 84 be referred to the Committee on Health and Human Services.

Motion carried.

Assemblywoman Buckley moved that COVER EDGE TELEVISION NEWS SERVICES: Jeff Critelli, Kevin Ross, Richard Travis; COX COMMUNICATIONS: Steve Schorr; KLVS-TV: Mitch Fox; NEVADA APPEAL: Peter Thompson Clime; NSCTA - CNN HEADLINE NEWS: Robert Gastonguay; RENO GAZETTE-JOURNAL: Ray Hagar, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Giunchigliani, Perkins, Buckley, Pierce, Arberry, Anderson, Atkinson, Carpenter, Claborn, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Seale, Sherer, Sibley, and Smith; Senators Titus, Wiener, Coffin, Carlton, Amodei, Care, Horsford, Lee, Mathews, and Schneider:

Assembly Bill No. 87—AN ACT relating to employment; establishing a statutory minimum wage for employees in this State; providing for the adjustment of the minimum wage; prohibiting the waiver of the minimum wage except in a collective bargaining agreement; providing a cause of action for violations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Giunchigliani moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Arnold, Amanda Beer, Kenny Binder, Daniel Davis, Cody Drews, Shawna Ellis, Ashley Gonzalas, Donaghy Hujhes, Emily Johnson, Josh Morinaga, Jason Olney, Tom Padilla, Cora Shuagis, and Gary Wyatt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 21, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 8:29 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 21, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Stake President William Brewer.

Heavenly Father, we approach Thee in love and gratitude today for the many blessings that Thou hast poured out upon us. We are grateful for the bounty of this land, and the standard of living that we enjoy. We pray that we might ever be mindful of our blessings, and of those who are not as fortunate. Soften our hearts and help us to reach out to them in love and kindness.

We thank Thee for the freedoms that we enjoy in this great land and for the privilege of governing ourselves. Help us as citizens and those who lead us in our government to do that which is right and which will be of the greatest good to all the people. We are thankful for these legislators, gathered in this Assembly, who have left their homes, families, and careers in order to be of service to the people of Nevada. We pray that Thou wilt watch over their homes and loved ones while they are away, and that they will be reunited again in safety.

Heavenly Father, we ask Thee to bless this Assembly this day, that Thy Spirit will enlighten and inspire these who govern, and help them to make decisions and create laws that will be in accordance with Thy will. Bless them with wisdom, patience, and a cheerful nature as they go about their labors. Bless us as a people to support and sustain them by observing the law and by carefully protecting our freedoms through recognizing and following through on our responsibilities as citizens.

We love Thee, Father, and ask for these blessings in the name of Thy Son, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Goicoechea, Sherer, Allen, Anderson, Carpenter, Christensen, Claborn, Gansert, Grady, Hardy, Hettrick, Hogan, Mabey, Manendo, Marvel, Munford, Perkins, and Sibley:

Assembly Bill No. 88—AN ACT relating to firearms; allowing the possession of a short-barreled rifle or a short-barreled shotgun that has been

determined to be a collector's item, curio or relic pursuant to federal law; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 89—AN ACT relating to city elections; authorizing a city clerk to designate an alternate or additional facility at which electors may register to vote; prescribing the manner of operation of such a facility; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Claborn, Ohrenschall, McCleary, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, and Mortenson:

Assembly Bill No. 90—AN ACT relating to the Department of Wildlife; requiring the biennial budget of the Department be approved by the Board of Wildlife Commissioners; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Anderson, Parks, Atkinson, Claborn, Conklin, Denis, Gerhardt, Hettrick, Hogan, Holcomb, Horne, Koivisto, Marvel, Ocegüera, Ohrenschall, Pierce, Sibley, and Weber (by request):

Assembly Bill No. 91—AN ACT relating to district courts; increasing the fees for a court reporter in district court; establishing fees for a court reporter of a district court for certain services provided in a civil proceeding; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 92—AN ACT relating to crime; increasing the period of time that a justice of the peace or a municipal judge may suspend the sentence of a person convicted of a misdemeanor; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 93—AN ACT making a supplemental appropriation to the State Distributive School Account for unanticipated expenses for Fiscal Year 2004–2005 for providing health care subsidies to retired school district employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 94—AN ACT making a supplemental appropriation to the State Department of Conservation and Natural Resources for the costs of terminal leave, tort insurance premiums paid by the Division of Conservation Districts and updating joint funding agreements between the United States Geological Survey and the Division of Water Resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 95—AN ACT making an appropriation to the Department of Business and Industry for an unanticipated shortfall in money for Fiscal Year 2004–2005 resulting from the reclassification of positions in the Nevada Athletic Commission; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 96—AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account and Reserve for Statutory Contingency Account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 97—AN ACT making an appropriation to the Account for the Governor's Portrait to provide money for the preparation and framing of a portrait of Governor Kenny C. Guinn; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 98—AN ACT making an appropriation to the Motor Pool Division of the Department of Administration for additional vehicles; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 99—AN ACT making an appropriation to the Department of Administration for support of the Southwest Defense Alliance and Nevada's representative serving on the Alliance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried

By the Committee on Ways and Means:

Assembly Bill No. 100—AN ACT making an appropriation to the Department of Administration for allocation to Opportunity Village to provide assistance in the construction of a new southwest campus designed to serve additional Nevadans; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 101—AN ACT making an appropriation to the Department of Administration for allocation to the Nevada Commission for National and Community Service to match federal funding for continuation of its programs dedicated to promoting citizen volunteerism; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 102—AN ACT making an appropriation to the Department of Administration for allocation to the Nevada Humanities Committee to assist with the operation of the southern Nevada office; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 103—AN ACT making an appropriation to the Department of Administration for allocation to the Nevada Rural Hospital Partners for establishment of a pool for loans and grants for rural health care providers; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 104—AN ACT making an appropriation to the Western Interstate Commission for Higher Education for upgrades in information technology for its accounting system; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 105—AN ACT making an appropriation to the State Department of Agriculture for the acquisition of equipment for the State Sealer of Weights and Measures; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 106—AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the preparation of new offices for occupancy, replenishment of the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program and litigation costs of the Division of Water Resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 107—AN ACT making a supplemental appropriation to the University and Community College System of Nevada for matching money for the National Direct Student Loan Program for Fiscal Year 2004–2005; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 108—AN ACT relating to educational personnel; revising provisions governing the appointment of a hearing officer in cases involving the demotion, dismissal or refusal to reemploy licensed educational personnel and in cases involving the suspension or revocation of an educational license; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 8 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 109—AN ACT relating to education; revising the date for submission of an annual report by the governing bodies of the regional training programs for the professional development of teachers and administrators; making various appropriations from the State General Fund and authorizing various transfers of money from the State Distributive School Account for the education and professional development of teachers, other educational personnel and boards of trustees of school districts; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Parnell moved that the action whereby Assembly Bill No. 109 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 109 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 110—AN ACT relating to educational personnel; revising the provisions governing incentives for teaching in certain subject areas and schools; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3 and Senate Joint Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Melody Wilson, Rae Lathrop, and Lauren Lathrop.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to MacKenzie Gansert and Tessa Breeden.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Launa Wilson and David Bobzien.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Noah Jennings.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Gray Hollis, Arthur D. Jones, and Opal Jones.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Sibley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Guillermo Garcia, Laureen Garcia, Sebastien Garcia, and Angelina Garcia.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, February 22, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 22, 2005

Assembly called to order at 11:08 a.m.

Madame Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Christensen and Horne, who were excused.

Prayer by the Chaplain, Bishop Doug Christenson.

Our beloved Heavenly Father, we come before Thee with gratitude and thankfulness in our hearts. We thank Thee for the Savior Jesus Christ and His example of a perfect life that we try to emulate.

We thank Thee for this beautiful land in which we live. We thank Thee for providing this country with all its freedom. We are grateful for our forefathers who have fought for those freedoms and we pray for the men and women who are now in harms way defending those fundamental freedoms. Wilt Thou return these men and women home safely when the time is right. We pray for their families that they will be comforted and blessed during this time of sacrifice. We thank Thee for our government and its leaders. Wilt Thou guide and direct them as they make decisions to lead us into the future.

We thank Thee for the beautiful state of Nevada. We recognize Thy hand in all the creations that we see around us. We thank Thee for these men and women who lead us in this state. Please bless them with health and strength as they perform their duties. Bless them as they govern and search to do that which is right for the citizens of this state. Thou knowest that there is much evil in the world today. Please bless this government that they will be mindful of the youth and work on their behalf to protect and bless their lives. Heavenly Father, we pray that Thou wilt be with the families of this good Legislature. Protect them and watch over them.

We pray unto Thee, Heavenly Father, to be with each citizen and heal those that are in need. We pray that Thou wilt continue to lift the hearts of the wonderful people of this state that they will strive to help their brother, sister, and neighbor. Pour out Thy spirit upon each individual, that their choices may be guided to do what is right and righteous. We pray for families. There is much evil trying to tear down the family today. Wilt Thou strengthen each father and mother so that they can raise their children in righteousness. Bless the children that they will follow in the good example of their parents.

We ask Thee, now, Heavenly Father, to be with this Body. Bless them this day that their minds and bodies will be strong as they work to benefit the people. Protect them from harm and accident so that they can return to their families soon.

We love Thee with all our hearts. We pray that Thou wilt forgive us of the things that we do wrong. Bless us that each day we will strive to be more worthy of Thy blessings. Again we express our thankfulness to Thee and pray for these blessings in the name of our Savior, Jesus Christ, amen.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Sherer, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, and Weber:

Assembly Bill No. 111—AN ACT relating to state government; requiring the Department of Administration to conduct a study concerning the feasibility and desirability of relocating certain state agencies to rural communities under certain circumstances; requiring the Department to recommend, if feasible, the relocation of at least one such agency; authorizing the Director of the Department to receive and expend money to conduct the study; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Government Affairs.

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

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Madame Speaker pro Tempore presiding.

Quorum present.

Assemblyman Sherer withdrew the motion that Assembly Bill No. 111 be referred to the Committee on Government Affairs.

Assemblyman Sherer moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblywoman Parnell and Senator Amodei:

Assembly Bill No. 112—AN ACT relating to watercraft; requiring certain vessels to carry on board certain safety devices accessible for use in an emergency; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Manendo, Parks, McCleary, Ohrenschall, Allen, Anderson, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, Pierce, and Smith:

Assembly Bill No. 113—AN ACT relating to public employees' retirement; authorizing certain public employees who served on active military duty to purchase up to 2 additional years of service in the Public

Employees' Retirement System; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Marvel, Sibley, Allen, Carpenter, Grady, Hettrick, and Seale (by request):

Assembly Bill No. 114—AN ACT relating to manufactured housing; authorizing a licensed real estate broker and his licensed salesman under certain circumstances to sell used mobile homes and used manufactured homes without obtaining certain additional licensure; removing the duty of the Administrator of the Manufactured Housing Division of the Department of Business and Industry to prescribe the form of the contract that must be used for the sale of a manufactured home, mobile home or commercial coach; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 40.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 23:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Horne—2.

Assembly Bill No. 23 having received a constitutional majority, Madame Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 26 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 29:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Horne—2.

Assembly Bill No. 29 having received a constitutional majority, Madame Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Madame Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 5—Commemorating the 100th anniversary of Las Vegas and designating the year 2005 as the “Las Vegas Centennial Celebration.”

Commemorating the 100th anniversary of Las Vegas and designating the year 2005 as the “Las Vegas Centennial Celebration.”

Whereas, Hidden for centuries from all but Native Americans, the oasis that would become known as Las Vegas Valley was protected from discovery by the surrounding harsh and unforgiving Mojave Desert until 1829 when it was sighted by Rafael Rivera, a scout for the New Mexico trader, Antonio Armijo; and

Whereas, The abundance of artesian spring water discovered in the Valley shortened the trade route along the Old Spanish Trail from Santa Fe, New Mexico, to Los Angeles, California, and the area became known as “Las Vegas,” Spanish for “The Meadows”; and

Whereas, In 1844, famed explorer Captain John C. Fremont camped near the springs, described the route and noted the name “Las Vegas” in his expedition journal, which would later be published and distributed and help make the Valley known to the world; and

Whereas, The first non-Native American settlement in the Valley was a fortified mission built in 1855 by Mormon colonists who were quickly overwhelmed by the rigors of desert life and occasional Indian raids and who abandoned the site 2 years later; and

Whereas, After filing unsuccessful mining claims near present-day Boulder City, Octavius Decatur Gass, considered a founding father of Las Vegas, established a working ranch in 1865 near the remains of the Mormon fort on what is now downtown Las Vegas; and

Whereas, The Gass ranch was acquired in 1881 by Archibald Stewart and was sold 21 years later by his wife Helen to Montana Senator William A. Clark, who subsequently used the land to complete the railroad line between Los Angeles, California, and Salt Lake City, Utah; and

Whereas, By 1905, the San Pedro, Los Angeles and Salt Lake Railroad was completed and a railroad town was laid out on 110 acres bounded by Stewart Avenue, Garces Avenue, Main Street, and 5th Street, which is now Las Vegas Boulevard; and

Whereas, On May 15, 1905, the Railroad auctioned lots in the townsite called "Las Vegas," establishing the humble beginning of a city that would become a thriving business mecca and the entertainment capital of the world; and

Whereas, The Las Vegas Centennial Celebration Committee is dedicated to educating the public and commemorating and celebrating the history and culture of Las Vegas; and

Whereas, The Centennial Celebration is a year-long event meant to include both residents and tourists by creating a wide range of activities, projects and events; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly Concurring, That the members of the 73rd Session of the Nevada Legislature do hereby commemorate the 100th anniversary of the founding of Las Vegas and designate the year 2005 as the "Las Vegas Centennial Celebration"; and be it further

Resolved, That the Las Vegas Centennial Celebration Committee is hereby commended for its efforts to ensure that the residents of Nevada are aware of the historic events that established and developed Las Vegas, for preserving the history of Las Vegas through Centennial legacy projects that will honor the past and for establishing endowments for historic preservation projects in the future; and be it further

Resolved, That the Las Vegas Centennial Celebration Committee is hereby urged to continue the year-long celebration of Las Vegas as one of the great American cities, as documented by Insignia Films in their award-winning American Experience series; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to Mayor Oscar B. Goodman, Chairman of the Las Vegas Centennial Celebration Committee.

Assemblywoman Pierce moved the adoption of the resolution.

Remarks by Assemblywomen Pierce and Ohrenschall.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Berggren, Dan Childs, Joe Childs, Chris Crawford, Mindy Crawford, Devin Earl, Connor Farrell, Carolyn Farrell, Sam Harris, Bill Hartman, Kevin Haws, Dillon Huckabee, Bill Kolstad, Justin Light, Wade Norberg, Jeanie Phalin, Luke Rader, David Reese, Justin Riker, Justin Smith, Kevin Temple Jr., Kevin Temple Sr., Gary Vetsch, Jefiffer Vetsch, Zachary White, Steve White, Day Williams, Nathanael Williams, Nathaniel Brown, Dale Brown, Robert Park, Pam Park, Anthony Stinnett, Sherry Stinnett, Tyler Stinnett, Cody Shindelbower, Matthew Buscay, Brent Buscay, Cody Shelton, Nicholas Talbott, Nathan Chappelle, Anthony Hinen, Brandon Hinen, Kyle Perry, Zachary Tierney, Ricky Buma, Jacob Koch, Ray King, Austin Collins, Julian South, Byron Kreck, Juan Radallegas,

Brendon Dietz, Alex Miller, John Alexander, Donna Alexander, Chris Koch, Skyler Jarvis, Edward Vestch, Tanner McAvoy, Chad Woodruff, Steve McKnight, Scott McKnight, Colton Jones, Jace Ewing, Kyle Ewing, Taylor Robb, Zach Ipson, Wade Wagner, and Chuck Woodruff.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to David Bennett and Marco Ruelas.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Goodman.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, February 23, 2005, at 11:00 a.m. and that it do so in memory of Tom Stoneburner.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 23, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, Horne, Parks, and Sherer, who were excused.

Prayer by the Chaplain, Bishop Ray Case.

Father in Heaven, we bow our heads in prayer this hour. We invite Thy Spirit to be with us and prevail during this legislative session. How grateful we are for the personal circumstances that permit us to be here today. We thank Thee, Father, for the combined skills, talents, and attributes of this Legislature. We pray in behalf of those who will be present this day. We pray that their points of advocacy be appreciated and understood. The welfare of the state of Nevada is an immense task and we pray these legislators and their assistants be blessed with discernment, judgment, and patience as they labor this day. We pray for peace in their hearts and a love and appreciation for the great state of Nevada and the people they serve. Our gratitude we express and these blessings we ask in the name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Commerce and Labor.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 83 be rereferred to the Committee on Commerce and Labor.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 24; Senate Joint Resolution No. 11 of the 72nd Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senate Finance:

Senate Joint Resolution No. 11 of the 72nd Session—Proposing to amend the Nevada Constitution to provide for the payment of compensation to the members of the Legislature for each day of service during regular and special sessions and to provide for the payment of reasonable allowances to such members for postage, express charges, newspapers, telecommunications and stationery.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, Jointly, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

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

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

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Claborn, Ohrenschall, McCleary, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, and Parks:

Assembly Bill No. 115—AN ACT relating to wildlife; authorizing the Board of Wildlife Commissioners to establish an area where the hunting of

certain mule deer is prohibited; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Claborn, Ohrenschall, McCleary, Koivisto, Atkinson, Carpenter, Conklin, Gerhardt, Goicoechea, Hogan, Kirkpatrick, Manendo, McClain, Mortenson, and Parks:

Assembly Bill No. 116—AN ACT relating to wildlife; revising provisions governing the eligibility of a person to apply for a tag to hunt mule deer; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen McClain, Koivisto, Pierce, Conklin, Ohrenschall, Anderson, Atkinson, Buckley, Carpenter, Claborn, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Sherer, Sibley, Smith, and Weber; Senators Wiener, Coffin, Heck, Horsford, and Schneider:

Assembly Bill No. 117—AN ACT making an appropriation to the Aging Services Division of the Department of Human Resources for the establishment of a pilot program to provide assistance to senior citizens for vision care; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McClain, Hardy, Conklin, Ohrenschall, McCleary, Allen, Anderson, Atkinson, Buckley, Claborn, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Weber; Senators Heck, Horsford, Schneider, and Wiener (by request):

Assembly Bill No. 118—AN ACT relating to tobacco; prohibiting smoking of tobacco in certain video arcades; revising the provisions governing smoking of tobacco in child care facilities; providing civil and criminal penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parks, Giunchigliani, Anderson, Leslie, Perkins, Allen, Atkinson, Claborn, Conklin, Denis, Gansert, Gerhardt, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, McCleary, Mortenson, Ocegüera, Ohrenschall, Parnell, Pierce, Seale, Sherer, Sibley, and Smith; Senators Carlton, Wiener, Horsford, Titus, Coffin, and Schneider:

Assembly Bill No. 119—AN ACT relating to corporations; requiring certain charitable corporations, before soliciting contributions, to register with the Secretary of State; prescribing the information that the registration statement must contain; providing that a registration statement and financial report must be filed annually by charitable corporations in certain circumstances; providing that certain information provided to the Secretary of State is a public record; providing that registration must not be construed as an endorsement of the charitable corporation; requiring the Secretary of State to provide certain information concerning charitable corporations to the public; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Gerhardt, Ohrenschall, Koivisto, Anderson, Atkinson, Buckley, Claborn, Conklin, Denis, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, and Smith; Senators Carlton, Care, Coffin, and Titus:

Assembly Bill No. 120—AN ACT relating to physicians; requiring a physician licensed to practice medicine or osteopathic medicine to submit with his application for renewal of his license or registration information concerning certain office-based surgery performed by him; requiring the licensing boards of those physicians biennially to compile and report such information to the Governor and the Legislature; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Pierce, Parks, Conklin, Ohrenschall, Anderson, Atkinson, Buckley, Denis, Leslie, Munford, and Perkins:

Assembly Bill No. 121—AN ACT relating to firearms; revising the provisions governing the circumstances under which a sheriff must deny an application for a permit to carry a concealed firearm or must revoke such permit; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 122—AN ACT relating to utilities; removing the requirement that a landlord of a mobile home park submit an annual report to the Public Utilities Commission of Nevada concerning service charges for utilities provided to the mobile home park; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 123—AN ACT relating to crimes; prohibiting the use of an electronic stun device under certain circumstances; prohibiting certain persons from possessing an electronic stun device; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 124—AN ACT relating to crimes; prohibiting a person from operating an audiovisual recording function of a device in a motion picture theater under certain circumstances; providing immunity from civil liability under certain circumstances to an owner or lessee of a motion picture theater who detains a person believed to have violated that prohibition; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 125—AN ACT relating to land use planning; revising certain provisions to clarify the role of the Public Utilities Commission of Nevada in the approval of certain proposed subdivisions; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 3.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 24.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 40:

Yeas—38.

Nays—None.

Excused—Arberry, Horne, Parks, Sherer—4.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Senate Bill No. 24 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 24 be referred to the Committee on Health and Human Services.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Washington, and Wiener; Assemblymen Ocegüera, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 6—Acknowledging February 23, 2005, as Rotary International Day in the State of Nevada.

WHEREAS, The highest distinction in life lies not in deeds we do for ourselves, but in acts performed in the service of others; and

WHEREAS, There are today approximately 1.2 million business and professional leaders in more than 31,000 Rotary Clubs in 166 countries who have dedicated themselves as servants to humanity and who are working diligently to achieve the goals of improving their communities and building understanding and peace throughout the world; and

WHEREAS, From its inception on February 23, 1905, as a group of four businessmen in Chicago, Illinois, whose first service project was the purchase of a horse to enable a local physician to make house calls, Rotary has maintained a record of remarkable community and worldwide accomplishments; and

WHEREAS, Rotary International has garnered widespread acclaim for its flagship undertaking, the eradication of polio from the world, a project to which Rotary Clubs have contributed \$500 million and countless hours of volunteer work resulting in the immunization of nearly 2 billion children; and

WHEREAS, Other health-oriented projects to which Rotarians contribute include tuberculosis screening and treatment, AIDS education, installation of water wells and water pumps, free heart surgery for children who have potentially fatal heart conditions and reconstructive facial surgery for underprivileged children who are born with a cleft lip or cleft palate; and

WHEREAS, As the world's largest privately funded source of international scholarships, Rotary annually enables approximately 1,000 students in universities throughout the nations to study in another country, and in the United States, nearly 8,000 high school students are sponsored each year in a student exchange program to study abroad for a period of 3 months to a year; and

WHEREAS, In an effort to train those who will serve as tomorrow's peacemakers and diplomats, Rotary Clubs have recently launched a new program called the Rotary Centers for International Studies, which provides postsecondary education in conflict resolution at eight prestigious universities worldwide to 70 Rotary World Peace Scholars who are chosen in a competitive selection process; and

WHEREAS, Yet another major objective of Rotarians is to fight against illiteracy through building schools, paying salaries of teachers, serving as tutors, collecting and distributing educational materials and creating model literacy projects; and

WHEREAS, Rotary Clubs around the globe are currently providing aid to the victims of the tsunami in Asia by organizing relief committees and coordinating relief centers and medical camps, as well as collecting and distributing donated goods and contributions; and

WHEREAS, In commemoration of the centennial celebration of Rotary International, the Rotary Club of Carson City, which daily devotes time to the creation of a better place to live by providing programs and projects for children, students, businessmen, the less fortunate and the entire community, is honoring our area with the gift of a four-sided Centennial Rotary Clock that will be placed in front of the Legislative Building in Nevada's State Capital; and

WHEREAS, The four sides of this clock represent to every passerby the guiding principles of the Rotary Club, which ask, "Of the things we think, say or do, is it the TRUTH, is it FAIR to all concerned, will it build GOOD WILL and BETTER FRIENDSHIPS and will it be BENEFICIAL to all concerned?"; and

WHEREAS, This clock will serve as a constant reminder of Rotary's past accomplishments and as a harbinger of future service that will provide positive and lasting impact to this community and to the world; now, therefore, be it

RESOLVED by the Senate of the State of Nevada, the Assembly Concurring, That the members of the 73rd Session of the Nevada Legislature acknowledge February 23, 2005, as Rotary International Day in the State of Nevada; and be it further

RESOLVED, That the members of this Legislature express their deepest admiration and appreciation for Rotary International and for the Rotary Club of Carson City for the humanitarian efforts offered to our community and our world; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Rafael Cappucci, current President of the Rotary Club of Carson City, and to John Allen, President-Elect.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblymen Carpenter and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 126—AN ACT relating to health care; revising the provisions governing the provision of care by a personal assistant for a person with a disability; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywomen Leslie and McClain as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Nolan and Tiffany, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry, Parks, and Sherer, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Wiener and Assemblyman Ocegüera to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2005

I first came to Carson City as a member of the Assembly in 1969. I can still recall the thoughts that raced through my mind on that long, lonely drive from Las Vegas. That was my first trip. I didn't want to leave my family. We had two babies and I had a law practice. I was worried about my new life, and my new responsibilities. When I finally arrived in our state Capitol, my new home was a room in the Frontier Motel. It was a scary time, a real adjustment. But as the Legislature began, my fears turned to excitement with the realization that I would have an opportunity to change things for the better.

In the 36 years since I made that trip, much has changed in our state. Our population has grown to nearly two-and-one-half million. Las Vegas has become one of the strongest economic engines in the nation, with the 10 largest hotels in the world. Mining is back. Reno, Sparks, Pahrump, Carson City, Elko, Yerington, Fernley, and Dayton have all grown dramatically.

But certain things have not changed since I made that long, lonely trip. All of us here tonight still have that same opportunity to make life better for the people we serve and represent. As I look around the room today, I see this Legislature as a snapshot of Nevada. We have doctors, ranchers, and a nuclear physicist. We have high school teachers, elementary school teachers, and

lawyers. We have police officers, a fire captain, and a member of the Army Reserve. We have a radio station manager, a newspaper publisher, a waitress, and many others. In short, we have citizens from all walks of life who have come together to make a difference for the people of Nevada.

As I reflect on my time in Carson City, my mind and heart quickly go to the man who I believe was the best public servant this state has ever known, Governor Mike O'Callaghan. Mike worked every day to make life better for others. Mike died in church last year, making the distance he traveled to heaven just a little shorter. The lessons he taught us are forever. We are elected as Democrats and Republicans, but serve as Nevadans. We need to work as a team if we want positive results. Which brings to mind another Nevadan, someone not in my political party but someone I admire, Governor Kenny Guinn. We may not be in the same party, but I have great respect for him and the work he has done, both as Governor and all the things he did before he got here.

Speaking of members of the other political organization, John Ensign and I have set a good example of bipartisanship. We have demonstrated that it is possible to put partisan differences aside for the good of Nevada. For example, Senator Ensign and I worked together on legislation that allows our state to take the proceeds from the sale of public lands in southern Nevada and use that money to protect Nevada's parks, trails, natural areas, and other special places. It's a Nevada solution to address our Nevada challenges.

Unfortunately, President Bush wants to take the money from Nevada and hand it to the federal government. This money has been earmarked for our needs. It should stay here, and the Nevada congressional delegation is working to prevent the Bush administration from stealing this money. I congratulate and applaud the Legislature for the actions you have taken in resolving that the money should not come back to Washington.

That is not the only area where we are working together in Washington to make Nevada an even better place. Individual states have always regulated hunting and fishing within their boundaries, but a recent federal court ruling is endangering this right by preventing states like Nevada from setting different hunting and fishing standards for residents and non-residents. Lawmakers from both sides of the aisle in Washington, Senator Ensign and I included, disagree with the court and are seeking to overturn it through legislation I have introduced. It is Nevadans who work to protect fish and game here; it is Nevadans who support wildlife conservation through their work and their taxes; and it is Nevadans who should get to set limits on who hunts and fishes within our boundaries.

Senator Ensign and I have also joined in introducing the Voter Integrity and Verification Act. It would require every state to meet Nevada's high election standards. Nevada is leading the country ensuring every vote is counted, and I believe that if every Nevada voter has a paper ballot receipt, every voter in America should have one as well. I believe this is crucial legislation, and I will do everything I can to see that it passes.

Now, I don't too often meddle in your business, but while we're on the subject of voting, please come together and do something about voter registration before we do something about it in Washington. With all the new technology, there is no reason why Nevada should close the door to registration one month before Election Day. This is about giving Nevadans a voice in our government and that is something we should all work and agree on, Republican, Democrat, or Independent.

And there is another area where we should all agree. The people of Nevada voted overwhelmingly last November to raise their minimum wage. Their voices could not be clearer. Minimum wage is decades behind cost of living. Don't make families wait another two years. You can pass this legislation and help hardworking Nevadans, like those workers here today, get ahead with jobs that pay enough to make ends meet.

Finally, let me say a few words, in closing, on Social Security. There are times in public service when you have to stand and fight. I'm willing to work with the President when he is on the right track, but when he gets off track, as he has on Social Security, my Democratic colleagues and I will not shy away from expressing our view of what is right and what is wrong. President Bush likes to say Social Security is in crisis as he travels across the country. Well, the Academy Awards are this Sunday night, and if they gave an Oscar for "crisis creation," I'm certain the Bush White House would win in a landslide. The truth is, Social Security is not about

to go bankrupt. If we do nothing, seniors will get 100 percent of their Social Security benefits for nearly the next 50 years. And even after that they would continue to get 80 percent of their benefits after that. We do need to address Social Security's long-term problems, and Democrats in Congress want to work with the President to strengthen the program, but we must do it right. Let me be clear: privatization is not the answer. The President's plan will not strengthen Social Security, it will destroy Social Security. The Bush plan will result in cuts to a retiree's benefits by a third, or more, and force us to borrow nearly \$5 trillion, most of it from foreign countries like China and Japan. I want to work with the President to address Social Security's long-term challenges, but a crisis it is not. We need to find ways to help Americans save. But we will never agree to a privatization plan that damages Social Security by making deep cuts in benefits and amassing immoral debt increases. Social Security is America's promise of a secure retirement to those who work hard and play by the rules. It is a promise we should all work to keep. I hope you will send that message loud and clear to the President by passing a resolution expressing the Nevada State Legislature's opposition to any changes in Social Security that result in benefit cuts.

As I now reflect on that 400-mile trip that took me from Las Vegas to Carson City over three decades ago, I realize my life has taken me further than I ever dreamed. From city attorney, to county responsibilities, to duties with the state, and now a member of Congress; from Searchlight to Washington, D.C. It has been a long trip with, I am told, a few bumps along the way. But I only remember the pleasurable vistas on my life's journey. I've never forgotten what inspired me during my first days in government or the lessons I learned from Mike O'Callaghan, that we as public servants have the opportunity to make life better for those we represent. You see, the American Dream, to me, is not just another phrase. It is reality. Each day of my life I have lived the American Dream. I am grateful to the people of Nevada for permitting me to live that dream and to continue the trip I began here 36 years ago.

Senator Titus moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able, and constructive message.

Seconded by Assemblyman Ocegueda.

Motion carried unanimously.

The Committee on Escort escorted Senator Reid to the Bar of the Assembly.

Senator Horsford moved that the Joint Session be dissolved.

Seconded by Assemblyman Manendo.

Motion carried.

Joint Session dissolved at 5:30 p.m.

ASSEMBLY IN SESSION

At 5:32 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Loy.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Ridgeway.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Joy Lumos and Paul Lumos.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Geary, Ken Miller, and Joanna Reeves.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Reeves and Bob Jepson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mouryne Dini, Joe Dini, and Terri Perkins.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, February 24, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 24, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hettrick and Sherer, who were excused.

Prayer by the Chaplain, Bishop Dennis Wheeler.

Our Father in Heaven, we open this Assembly this morning with much gratitude in our hearts for the lives Thou has given us as well as the lives of our families, friends, and associates. We are grateful for the citizens of this great state of Nevada. We are thankful for the lands under Thy domain that we call home. May we be worthy of them and seek to protect them in all we do. We pray for help and guidance as this session opens and work concerning us all commences. Father, we are grateful for our very freedoms and liberties. We are especially grateful for those many men and women that protect our rights, both here and abroad. May we show our gratitude to them and the freedoms they so diligently protect by the way that we conduct ourselves. In all our affairs and labors we pray, in the name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 127—AN ACT relating to public health; providing subsidies from the Fund for a Healthy Nevada for the coverage of limited-scope dental and vision benefits within the program of subsidies for the provision of prescription drugs and pharmaceutical services to senior citizens; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Weber, Mabey, McCleary, Sherer, Angle, Claborn, Gansert, Goicoechea, Grady, Hardy, Hettrick, McClain, Munford, Ohrenschall, and Seale:

Assembly Bill No. 128—AN ACT relating to taxation; requiring a county assessor to include certain information in a notice of assessed valuation and to make such information available without charge upon request and on the Internet under certain circumstances; requiring the ex officio tax receiver of a county to include certain information in an individual tax bill or individual tax notice and to make such information available without charge upon request and on the Internet under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Weber moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Denis, Buckley, Ocegüera, Conklin, Ohrenschall, Allen, Anderson, Atkinson, Carpenter, Christensen, Claborn, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith; Senators Carlton, Mathews, Coffin, Wiener, Care, Hardy, Heck, Horsford, Lee, and Schneider:

Assembly Bill No. 129—AN ACT making an appropriation to the Division of State Library and Archives of the Department of Cultural Affairs for grants to local libraries for library collections; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 8.

Amend sec. 2, page 2, by deleting lines 7 through 9 and inserting:

“Sec. 2. There is hereby appropriated from the State General Fund to the Southern Nevada Adult Mental Health Services of the Division of Mental Health and Developmental Services of the Department of Human Resources for the support of the Mental Health Court in Clark County:”.

Amend the title of the bill to read as follows:

“AN ACT making an appropriation for the support of the Mental Health Court in Clark County; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation for support of Mental Health Court in Clark County. (BDR S-812)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 87 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 13.

Amend section 2, page 4, line 41, by deleting “and” and inserting “or”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

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

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Buckley, Perkins, Ocegüera, Giunchigliani, Anderson, Arberry, Atkinson, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Pierce, and Smith; Senators Titus, Carlton, Coffin, Wiener, Care, Horsford, Lee, Mathews, and Schneider:

Assembly Joint Resolution No. 1—Urging Congress to oppose any attempt to privatize Social Security.

Assemblywoman Buckley moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblywoman Buckley.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.

Resolution read.

Remarks by Assemblymen Buckley and Mabey.

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Everyone remembers a moment in their lives when they were in school when history became alive, that you weren't bored anymore—something grabbed you. I remember one of those first times for me was when I learned about the Great Depression. It was hard to imagine the ordeal that the country went through, having not lived it; the stock market crash; the high rates of unemployment; the suicides, people jumping out of buildings when they lost all of their savings. At that time, over half of our nation's elderly were living in poverty, and any of them who had savings found the savings were suddenly gone.

But out of hardship came vision. Franklin Delano Roosevelt said, "We can never insure one hundred percent of the population against one hundred percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age." And so began the Social Security Act. For over 60 years, Social Security has been a program of many successes, which ultimately created a country where our senior citizens do not live in abject

poverty. 314,120 Nevadans depend on Social Security. In a study by the Center on Budget and Policy Priorities, 67,000 of Nevada seniors are lifted out of poverty because of Social Security. Forty-five percent of elderly people in Nevada would be poor if it was not for Social Security, and 79 percent of these seniors are women who would live in poverty but for Social Security. There is no doubt that Social Security is one of America's most successful programs. There is also little doubt that things are different today; people are living longer and demographics are shifting now so that more retirees will be financed by the future generations. The Congressional Budget Office projects that Social Security can pay full benefits to 2052 and about 80 percent of promised benefits after that. That problem must be solved.

Individual accounts do nothing to reduce the shortfall of funds, as even a recent White House memo indicates. What does the privatization plan do? It diverts money out of the Social Security Trust Fund. Because so much of the fund is now being used to fund current retirees, widows, widowers (no Clampus pun intended), the disabled, and children, money being diverted must be replaced.

And what would it cost? The estimates range from \$1 trillion to \$9 trillion over the next decade. No matter which figure is accurate, it means one of two things: massive government debt on top of our massive deficit, or massive benefit cuts. This is the wrong way to go for America. This is the wrong way to go for our seniors.

Privatizations turn Social Security from a guarantee into a gamble. Stock markets go up and down. There is no way to tell when the market is going to go up or down, unless you are Martha Stewart. If you retire when the stock market is down, you lose. If you get cancer when the market is down, you lose. Placing Social Security savings into Wall Street is a risky gamble.

Others have summed it up a lot quicker. Here is my favorite: Social Security is like a car with a flat tire. You should fix the tire and not borrow money to buy another car.

So I would ask that you support this resolution urging Congress to protect our seniors, our disabled, and all of those who depend on Social Security, by urging Congress to strengthen Social Security and not to gamble with it.

ASSEMBLYMAN MABEY:

Thank you, Mr. Speaker. I rise in opposition to AJR 1. I appreciate the elegant remarks by my colleague from Assembly District 8. I am concerned about Social Security. That is my form of retirement, or one of them. But I don't know that privatization is so risky. Those who are employees of the State and county use the PERS system. Most of their funds are in Index funds, which are stock and bond funds, the same which would occur, as I understand it, with privatization. When this was started back in 1935, I can't remember the number of employees per recipient, but it was, say, eight or nine. Now it is down to two or three. Something is needed. I understand that it's not an immediate need, but I think it is something that needs to be looked at, and excluding privatization of Social Security funds to be placed in safe index bond or stock funds, to me, does not seem risky. In my opinion, we need to continue to work on this. I would agree it doesn't have to be hasty, but I think this needs to be one of the things that are looked at, privatization of Social Security funds. Thank you, Mr. Speaker.

Roll call on Assembly Joint Resolution No. 1:

YEAS—27.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Mabey, Marvel, Seale, Sibley, Weber—13.

EXCUSED—Hettrick, Sherer—2.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness:

Assembly Bill No. 130—AN ACT relating to veterans; revising the provisions governing the filling of certain vacancies on the Nevada Veterans' Services Commission; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Grady, McCleary, Angle, Anderson, McClain, Allen, Atkinson, Carpenter, Claborn, Conklin, Giunchigliani, Goicoechea, Hettrick, Koivisto, Mabey, Manendo, Munford, Ocegüera, Perkins, Seale, Sibley, Smith, and Weber; Senators Amodei, Care, and McGinness:

Assembly Bill No. 131—AN ACT relating to veterans; eliminating the requirement for joint meetings of the Advisory Committee for a Veterans' Cemetery in Northern Nevada and the Advisory Committee for a Veterans' Cemetery in Southern Nevada; and providing other matters properly relating thereto.

Assemblyman Grady moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hardy, Denis, Allen, Buckley, Gansert, Goicoechea, McCleary, Mortenson, Ocegüera, Seale, Sherer, and Sibley; Senators Heck, Hardy, Cegavske, Nolan, and Tiffany:

Assembly Bill No. 132—AN ACT relating to education; requiring school districts and public schools to ensure the provision of a safe and respectful learning environment; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Hardy moved that the action whereby Assembly Bill No. 132 was referred to the Committee on Way and Means be rescinded.

Motion carried.

Assemblyman Hardy moved that Assembly Bill No. 132 be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Hardy, Allen, Gansert, Goicoechea, Marvel, Seale, Sherer, and Sibley; Senators Nolan and Cegavske:

Assembly Bill No. 133—AN ACT relating to education; requiring school districts to expend a minimum amount of money each year for certain extracurricular activities; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Angle, Carpenter, Grady, Hettrick, Holcomb, and Munford; Senators Washington, Nolan, Beers, Cegavske, Schneider, and Tiffany:

Assembly Bill No. 134—AN ACT relating to education; prohibiting an employee of the Department of Education or a school district from requiring a pupil to obtain a prescription for a controlled substance as a condition to attending school or being evaluated for special educational services; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 135—AN ACT relating to insurance; increasing the maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 136—AN ACT relating to elections; requiring the Secretary of State to provide to or reimburse each county and city for computer programs and certain supplies that are necessary for conducting elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Anderson, Buckley, Ohrenschall, Parks, Horne, Arberry, Conklin, Denis, Gerhardt, Giunchigliani, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Oceguela, Parnell, Pierce, and Smith:

Assembly Bill No. 137—AN ACT relating to insurance; prohibiting an insurer under certain circumstances from making payment to a representative of a claimant in settlement of a third-party liability claim without providing notice of the payment to the claimant; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblywoman Koivisto and Assemblyman Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jim Gibbons.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly

IN JOINT SESSION

At 5:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Mathews, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Hettrick and Sherer, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Beers and Assemblyman Mabey to wait upon Representative Gibbons and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jim Gibbons, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Gibbons and invited him to deliver his message.

United States Representative Jim Gibbons delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2005

Thank you, it is good to be home. Madam President, Mr. Speaker, Minority and Majority Leaders, constitutional officers, members of the Legislature, and special guests, thank you for that warm Nevada welcome, and it is, indeed, good to be home. Let me begin by also thanking each of you for your service to Nevada. You are 63 members from all walks of life, reflecting the uniqueness of our great state. The talent that is in this room is diversified, and your combined backgrounds offer the expertise needed for solving the many, many issues facing our state. Thank you for taking on that challenge. As you know, when you decided to serve in the Nevada Legislature, you had to give up precious time with your family and time that you could be spending on a career. You have all made that choice, and let me say, Nevada is a better place because of that choice.

As one who has also served in these chambers, I understand the obstacles you face, particularly in going from your committee hearings to your respective house floors for a vote. Now, if you have any problems getting through the crowded halls filled with lobbyists, I suggest you find either Senator Rhodes, Assemblyman Carpenter, Assemblyman Marvel, or especially Pete Goicoechea. They are all used to handling some pretty rambunctious steers and it shouldn't be a problem at all, or a challenge, for them to clear a path in the hallways.

Let me begin tonight by applauding Governor Guinn's vision and leadership for providing the best services and quality of life possible for Nevada's residents by first replenishing the Rainy Day Fund; also, ensuring that our children's educational needs are met, and providing incentives for keeping and attracting the best educators to our state, as well as establishing reasonable measures of accountability. In addition, his proposals for increasing Nevada's access to health care benefits, protecting the Millennium Scholarships, and providing affordable housing are so important to the future and well-being of our state. Most importantly, the Governor's proposal to give back to the hardworking taxpayer some of the excess surplus is most deserving. After all, ladies and gentlemen, it is their money. So, thank you, Governor Guinn, for that proposal.

As I begin my fifth term in Congress, I look fondly back at my days serving our citizens in this Body and want to offer one simple thought. That is, each one of you is here tonight because people elected you to represent them. Elections in America make us all stronger, no matter the outcome. Whether people exercise their right to vote, whether for a candidate or a cause, America, Nevada, and our citizens win. All around the world today, we are seeing more free and fair elections taking place. The more free elections held around the world, the better off we are here at home. To that end, we must never forget the sacrifice, many times the ultimate sacrifice, which our servicemen and women have made in defense of liberty and this nation.

Now, some would say that our form of government isn't perfect, but perfection is what we as Americans and Nevadans strive for, and after all, that is not a bad goal to have. America must continue to set the highest standards, whether it is in our national defense and security, our system of education, our health care, or in the charitable giving we do at home and abroad. The struggles we faced nearly two-and-a-half centuries ago are just taking shape in countries far away from here, far from this chamber, this very institution of democracy. And the outcome of these many elections must not go unnoticed. In the Ukraine, when an election was clearly rigged to benefit one candidate over another, the people rose up and demanded their voice be heard in a new, free, and fair election, and, ladies and gentlemen, that happened. The pro-democracy candidate ended up winning because his platform promised freedom to the people who so desperately wanted it.

Afghanistan is a country that had seen nothing but war and bloodshed for decades and decades on end. In 1996, they fell under the rule of the brutal Taliban regime and became a breeding and training ground for exporting violence and terror. The people in Afghanistan are now served by democratically elected officials, rather than by butchers, thugs, rapists, and murderers. For the first time in modern history, Afghan women, ladies and gentlemen, are free to go to school, free to go to work, and free to vote. Amazing. Yes, the people of Afghanistan still face tremendous security and economic challenges. More struggles certainly lie ahead for the Afghan people. Both men and women in Afghanistan are just beginning to taste the freedom; freedom that we often, in this country, take for granted. And let me tell you, I have traveled all over the world and met people from many different cultures. One point that they all have in common is a taste of freedom is never enough. It is addicting, and they never willingly give it up. And because we have new allies in Afghanistan, and in the Afghan government, we will stand by them and assist their leaders in advancing liberty, freedom, and economic opportunity.

We must also take note of the historic election by the Palestinian people. A real and meaningful peace between Israel and a neighboring Palestine state is now, for the first time in most of my life, a real possibility. We must continue to embrace such efforts and assist in any way we can.

And, of course, we just witnessed the true empowerment of democracy in the amazing Iraqi elections. I recently received a note from Maj. Frank Turek, a Reno man serving in Iraq. His words describe the impact of that election better than I ever could. With your indulgence, I would like to read you a portion of that letter:

"In the months leading up to the 30 Jan 05 Iraqi democratic elections, I was not completely confident that the Iraqi people would support an election. Up until the day of the elections, no one really knew who would turn out to vote. The days leading up to 30 January were filled with an inexplicable tension. What message would the Iraqi people have for the world? For themselves? Halfway into the morning of 30 Jan, there still had been no dramatic indication of voter turnout. The afternoon produced a dramatic turn of events. Not only were Iraqis turning out to vote, they were banding together in groups of thirty or more to show their defiance toward the insurgents. Their unanticipated approach to band together in groups with the unspoken, tacit agreement that if they were to die they would die together, but vote they would, said more than anyone could imagine.

It was such a powerful statement that it might have been the act that stopped the insurgents from initiating more hostilities. It was such a moving tribute to the Iraqi resolve. Without fanfare, without hype, without computers, without fancy up-to-the-minute lights and camera coverage—just a simple walk to an empty room somewhere, with a few cardboard ballot stations, pencils, and a plain old box into which old-fashioned paper ballots were deposited, to be counted by hand—Iraqis voted for the first time in their lives. Over 10 million Iraqis walked to ballot boxes. Seventy-

two percent of eligible, registered voters walked the gauntlet of fear, defying their tormentors head-on.”

I can add nothing to our brave friend’s moving words. I can simply be thankful that he is there for us and for the people of Iraq.

We have and will forever honor our heroes, those serving today and those veterans who rose to the occasion during the calling of their generation. Our nation, and indeed our state, has lost many brave soldiers in our current war on terror. Ladies and gentlemen, I carry this card every day. This card has the name of every Nevadan who has lost their life in the fight against terrorism. This is something that I carry with me every day to remind myself of the tremendous price of freedom. These courageous Americans, like so many before them, gave the one and only life God gave them, to us, and to millions of others, so that we all may live in a world that is more peaceful, more free from the tyranny they were called on to defeat. In honor of those Nevadans who gave their lives to provide us a safer America and a freer world, Senator John Ensign and I passed legislation naming the new post office north of Reno in Golden Valley the “Guardians of Freedom Memorial Post Office.” My staff and I worked with the North Valleys High School Junior ROTC and the Army National Guard from Stead to come up with the name of that post office. Members of the North Valleys High School ROTC are here with us tonight, and I’d like to thank them for their help.

Others with us tonight also deserve recognition. We have Major General Giles Vanderhoof, Command Master Chief Dave Bisson, and Colonel Walter Givhan from the 99th Airbase wing at Nellis Air Force Base. We also have Lieutenant Colonel John Summers, Commander of the Hawthorne Army Depot. They are with us tonight. To each of you, thank you for your service that you provide us, and especially for the leadership that you provide our servicemen and women. Thank you. You, along with our military personnel based all across America and around the world, remain in our thoughts and prayers.

On another front, this year Congress will take up the next round of Base Realignment and Closure, also known as BRAC. Just over a year ago, in anticipation of this round of BRAC, I formed the Nevada Military Advocacy Commission, with the support of our entire congressional delegation and the Governor. Our mission is to see that Nevada’s bases are properly protected from any closures or major funding or infrastructure cuts. Cuts in Nevada bases would harm us economically, and more important, our nation militarily. This commission, which is made up of some of Nevada’s most notable civic, community, business, and veterans’ advocacy groups, has spent a year studying the importance of our military installations. We toured bases. We examined the economic benefits that our bases provide Nevada. We held briefings on the environmental and encroachment issues that concern our bases’ top commanders. We also explored infrastructure and family-support efforts that are so critical to housing our troops and our families.

As we enter this next round of BRAC, I want to take a moment and thank those who serve on this vital committee for their continued hard work and for their dedication to Nevada’s role in our national defense. Some of these dedicated folks also serve right here, with you, in our state government. Senators Mike McGinness and Bernice Mathews, and Assemblymen David Parks and Tom Grady, thank you for helping protect our military infrastructure in Nevada. You, along with our executive committee members, Randy Black, Senior, Don Snyder, Bob Shriver, and Giles Vanderhoof truly deserve the gratitude and thanks of all Nevadans. Nevada has one of the strongest economies in the nation. My work will continue in this congressional session to see that not only Nevadans continue to prosper, but that our entire country can share in these strong economic times.

One thing we all know is that our economic strength cannot continue in Nevada unless we produce the best and brightest workforce from our educational system. If we cannot demonstrate our ability to produce a viable workforce, new businesses looking to come to Nevada will certainly look elsewhere.

Currently, Nevada enjoys some of the lowest unemployment rates in the country and even in our state’s history. Much of the credit goes out to people like Senators Steven Horsford and Warren Hardy. Senator Horsford is the president and CEO of the board of trustees for Nevada Partners, a non-profit organization that provides free, industry-specific job training to many Nevadans. Steven also oversees the Culinary Training Academy, a collaboration between

gaming and the Culinary and Bartenders Union, which prepares more than 2,500 people each year for positions in our state's hospitality industry. Senator Hardy is, of course, well known for his leadership with the Associated Builders and Contractors. ABC is constantly working not only to train those who are helping build Nevada, but to fight for affordable health care for their members, advocate for their right to repair, and negotiate prevailing wage job classifications for open shop contractors. Ladies and gentlemen, these two Senators come from different backgrounds, advancing different legislative priorities based on different political philosophies. However, they are both well-respected because they each possess that heartfelt conviction about these issues and they each care very deeply for our current and future workforce in Nevada.

Because of talents such as these, we have a great opportunity to not only capture businesses seeking to call Nevada home, but also to improve, strengthen, and expand those businesses that have been creating good jobs, right here, for generations. We all have a stake in ensuring that Nevada puts education first, and we need to work together in a nonpartisan manner to find and promote ideas on how to achieve true academic excellence. What we do know is that it takes good teachers, involved parents, strong financial support, and, for the sake of our kids and their future, our commitment in dollars must to be accompanied by strict standards and accountability.

I had the honor of working with the Department of Education to amend the No Child Left Behind Act to provide flexibility to our schools here in Nevada. When this Act was signed into law, many of Nevada's rural teachers came to me and said that it was nearly impossible to gain certifications as highly-qualified teachers in every subject they teach. You see, in our rural areas, many of these teachers instruct multiple grade levels, and some in nearly every subject. They genuinely needed more time than the law provided to gain their certifications. We worked with the Administration to provide that needed flexibility, and now Nevada's schoolchildren won't lose their truly highly qualified teachers.

I would like to take this opportunity to introduce Charlotte Petersen, the Superintendent for Humboldt County, who greatly helped that effort to modify the No Child Left Behind Act to accommodate our rural schools. Charlotte, thank you for your valuable service to our children. In the session ahead, I will work to amend the Act further to provide flexibility for our first-and-second-generation American students. Nevada's Hispanic population continues to grow, and many of our students speak English as a second language. A majority of these students are very bright, but they are being forced to test in only English, and their skills are not often reflected in their scores. We must work to provide these kids, as well as their parents and teachers, some peace of mind by allowing them additional time to gain command of the English language. I will work with my colleagues in Congress to amend this important Act, so we can provide these students the flexibility to take their preliminary tests in their native language. In doing so, we will further live up to the intent of the legislation, as well as the title, by leaving no child behind.

Each biennium, ladies and gentlemen, you come to Carson City with fresh numbers on population growth and new school openings. Last September alone, Clark County opened over a dozen new schools, and more will be needed in each of the years ahead. Additionally, we have to provide for those schools that are already open and operational. We need to keep up with that growth and maintenance, and we need to find alternative sources of revenue. In this Congress, I will be proposing an amendment to the Southern Nevada Public Lands Management Act, which will keep the money in Nevada by increasing the amount targeted toward educating our kids. Like the No Child Left Behind Act, I supported the Southern Nevada Public Lands Management Act. Former Senator Richard Bryan and now Senator John Ensign deserve a lot of credit for their vision and leadership as the original architects of that legislation. But now, as we have seen this Act carried out over the last seven years, I want to share with you some important statistics.

Since the first land sale in 1998 under this Act, through January of this year, Nevada's General Education Fund has increased by \$79 million. That revenue is from the sale of more than 28,000 acres of land for development in southern Nevada. Now, had the original percentage of revenue earmarked for education been 35 percent, the number I would like to achieve, rather than the 5 percent that it is at today, Nevada's general education fund would have increased by sevenfold. Think about it. Instead of \$80 million, it would be closer to \$600 million. And consider this. By the time you meet again in the Session of 2007, we will have sold off an additional one-to-two billion dollars' worth of land in southern Nevada. Under my plan, that

would yield an additional \$350 million to \$700 million for our permanent education fund. But it can only and will only happen if we work together and we act now to amend this legislation.

Folks, when people in Washington, D.C. ask me about Nevada and how is it we are able to work as neighbors with the federal government, I tell them that the federal government is not our neighbor, it is the neighborhood. Currently, the federal government keeps 85 percent of the proceeds of the sale of each and every acre to be used for parks, trails, wildlife restoration, and important environmental improvements. That work is critical, and it must continue.

Unfortunately, however, an enormous amount of that funding is also being used to acquire large amounts of private land around the state. Right now, the federal government owns and regulates a surprising 91.9 percent of Nevada lands. Since enactment of this legislation, the BLM, as I said earlier, has sold about 28,000 acres. Yet at the same time they've used the proceeds from these sales for the approved purchase of more than 156 square miles of private lands elsewhere in Nevada. For comparison, let me say that's equivalent to the size of the Las Vegas Valley, and that includes North Las Vegas and Henderson as well. What happens then is we put our financially-strapped rural counties in a worse situation by taking even more of their land off their tax rolls. And these rural counties need a reasonable property tax base, just as Clark does, just as Washoe does. They need funds for essential services for their citizens, services like police and fire, hospitals, highway and roadway maintenance and transportation, education, libraries, water and sewer services, and other infrastructure needs that everyone in every community expects government to provide.

The federal government, centered some 2,600 miles away, owns and regulates 9 out of every 10 acres in this state. Ladies and gentlemen, I say enough is enough. You know, I have a lot more faith in you to decide Nevada's future than I do the federal bureaucracy. Let me say that some skeptics of my proposal say that it is too risky to try and amend the Act, and others claim that by instituting necessary reforms, we will open up a "Pandora's box," thus allowing others to try to take the money from Nevada. Well folks, I think we know that this is already happening. The administration is trying to use the money from this account to pay down the national debt. I oppose that effort. I will also tell you if they aren't successful and they don't get their way, I can see politicians from other western states, like California and Oregon, who will try to tap into this account for their own priorities. My plan, my proposal, keeps the money in Nevada—where it belongs.

It sends the signal that, yes, we will open more lands for development in an environmentally responsible way and we will build more homes, and businesses will come and our communities will grow. We know that in the years ahead, many new residents will be coming to Nevada. They will be coming with their children, and they will be bringing with them demands for a strong education system. Let's work together. Let's keep this money here. Let's invest it in our children, not on additional federal land grabs.

This, and increasing Nevada's share of the federal Payment In Lieu of Taxes, is a high priority for me, and it should be a high priority for everyone. Folks, it's quite simple. If our rural counties go bankrupt, it is our populated counties and their citizens who will be stuck with the tab. It was an honor for me to meet with Chancellor Jim Rogers to discuss this issue a few months back and to gain his support for my proposal. Today, each one of your offices received a letter from Chancellor Rogers expressing his support for this proposal. I hope you will join us in supporting this effort. Thanks to Senators John Ensign and Harry Reid, this Act has already been amended to do great things for Nevada, from funding the Lake Tahoe Restoration Act, to the proposed effort to replenish the Southern Nevada Water Authority's turf buyback program. Let's work together to put that money to further use here in Nevada. After all, we all would like to see growth pay for growth. That can't occur when the funds are used by the federal government or to buy up huge allotments of land throughout the state. It does, however, occur when we invest in education, invest in roads, trails, parks, and affordable housing—all here in Nevada.

Of course, there will be many more issues for me to work on in Congress, like our nation's energy needs. I look forward to once again working to pass meaningful legislation that will make us less reliant on foreign sources of energy; legislation that will help promote new fuels like bio-diesel and alternate renewable energy like geothermal and solar. This effort of advancing energy independence is not only critical to our economy, but critical to our national defense as well.

The same applies to our mining industry here in Nevada, ladies and gentlemen. Our economy cannot afford onerous regulations being passed down onto our mining industry to the levels where they can no longer afford to operate in Nevada or even in the United States. If we allow this to happen, those operations, and more importantly, those jobs, will go to foreign nations. We all know of the troubles we've had repeatedly over the years by relying so heavily on foreign sources of energy. Every day we see gas prices rise due to OPEC's increase in the price of a barrel of oil. OPEC holds America hostage. This country does not want to end up being held hostage for the metals and minerals that are used to manufacture everything from the cars we drive, to the computers we use, to the very lights in this building. In Nevada, mining is part of who we are and why our forefathers settled here. Nevada is, after all, the "Silver State." Not only does mining play an enormous role in our economy, it plays an enormous role in households across Nevada.

With me tonight is the Jamarillo family. Stephanie Jamarillo's grandfather worked in the mining industry in Pioche, nearly a century ago. Her father worked throughout Nevada in the mining industry, as well. Now, as a third-generation Nevada miner, Stephanie works for Eagle-Pitcher Minerals and has since 1997. Her husband Ramon is a second-generation Nevada miner. He has been with Coeur Rochester now for nearly a decade. Together, they have two children, Drew and Riley. These kids, ladies and gentlemen, have a home, they have food on the table, they have a working mom and dad, and, hopefully, a great future in Nevada all because of our mining industry and the support we lend them as political leaders. Ladies and gentlemen, please help me welcome from Lovelock this evening, the real face of the mining industry in Nevada, the Jamarillo family.

Let me add that the mining industry is advancing because of scientific breakthroughs. Through the great work of the Mackay School of Mines and the Desert Research Institute, Nevada is at the forefront of these advances. Last year, I had the privilege of seeing some of the fascinating work being done by researchers and scientists at the DRI Dandini campus in Reno. Dr. Stephen Wells hosted me for a lunch following the tour, but I'm sure he will tell you that it was hard getting me out of the lab coat and goggles and into the cafeteria. Let me say, though, through innovative technologies and some of the most brilliant scientific minds on the planet, DRI has come up with their CAVE project. CAVE will serve as a cutting-edge laboratory with an environmental virtual reality visualization lab. It will be the centerpiece of their work. This project is only the third of its kind in America, but it is the very first dedicated to environmental research. The benefits of this program are quite diverse, from helping our military train on different terrain and under varying elements, to assisting our federal and state fire-management agencies in determining characteristics of wildfires. I will continue to work in Congress to help fund projects like this, because our investment in projects like DRI's CAVE project will ultimately lead to profits tomorrow; not just monetary profits for DRI, but the economic profits that come with Nevada emerging as a leading center for scientific research. Dr. Wells, you have a CAVE project that has earned my support and the support of Congress, and I hope it earns the support of the Legislature. Dr. Wells, thank you for being here.

On these, and all other issues, we will work hard to make sure Nevada's voices are heard in the halls of Congress, and so that each of you and those you represent can have faith in our form of government.

Before I conclude my remarks tonight, I would like to mention a few wonderful leaders who are no longer with us since I was here two years ago. President Ronald Reagan, whom I looked to as a role model and whose vision and optimism inspired so many of us. Even with his death, he brought this country together again as he so often did as President. Governor Mike O'Callaghan, the man who embodied Nevada's can-do spirit, and who cared about every single citizen in this state without regard to race, religion, sex, national origin, or political party.

Closer to home, we lost our friend, Sparks Mayor Tony Armstrong. Tony's son, Richard, Richard's wife, Monica, and Tony's wife, Debbie, are here with us tonight. Tony Armstrong and I had been close friends since we were kids in school, growing up in Sparks. We visited each other regularly over the years. We supported each other in our professional and political endeavors and we always reflected fondly on our youth growing up in Sparks. Tony always had that twinkle in his eye, especially in recent years when he would come up to me and tell me how his pilot training was going, or how his golf game was improving. He was so proud that he was

learning to fly. Now, ladies and gentlemen, I have to admit, I've earned a couple of medals for valor while flying, but I was never brave enough to get into an airplane that Tony Armstrong was piloting. Golf cart, yes; plane, no; and we would also laugh and laugh about that. That was the way Tony was. I visited Tony on the evening before he was taken from us, and most of you have probably heard, his concern was never for himself, but rather for the people he was leaving behind, particularly the good citizens of Sparks whom he represented, and his dear family he loved so much. Many of us lost a friend in Tony Armstrong. Oftentimes, in public office, we all sometimes find that we focus too heavily on the sacrifices that we make. But we also can never forget to acknowledge the support of our loved ones. Debbie, we honor your presence, your grace, and your undying love for your dear Tony. I invited you so that we could pay tribute to your husband, but also so we can pay tribute to you, and the sacrifices you and so many other spouses and loved ones make in sharing their dearest friends and partners with the communities they represent.

To every elected official here in this marvelous chamber, I hope you will join me in recognizing the contributions your loved ones make to support your service. To Debbie and all our spouses and families, thank you.

Ladies and gentlemen, I firmly believe there is no higher honor than being elected to represent your community. With that honor comes responsibility to represent them honestly and to the best of our ability. If we fulfill that responsibility, then and only then can we can be proud of our service. More importantly, though, those who elected us can be proud of their choice.

Ladies and gentlemen, good night, may God continue to bless America and this great state. Thank you.

Senator Cegavske moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Gibbons for his timely, able, and constructive message.

Seconded by Assemblywoman Pierce.

Motion carried unanimously.

The Committee on Escort escorted Representative Gibbons to the Bar of the Assembly.

Senator Rhoads moved that the Joint Session be dissolved.

Seconded by Assemblywoman Parnell.

Motion carried.

Joint Session dissolved at 5:52 p.m.

ASSEMBLY IN SESSION

At 5:53 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Stokes and Dean Alford.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Trujillo, Scott Reed, Ms. Meaghan Fuller, Catey Barber, Donald Anderson, Nelly Becerra, Quinci Benway, Jesika Bonta, Lyndsey boyer, Lissa Bradley, Christian Brown, Zachary Brown, Jay Brownson, Naomi Buell, Taylor Burke, Dylan Byrne, Alyssa Carothers, Danny Calvo, Laura Castillion, Kayla Cole, Lindsey Coscuna, Gina D. Martini, Kaitlin Dotson, Lynn Duer, Lesha Greer, Robert Hardiman, Tiffany Harvey, Ashley Hillyard, Brianna Hulsey, Alex Jarvis, Felicia Khan, Tana Lunsford, Kate Manning, Jose Martinez, Theo Meek, Taylor Moore, Teddi Murray, Samantha Nasewiez, Bethany Neuwerth, Kristen Nicolson, Tyler Pearson, Ashley Reed, Emily Reiwitch, Brianna Reynolds, Kayla Rife, Raina Scudder, Bryanna Snoddy, Megan Stockert, Tedi Tayloe, Christy Violago, Ashley Walklin, Lakeya Washington, Sarah Watt, Kiley Webb, Brittney Westphal, Cassie White, Anna Whittle, Shelby Prather, Paul Riedal, and Britiney Julius.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended Shari Buck, Eileen Montgomery, and Kristen Cislo.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, February 25, 2005 at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 25, 2005

Assembly called to order at 10:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hettrick, who was excused.

Prayer by the Chaplain, Bishop Nolan J. Greenburg.

Our Father in Heaven, we thank Thee for Thy many blessings. We are especially grateful for this nation in which we live, and for the freedom, peace, and prosperity we enjoy. We are thankful this morning for the men and women of our Armed Forces; grateful for their sacrifices and devoted service on our behalf. We are mindful that at this moment, many are in harms way, and we pray for a speedy resolution to the conflicts that threaten their safety. We pray that they may soon return to their homes and their loved ones.

We pray for our legislators, whom we have elected as our voice in this Assembly. In their wisdom, may they enact laws for the good of the people of this great state; laws that will preserve the rights and liberties we cherish and hold sacred. May all these things be done according to Thy will is our sincere prayer, in the name of our Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Perkins, Buckley, Ocegüera, Giunchigliani, Anderson, Allen, Arberry, Atkinson, Carpenter, Claborn, Conklin, Gerhardt, Goicoechea, Grady, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, Marvel, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Sibley, and Smith; Senators Horsford, Carlton, Titus, Schneider, Amodei, Nolan, Raggio, Townsend, and Wiener:

Assembly Joint Resolution No. 2—Proposes to amend the Nevada Constitution to authorize the Legislature to provide for a statewide lottery to provide money for textbooks, classroom supplies and materials and class-size reduction.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 24 of article 4 of the Constitution of the State of Nevada be amended to read as follows:

~~[See.] Sec. 24. 1. [Except as otherwise provided in subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ The Legislature may authorize a lottery to be operated by the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:

(a) Determine the appropriate manner of operation of the lottery, other than the use of video lottery terminals or similar type of machines.

(b) Provide for the disbursement of all money from the proceeds of the lottery, less expenses directly related to the operation of the lottery, to the school districts in this State in a fair and equitable manner.

(c) Ensure that the money disbursed to the school districts from the proceeds of the lottery is used only to supplement and not replace the money that a school district would otherwise receive from this State for the system of public education.

(d) *Ensure that each school district that receives money from the proceeds of the lottery uses the money only to supplement and not to replace the money that the school district would otherwise expend for:*

- (1) Textbooks;
- (2) Classroom supplies and materials; and
- (3) The reduction of class sizes.

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ of this State shall not operate a lottery.

3. The legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this state. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The legislature may provide by law for the regulation of such lotteries.

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

Motion carried.

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

Assembly in recess at 10:38 a.m.

ASSEMBLY IN SESSION

At 10:43 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Seale, Giunchigliani, Conklin, Perkins, McCleary, Allen, Anderson, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, Munford, Ocegüera, Parks, Parnell, Pierce, Sherer, Sibley, Smith, and Weber; Senators Rhoads, Tiffany, and Titus:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to eliminate the Office of State Controller and transfer the duties of that Office to the Office of State Treasurer.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 19 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 19. 1. A secretary of state, a treasurer, ~~[a controller,]~~ and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor.

2. Any elector shall be eligible to any of these offices, but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

And be it further

Resolved, That Section 22 of Article 5 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ Sec. 22. The secretary of state, state treasurer, ~~[state controller,]~~ attorney general, and superintendent of public instruction shall perform such other duties as may be prescribed by law.

And be it further

Resolved, That Section 3 of Article 9 of the Nevada Constitution be amended to read as follows:

Sec. 3. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two percent of the assessed valuation of the state, as shown by the reports of the county assessors to the state ~~[controller,]~~ treasurer, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

And be it further

Resolved, That Section 12 of Article 15 of the Nevada Constitution be amended to read as follows:

~~[Sec.]~~ Sec. 12. The Governor, Secretary of State, State Treasurer, ~~[State Controller,]~~ and Clerk of the Supreme Court, shall keep their respective offices at the seat of Government.

Assemblyman Seale moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 138—AN ACT relating to vehicles; revising the manner in which the legal maximum width of a recreational vehicle is determined to exclude certain equipment in making such a determination; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Pierce, Leslie, Giunchigliani, McCleary, Conklin, Anderson, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, and Smith:

Assembly Bill No. 139—AN ACT relating to public welfare; requiring that an application for Medicaid or the Children's Health Insurance Program include certain information relating to the employer of the applicant or the employer of a person who provides financial support for the applicant; requiring the biennial reporting by the Department of Human Resources of such information with respect to certain employers and the cost to the State of providing assistance to such applicants; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Smith, Parks, Giunchigliani, Ohrenschall, Allen, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Gerhardt, Holcomb, Kirkpatrick, Koivisto, Leslie, Manendo, Mortenson, Ocegüera, Parnell, and Pierce:

Assembly Bill No. 140—AN ACT relating to railroads; requiring railroads to submit certain reports concerning railroad accidents; authorizing persons employed by railroads to report certain railroad accidents, safety violations and injuries; protecting those persons from harassment, intimidation and retaliatory actions for reporting such accidents, violations and injuries; prohibiting officers, managers, employees and agents of railroads from engaging in certain unlawful conduct relating to such accidents, violations and injuries; providing remedies and penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 141—AN ACT relating to fire protection; increasing the maximum balance allowed in the district fire emergency fund of certain fire protection districts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 142—AN ACT relating to public records; authorizing certain persons to have personal information contained in the records of a county assessor kept confidential; authorizing a county assessor to create a program for the disclosure of confidential information for certain purposes; providing penalties for disclosing confidential information about certain persons; prohibiting the disclosure of certain records of the Department of Motor Vehicles for journalistic purposes in certain circumstances; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Horne, Giunchigliani, Parks, Conklin, Allen, Arberry, Atkinson, Buckley, Christensen, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hogan, Kirkpatrick, Leslie, Mabey, Manendo, McClain, Mortenson, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, and Sibley; Senators Amodei, Care, Carlton, Wiener, Beers, Cegavske, Hardy, Horsford, McGinness, Nolan, Titus, and Washington:

Assembly Bill No. 143—AN ACT relating to property; establishing certain requirements that a redevelopment agency must meet before commencing an eminent domain proceeding against a property owner; requiring a redevelopment agency to pay certain fees and costs incurred by a property owner; exempting a redevelopment agency from paying certain fees and costs under certain circumstances; making various changes concerning factors characterizing a blighted area for purposes of the Community Redevelopment Law; providing that a property owner who rejects an offer of judgment may not be required to pay certain penalties or costs; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 36.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 144—AN ACT relating to taxation; providing for an adjustment to the base allocation of certain local governments for the purposes of the formula for the distribution of certain revenues among local governments; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 61 and 87 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Growth and Infrastructure:

Assembly Bill No. 145—AN ACT relating to taxation; revising the provision concerning the exemption for disabled veterans from property taxes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 146—AN ACT relating to taxation; excluding from the statutory limitation on the total ad valorem tax levy for all public purposes any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State; clarifying the manner in which certain other limitations on ad valorem taxes are calculated; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 40 and Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Stuart Mackie.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, February 28, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:55 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 28, 2005

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman McClain, who was excused.

Prayer by the Chaplain, Reverend Stan Pesis.

Almighty God, after the days and weeks of fog and darkness we have had, we thank You for the light You have given us today. And we ask You to bring Your presence to this Body and enlighten us that our deliberations and decisions may be made with clarity and concern for those for whom we govern.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Smith, Buckley, Arberry, Parks, Anderson, Allen, Angle, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Townsend, Titus, and Raggio:

Assembly Concurrent Resolution No. 4—Granting administrative leave to legislative employees in recognition of their service to the 73rd Session of the Nevada Legislature.

WHEREAS, The staff of the Nevada Legislature and the Administrative, Audit, Fiscal Analysis, Legal and Research Divisions of the Legislative Counsel Bureau provide services to the Legislature which are vital to an efficient and productive session of the Nevada Legislature; and

WHEREAS, The additional employees hired specifically for the legislative session also provide essential services with dedication, competence and enthusiasm throughout the long days of the session; and

WHEREAS, Extraordinary demands are routinely placed on legislative employees as a result of the time constraints imposed by the 120-day limitation on the length of the legislative session, and the entire legislative staff have demonstrated their extraordinary talents, patience, flexibility and tireless work ethic to meet these required deadlines; and

WHEREAS, The members of the 73rd Session of the Nevada Legislature do hereby recognize and express their appreciation of the outstanding effort made by the permanent employees of the Legislature and Legislative Counsel Bureau and by all other employees hired temporarily for the legislative session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That

7 days of administrative leave are hereby granted to each:

1. Permanent employee of the Legislature and Legislative Counsel Bureau who is employed on the last day of session; and

2. Employee of the Legislature and Legislative Counsel Bureau hired temporarily for the legislative session who:

(a) Is employed by the Legislature or Legislative Counsel Bureau on the last day of this session; and

(b) If requested to do so by the employee's supervisor, remains in that employment after the last day of this session until all tasks assigned to the employee during the session are completed.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted unanimously.

Resolution ordered transmitted to the Senate.

By Assemblymen Leslie, McClain, Anderson, Parks, Atkinson, Buckley, Denis, Giunchigliani, Horne, Koivisto, Manendo, Parnell, Pierce, and Smith:

Assembly Concurrent Resolution No. 5—Urging school districts in Nevada to participate in the federally funded School Breakfast Program.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 147—AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to pay the registration fees and other related costs at the University and Community College System of Nevada for certain persons who were formerly in foster care in this State; creating a Trust Fund for the Education of Persons Formerly in Foster Care to be administered by the Board of Regents; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 148—AN ACT relating to public works; expanding the exemption from the requirements concerning the payment of the prevailing wage for certain contracts for public works; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 149—AN ACT relating to counties; requiring the boards of county commissioners of larger counties to redistrict the county commissioner election districts of the county after each national decennial census; allowing such boards to redistrict the county commissioner election districts one additional time during each period between national decennial censuses under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, McCleary, Atkinson, Denis, Giunchigliani, Horne, Leslie, and Munford:

Assembly Bill No. 150—AN ACT relating to educational personnel; revising provisions regarding the licensure or endorsement of educational personnel; revising certain provisions regarding the reciprocal licensure of certain educational personnel from other states; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Oceguela.

Roll call on Assembly Bill No. 61:

YEAS—41.

NAYS—None.

EXCUSED—McClain.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 87

Bill read third time.

Remarks by Assemblymen Giunchigliani, Hettrick, Hardy, Smith, Gansert, Carpenter, Ohrenschall, and Horne.

Assemblyman Ocegüera moved that the following remarks be entered in the Journal.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of Assembly Bill 87. If you look at Section 1 of the legislation, it spells out the intent of this bill, but I think the first line captures exactly what it is talking about: "No full-time worker should live in poverty in the state of Nevada." That is what this legislation is attempting to rectify. This bill is modified exactly word for word, based on the Initiative Petition that was gathered in signatures and put on the ballot last time around. AB 87 received 68 percent of the vote. What that translated to was 545,490 votes in support. George Bush, when he was re-elected president, only received 418,690 votes.

The people of Nevada spoke loudly and clearly that it is time to end poverty in this state. The \$5.15-an-hour minimum-wage workers in Nevada make less money than they would if they were on welfare. The CPI in the legislation has a protection for businesses. The 3 percent cap actually says that they will never have to absorb an inflation policy. In other words, like in the 1970s when inflation went up so high and so strongly, the businesses here in Nevada will be protected by this language. It is not uncommon for our statutes to have CPI references. Twenty-eight statutes, just from a quick scanning of the Nevada Legislature, currently refer to a CPI. The CPI adjuster is intended to ensure that wages do not stay stagnant for the minimum wagers as they have done in the past. They have been sitting for eight years waiting on the federal government to take some action. The federal government still has not taken action. It is time that Nevadans took it into their own hands and that is what I am asking you to do today.

We do not need to put this into the Constitution if, more appropriately, this will allow it to be in the statute. That way, down the road, if there are problems with wanting to raise it or how some language comes about, this legislative Body has the opportunity to take a look at it rather than have it go to another vote of the people. Pay no mind if this bill does not pass in the Senate, because I feel confident it will pass in here because I know you will join me in making sure that our minimum wage workers at least are able to pay their apartment rents, because they cannot afford a house. If it does not pass in the Senate, believe me, it goes back to a vote of the people and it will pass and it will be higher than 68 percent.

It is a resounding support for something that has broad-based support. There were small business people who came before the hearing, calling on us to raise the minimum wage. In fact, you can find that it helps businesses because that discretionary income, that little additional money, allows them to purchase some of the goods and the products that then puts the money back into the system. This is the right thing to do. It is our responsibility to do it. Do not be afraid of the indexing. When I started to compute what our CPI has been, in 2000 it was 3.4, that was just about the highest it had been since 1990. In 2001 it was 2.8, in 2002 it was 1.6, and in 2003 it was 2.3. That meant 11 cents, ladies and gentlemen. That is all it would go up. At no computation do I find it going basically higher than 19 cents.

So all it is saying is, at least, allow these individuals, these working men and women, to throw them a rope. Give them a little bit of assistance. I ask you to join my colleagues, all of us together, to do what the public has said they want to do. That is, support the minimum wage increase by voting yes for AB 87. Thank you, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I have to rise in opposition to this bill. I would be happy to support the bill if it contained only the minimum wage increase of \$1, or whatever number, within the bill. I have three problems with the bill. Indexing, while it is a cap, is also a guarantee, but no one guarantees the employer that he will get anything. No one guarantees the employer that he will even have a return on his investment, yet he would be required not only to pay the increase in the minimum wage, but also to increase it by CPI every year, but he has no guarantee while that occurs. I do not think that is appropriate.

The health insurance wording that is in this bill will actually make it cheaper for some employers to drop health insurance and pay a dollar. We asked to fix that language, but no

change was made. To me this is counterproductive. Why didn't we fix this so that we could vote for it? The tip language will raise the minimum wage for minimum wage workers who receive tips. They don't need that increase. They receive significant money from tips. At the same time, a true minimum wage worker, the person working in the back of a restaurant, or some other place, will get only the minimum wage increase. You are going to force the employer to pay an increase in wages to someone who already makes a fine living off tips for no reason. It makes it even harder for the employers to support this language. I would be happy, and I think many of the members in my caucus would be more than happy, to support this bill if all it did was increase the minimum wage. Thank you very much, Mr. Speaker.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. I appreciate the opportunity to rise and address these issues. I appreciate my Minority Leader's observations, and I have some of my own. I appreciate some of the comments of my colleague from District 9 in that this does not need to go into the Constitution should we pass this into statute, and I appreciate that. My own observations are the minimum wage is not intended to be enough to allow financial independence. It is, in reality, a stepping stone into work in life. It allows those who want to work to get a job and to have motivation to move up the ladder of earning power. There is a philosophic difference between earning a wage and deserving a raise. Those expecting a mandatory raise from minimum wage to another are harboring a hope, perhaps, that will not lift them to financial independence. Economic motivation drives us to better ourselves and our working situations. Employers who want to retain their good employees pay them more than minimum wage, now.

Health care insurance coverage is far more expensive than a \$1-an-hour raise. We have heard testimony in committee that it would cost the state of Nevada \$900 a month for one person to have health insurance. Now, a person earns approximately \$800 a month at \$5.15 an hour and will make almost \$1,000 a month at the increase of \$6.15 an hour. Even with more conservative numbers in the cost of health insurance, with \$500-a-month premium, it would be a \$6,000-a-year effective raise to the employee. This seems to me, actually, to be a disincentive for an employer to offer health insurance to the employees on minimum wage. Then we would be exacerbating the working poor from obtaining health insurance. There is an effectual increase in all wage when the minimum wage is increased. This will lead to increased costs to employers and a bump in the hierarchy of pay scales and differentials. My district, District 20, voted overwhelmingly in favor of the minimum wage increase and I feel, though there are negative aspects to this initiative, the people of my district will be represented in their choice. Thank you, Mr. Speaker.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. First, I would like to recall some comments by a member of the public during testimony on this bill. He said, "I'm here to give a voice as well as a face to the issues at hand of being a member of the working poor. I could possibly tell you about all the greatest accomplishments I've had over the years, but that is not important. My daddy used to tell me you could be the greatest fisherman in the world, but when you fall out of the boat you are a swimmer. That is what this is about—swimming. For every move you make is a move to keep your head above water. Every decision is a major decision. Five dollars and fifteen cents an hour just lets you tread water. I've heard comments such as, 'What difference could \$1 possibly make?' Well, when you're making \$10,000 a year, \$2,000 could make a dramatic difference in a family's life."

Mr. Speaker, raising the minimum wage does not cost jobs. In fact, all credible economic studies show that increasing the minimum wage could increase employment. Research has shown that higher wages actually increase employment by proving businesses' ability to attract, retain, and motivate their workers. Eight of eleven states with the minimum wage above the federal level, last year, exceeded the national average for job creation. We fund workforce development organizations as well as have many local organizations who consistently talk about recruiting and attracting high-paying jobs to our state. Mr. Speaker, I believe this is a good place to start. Thank you.

ASSEMBLYWOMAN GANSERT:

Thank you, Mr. Speaker. On face value, I, too, support the minimum wage but there are a couple of aspects of this bill with which I have problems. The first is the indexing, which was mentioned by our Minority Leader. The second is, this legislation uses the federal minimum wage as a benchmark. Right now, there is a proposal that the federal minimum wage be raised by \$2 an hour. So, in fact, if that were passed, our minimum wage could go from \$5.15 to \$7.15, plus with this legislation, another dollar would be \$8.15. I think that could have a substantial impact on small businesses and our economy. I'm hoping that we can take the positive aspects of this bill and pass that so we will have a positive outcome for businesses and the individuals who are paid minimum wage. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of A.B. 87. I think it is time we did raise the minimum wage a dollar. The reason, I think, I am going to vote for this most of all is that I hope that it gives people on welfare now an incentive to get off welfare and get a job. I think that we are making pretty good progress to take people off of welfare and keep them off of welfare but I think in the last number of years we've slid backwards. Now it is easier for them to be on welfare than it is to get a job. My main reason for voting for this is that it will take those people off of welfare and get them a job. Thank you, Mr. Speaker.

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Thank you for allowing me to speak a second time. I just want to make it clear that under this bill, if you raise the minimum wage from \$5.15 to \$6.15 an hour, and the federal government does not take action this year, it will only go up the 2.6 percent, which is less than 18 cents. Then you would have it at \$6.33. If, at that time, the federal government did choose to finally raise the minimum wage, by say \$2, it would only be the percentage of the CPI the next time around, applying to it. It would not be the additional dollar. I think that helps protect the businesses and I think the way the initiative was written, it was to say we believe that there should be some benefit to both the employer and the employee. So, I think the safeguards that are there to protect on the side of the indexing. Again, it is just pennies in this matter, but it is enough to allow people to do as my colleague from Elko said, get back to work or stay employed, rather than having to be part of our working poor. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Mr. Speaker. I support this for many reasons. But most of all, in view of the fact that the voters voted overwhelmingly for it, it is our response to the will of the people to not make them wait for another vote, yet again, when they have spoken clearly. I believe, also, that it is on our behalf a recognition of the dignity of the working man and woman and of honest work in Nevada, which has been the key to any Nevadan going up in the world. Our state is full of stories of people who have come here and just by working very hard, have succeeded. So, let us keep on trying to help the people continue to do that.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of A.B. 87. I would like to reference the Minority Leader when he spoke of tips. If I misstate, please correct me. We don't allow employers to use tips in considering minimum wage. We have that in statute. If we start changing that now, that is just bad public policy. I stand in support of A.B. 87 and I ask that you do, too. Thank you.

Roll call on Assembly Bill No. 87:

YEAS—33.

NAYS—8—Allen, Angle, Christensen, Gansert, Grady, Hettrick, Mabey, Sherer.

EXCUSED—1—McClain.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Horsford, Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener; Assemblymen Arberry and Munford:

Senate Concurrent Resolution No. 7—Recognizing and commemorating the month of February as African-American History Month in Nevada.

WHEREAS, In 1915, Dr. Carter G. Woodson, noted African-American scholar and historian, and son of former slaves, founded the association known today as the Association for the Study of African American Life and History, and in 1926, he initiated Black History Week as the second week in February, to coincide with the birthdays of Frederick Douglass and Abraham Lincoln; and

WHEREAS, For many years, African Americans in the United States celebrated that week, and in 1976, as part of the nation's bicentennial, the week was expanded into the month of February and is now celebrated throughout North America in an effort to bridge the gap created by American history's failure to accurately acknowledge, portray and record the contributions and inventions of African Americans; and

WHEREAS, The original purpose of Dr. Woodson's efforts was to launch a serious platform to neutralize the apparent ignorance and deliberate distortion of the history of the African American and to create a scientific study that would give a more objective and scholarly balance in American and world history; and

WHEREAS, In North America, the celebration of African-American History Month includes lectures, exhibitions, banquets and a host of cultural activities presented throughout the month as a time to examine the collective ingenuity, creativity, cultural and political experience of African Americans; and

WHEREAS, Not only is the month of February significant because of the births of African-American pioneers Frederick Douglass, W.E.B. DuBois, Langston Hughes and Eubie Blake, it is also the month in which such institutions as the National Association for the Advancement of Colored People and the first Pan-African Congress originated, and historians may recall that the first African-American Senator, Hiram Revels, took the oath of office in February 1870; and

WHEREAS, African-American History Month takes on a paramount significance as we approach the 21st century because civil rights laws in combination with such celebrations have exposed the legal consequences of overt discriminatory practices and racial harassment, and the struggles for, and achievement of, independence by African countries in the 20th century have shown the strength, humanity, ingenuity and contributions of the African to human civilization; and

WHEREAS, These revelations have not succeeded in neutralizing prejudicial attitudes that generate discriminatory acts, and even though behavior may be controlled by laws, attitudes can only change through education and the elimination of ignorance; and

WHEREAS, In the words of historian Ralph L. Crowder, the observance of African-American History Month "must be a testimony to those African pioneers who struggled to affirm the humanity of African peoples and a challenge to the present generation to protect and preserve . . . the humanity of all peoples of African descent"; and

WHEREAS, African Americans in the State of Nevada have a long and active history of protesting against racial prejudice and social injustice through writing, community organization

and oration and have had among their leaders people such as the Reverend Bill Stevens of Las Vegas, who in the 1940s went daily to restaurants that discriminated against African Americans to attempt to order a meal or a cup of coffee, and Alice Smith, who founded the Reno-Sparks branch of the NAACP in 1945 and organized many religious and community activities throughout her life; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize and commemorate the month of February as African-American History Month in honor of the contributions of African Americans that reflect a proud legacy of courage and dedication which has helped to guide our nation's success and prosperity; and be it further

RESOLVED, That the Legislature recognizes that there continues to be a need to acknowledge the importance of minorities in both the history and future of this State and that the recognition and observance of African-American History Month is a step in that direction; and be it further

RESOLVED, That the residents of this State are encouraged to join in this observance and reflect on past successes and challenges of African Americans in the United States, and especially in the State of Nevada, as we all look to the future and strive to continue to improve society so that we live up to the ideals of freedom, equality and justice.

Assemblyman Arberry moved that Senate Concurrent Resolution No. 7 be taken from the Resolution File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to O. Q. Chris Johnson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to William Harvey, Kim Nagy, Sheri Sepulveda, Marlene Moyer, Samuel Amador, Bryon Ames, Dustin Anderson, Lisa Balog, Nathan Centeno, Cody Clements, Sean Connolly, Cory Dillon, Myka Forster, Shannon Hayden, Connor Hughes, Brandon Josifko, Nick Maestretti, Luke Nagy, Jef Newby, Marissa Sepulveda, Bailey Sheets, Zoe Stephens, Craig Stratton, Ray Thomas, Jessika Wass, Cody Woodgeard, Danielle Christensen, Elisiel Conchas, Jason Pomeroy, Katiya Resney, Laura Palmer, Marco Gooding, Megan Frost, Selena Kaffer, Sierra Bertolone-Smith, Tonya Blanton, Andy Vardas-Doane, Jordan Pabon, Amy Rice, Brian Lowe, Cameron Morefield, Dan Palmer, Jack Gooding, Kaitlyn Varble, Lindsey Canham, Logan Peterson, Patrick Miller, Niko Teasdale, Ryan Dorsey, Logan Ames, Kaitlyn Barrett, Alexandra Baxter, Alan Bolanos, Keisha Clement, Brittney Deans, Jon Garner, William Jackson, Kendall Jones, Marissa Lopez, Rebecca Rebartchek, Jasmin Sarmiento-Gonzalez, Brooks Sheridan, Luis Sillas-Gonzalez, Jeffrey Tabrizi, Matt Tappen, James TenBroeck, Jake Tessman, Donovan Trudell, Cassandra Uhart, Kyle Voga, Grace Whited, Ramiro Vasquez-Garcia, Tawnie Wentz, and B.J. Sherwood.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Onie Cooper and Mary Williamson.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 1, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:32 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), March 1, 2005

Assembly called to order at 11:10 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Larry Schneider.

As we begin this important work today, let us pray. We remember and affirm that there is a source of divine wisdom to guide us as we practice the sacred trust of governing the people of Nevada. We are thankful for this divine wisdom and the rich blessings it bestows upon this Assembly and all the people served.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 49, 70.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 8 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 8 be taken from the General File and rereferred to the Committee on Judiciary.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Ocegüera, Conklin, Anderson, Parks, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Horne, Kirkpatrick, Leslie, Marvel, McCleary, Munford, Parnell, Perkins, Pierce, Sherer, and Smith; Senators Carlton, Schneider, Townsend, Titus, Coffin, Horsford, Lee, and McGinness:

Assembly Bill No. 151—AN ACT relating to communications; imposing a fee on the gross revenue that a company derives from its sales of residential subscription television service to subscribers in this State; establishing the First Responders' Communications Technology Trust Fund; dedicating the proceeds from the fee to the Trust Fund to assist certain governmental entities in acquiring, improving and maintaining communications technology for first responders; providing for the administration of the Trust Fund and the distribution of money from the Trust Fund; creating an Advisory Board for the Trust Fund; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Claborn, McCleary, Ohrenschall, Conklin, Atkinson, Goicoechea, Grady, Hogan, Kirkpatrick, Mabey, Manendo, Mortenson, Parnell, and Weber:

Assembly Bill No. 152—AN ACT relating to wildlife; revising the provisions governing the composition of and the method of appointing members to the Board of Wildlife Commissioners; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 153—AN ACT relating to education; revising the eligibility requirements for millennium scholarships; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 154—AN ACT relating to education; requiring the State Board of Education, the board of trustees of each school district and the

principal of each public school to prepare an annual summary of accountability information for public dissemination; revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising the date to determine whether public schools that operate on certain alternative schedules have made adequate yearly progress; revising provisions governing the annual designations of public schools and school districts based upon yearly progress; revising the grade levels for certain writing examinations and science examinations; transferring money from the State Distributive School Account for programs of remedial study and for supplemental services or tutoring for certain schools and for pupils enrolled in certain schools; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 155—AN ACT relating to crimes; revising the criminal penalties for misdemeanors and gross misdemeanors; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Hardy, Parks, Atkinson, Christensen, Kirkpatrick, and Sibley; Senators Hardy, Lee and Tiffany:

Assembly Bill No. 156—AN ACT relating to public works; revising the provisions governing the terms of certain contracts between public bodies and certain design professionals; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 17.

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

Motion carried.

Senate Bill No. 49.

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

Motion carried.

Senate Bill No. 70.

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

Motion carried.

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

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Madame Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Concurrent Resolution No. 7 be taken from the Chief Clerk's desk and placed on the Resolution File.

Remarks by Assemblyman Arberry.

Motion carried.

Senate Concurrent Resolution No. 7.

Resolution read.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 17.

Amend the resolution as a whole by adding the primary joint sponsors and non-primary joint sponsors who signed on the attached document in accordance with Joint Standing Rule No. 5.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Assemblyman Arberry moved that all rules be suspended and the reprinting of Senate Concurrent Resolution No. 7 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 17 adopted by the Assembly, and the resolution be placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 7.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblymen Horne and Perkins.

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

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker pro Tempore. I want to say a few remarks about Black History Month, even though it is March 1 today, which is a good segue because I would hope that we would all eventually start moving into recognizing the contributions that African-Americans make, Asian-Americans make, Native Americans make to the building of our nation. The contributions are vast. I was told to keep it short so I will. The contributions are enormous from all the groups of people that make up this great nation. We should go through our every day recognizing that our country is not monolithic. It consists of a whole lot of different people who have a whole lot of different contributions that make this the greatest nation in the world. I ask you to please support SCR 7. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I, too, will keep this short, as we have waited for this to arrive. I think our colleague from Las Vegas said it very, very clearly. We can go back to the history of this country and the very framing of this country, and the contributions by the African-Americans during that period of time. It is written right into our Constitution, the entire debate that occurred, although not one that we can probably be proud of today. Throughout history, whether it was in the late 1700s when we were creating the United States of America, or throughout the 1800s, 1900s, even to modern day, there have been extraordinary contributions; too many people to list in terms of what they have done for us as a country, as a society, and as a people. It is truly an honor for us to be able to adopt a resolution of this sort and make that recognition. Thank you.

Resolution adopted as amended.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Foster Mullen.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Smith.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Magdos and Forney Smith.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 2, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 2, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Reverend Larry Schneider.

Once again, let us begin our important work with prayer. As we perform our governing tasks today, we allow ourselves to feel and express from the source of divine love within us. In doing so, our words and works become a natural, joyful expression of love, and we are a true blessing to the citizens of Nevada. And so it is.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 6—Recognizing March 2, 2005, as “Read Across America” Day in Nevada in commemoration of Dr. Seuss’s birthday.

WHEREAS, Theodor Seuss Geisel was born on March 2, 1904, in Springfield, Massachusetts; and

WHEREAS, Theodor Seuss Geisel graduated from Dartmouth College in 1925 and began writing humorous articles and creating cartoons for various magazines; and

WHEREAS, His first children's book, *And to Think That I Saw It on Mulberry Street*, was rejected by 43 publishers until, in 1937, a friend published the book for him; and

WHEREAS, In May of 1954, *Life* magazine published a report concerning illiteracy among school children, stating that, among other things, children were having trouble learning to read because the books were boring; and

WHEREAS, This comment inspired Theodor Seuss Geisel's publisher, Bennett Cerf, to compile a list of 400 words that he felt were important, asking Mr. Geisel to cut the list to 250 words, the number of words a first-grader could absorb, and using only those words, to write a book that would excite children; and

WHEREAS, Nine months later, Mr. Geisel, using only 220 of the words given to him, published *The Cat in the Hat*, which became an instant success; and

WHEREAS, In 1960, Bennett Cerf bet Mr. Geisel \$50 that he could not write an entire book using only 50 words, and from that challenge came the famous children's book *Green Eggs and Ham*, which was also an instant success; and

WHEREAS, From that point on, Theodor Seuss Geisel became known as "Dr. Seuss," and children became enthused about reading every Dr. Seuss book available; and

WHEREAS, Dr. Seuss died on September 24, 1991, but his legacy of children's books will live forever as an inspiration to children everywhere to learn to read and to share in the laughter, enjoyment and knowledge that a book can provide; and

WHEREAS, In honor of Dr. Seuss and the joy of reading, the National Education Association has designated March 2, 2005, as a special day in their program "Read Across America," the nationwide initiative that promotes reading every day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 2, 2005, is hereby recognized as "Read Across America" Day in Nevada in commemoration of Dr. Seuss's birthday; and be it further

RESOLVED, That children and adults are encouraged to read a favorite book together on this date and share the joy of reading; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Terry Hickman, President of the Nevada State Education Association, and Ken Lange, Executive Director of the Nevada State Education Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I believe the Members will find at their desks a hat. Could I ask the "Cat in the Hat" to stand with me for a moment? The importance of this particular resolution is almost self-explanatory. Today, with the permission of the Body, it is my intention to read a short, short section of *One Fish Two Fish Red Fish Blue Fish* to my grandson who is in Missoula, Montana, who is watching his grandfather today over the Internet. Connor:

"From there to here, from here to there, funny things are everywhere. One fish two fish red fish blue fish. Black fish blue fish old fish new fish. This one has a little star. This one has a little car. Say! What a lot of fish there are. Yes. Some are red. And some are blue. Some are old. And some are new. Some are sad. And some are glad. And some are very, very bad. Why are they sad and glad and bad? I do not know. Go ask your dad. Some are thin. And some are fat. The fat one has a yellow hat. From there to here, from here to there, funny things are everywhere. Here are some who like to run. They run for fun in the hot, hot sun. Oh me! Oh my! Oh me! Oh my! What a lot of funny things go by."

And I forgot to do the very basic thing that you need to do whenever you are reading to children, that is, to show the illustrations, which, of course, is what Dr. Seuss is most famous for.

"Some have two feet and some have four. Some have six feet and some have more. Where do they come from? I can't say. But I bet they have come a long, long way. We see them come. We see them go. Some are fast. And some are slow. Some are high. And some are low. Not one of them is like another. Don't ask us why. Go ask your mother. And now good night. It is time to

sleep. So we will sleep with our pet Zeep. Today is gone. Today was fun. Tomorrow is another one. Every day, from here to there, funny things are everywhere.”

Mr. Speaker, I would note that there is a Dr. Seuss hat on the desk that are gifts for the members. Depending upon your choice, you may keep them, if you wish. Of course, if you do keep them for yourself, the value of the hat is approximately \$6 and, therefore, it is a reportable expense. If you choose to give it to a child, as mine will be given to a child, then you should check that box. You can wear the hat and leave it on your place after adjournment, so all of you would put on your silly hat, from Dr. Seuss and the Cat in the Hat, if you wish.

With that, Mr. Speaker, I thank you for this opportunity. I think this is the sixth time I have had an opportunity to read a section of one of the classic Dr. Seuss books to the members of the Assembly and I thank you for your indulgence.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 6 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 157—AN ACT relating to municipal courts; authorizing a senior municipal court judge to serve in any municipal court in this State regardless of whether he is a resident of the city in which the municipal court to which he is assigned is located; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 158—AN ACT relating to state government; requiring a state agency, under certain circumstances, to provide notice to an officer, employee or contractor of the agency when the agency accesses or causes to be accessed a computer assigned or loaned to the officer, employee or contractor; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that be ASSOCIATED PRESS: Brad Horn; CCSN: Ed Curry; CORRAO VIDEO PRODUCTIONS: David A. Corrao; COVER EDGE FOR COX COMMUNICATIONS & CHARTER COMMUNICATIONS: James L. Parker, William George Pearce, Jr.; DON VETTER, NV CHAPTER AVC: Don Vetter; ELKO DAILY FREE PRESS:

Marianne Kobak; KAZR-TV CHANNEL 46: Julio Lainez, Fatimas Rivas; MINEWEB: Dorothy Y. Kosich be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly chambers and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

PRESENTATION OF PETITIONS

Initiative Petition No. 1— Provides for enactment of Nevada Clean Indoor Air Act: Protecting children and families from secondhand smoke in most public places, excluding stand-alone bars and gaming areas of casinos.

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

Motion carried.

Initiative Petition No. 2— Provides for enactment of Responsibly Protect Nevadans From Second-Hand Smoke Act.

Assemblyman Oceguela moved that the Initiative Petition be referred to the Committee on Judiciary.

Motion carried.

Initiative Petition No. 3—AN ACT relating to marijuana; providing that a person who is 21 years of age or older is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board and state prosecution for the possession, use and transfer of one ounce or less of marijuana and the use and possession of marijuana paraphernalia under certain circumstances; providing that retailers and wholesalers who perform certain acts pertaining to marijuana and marijuana paraphernalia are exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board and state prosecution; providing a penalty for a person who is 18 years of age or older who knowingly furnishes marijuana to a person who is under 18 years of age and at least 3 years his junior; providing a penalty for a minor to falsely represent himself to be 21 years of age in order to obtain marijuana; providing for the regulation of the cultivation, sale, transfer, possession and use of marijuana and marijuana paraphernalia under certain circumstances; providing for the licensing of retailers and wholesalers of marijuana and establishing fees for such licensing; enacting provisions governing the

taxation and sale of marijuana by retailers and wholesalers; increasing the penalty for the offense of operating a vehicle while under the influence of or while having a certain amount of alcohol or a controlled or prohibited substance in the body that results in substantial bodily harm or death; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the Initiative Petition be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Ocegüera moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblyman Hardy and Assemblywoman Smith as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Nancy A. Becker.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:04 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry and Mortenson, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Care and Assemblywoman Leslie to wait upon the Honorable Chief Justice Nancy A. Becker and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Nevada Supreme Court Chief Justice Nancy A. Becker appeared before the Bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Becker and invited her to deliver her message.

Chief Justice Becker delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2005

Thank you, Lt. Governor Hunt, Senator Raggio, Mr. Speaker, distinguished members of the Senate and the Assembly, honorable constitutional officers, my esteemed colleagues of the Supreme Court and trial judiciary, and honored guests. It is my privilege and my honor to be able to present to you a synopsis of the tremendous efforts taken by the 150 men and women of Nevada's judiciary over the last biennium and our goals for the future.

First, however, I would like to introduce my colleagues, the Justices of the Nevada Supreme Court: Justice Bob Rose, Justice Bill Maupin, Justice Mark Gibbons, Justice Mike Douglas, Justice Jim Hardesty, and Justice Ron Parraguirre. I also want to convey the judiciary's appreciation of the Legislature's kind words and thoughts on the passing of our colleague the Honorable Myron E. Leavitt. He is sorely missed. Judges from the district courts, justices' courts, and municipal courts are also with us today and I would like them to stand and be recognized. Although you interact more with members of the Supreme Court, you should know that a District Judges' Association exists in Nevada and they are ably represented this year by their president, the Honorable Michael P. Gibbons of the Ninth Judicial District Court in Douglas County. Not to be outdone, the justices of the peace and municipal judges also have an association, and this year's president is the Honorable Cedric Kerns of the Las Vegas Municipal Court.

The courts also work with two other entities: the State Bar of Nevada, represented by President Anne Price McCarthy and Executive Director Allen Kimbrough, and the William Boyd School of Law, whose Dean, Richard Morgan, is also here today. Finally, I would like you to see the faces of the Supreme Court's executive staff: Janette Bloom, Clerk of the Court; Joe Carpenter, Legal Counsel Criminal Division; Leslie Davis, Legal Counsel Civil Division; Kathleen Harrington, Director of the Supreme Court Law Library; and Ron Titus, Director of the Administrative Office of the Courts.

What is a judge? The best description of the job I have found is not new; it was written in 1780 and it comes from the Constitution of the State of Massachusetts:

"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit."

There was a time when the "lot of humanity" did not include women and minorities. Indeed, when Drew Pearson and Robert Allen wrote a book about the United States Supreme Court in 1936, they entitled it *Nine Old Men*. As I stand here today, I am proud to say that the judiciary of Nevada has achieved a level of diversity unparalleled in the state's history. We are the "lot of humanity." I am an example of that diversity. Not just because I am a woman, but because of my family background. I am the granddaughter of three immigrants. Two were Irish Catholics, one was a Russian Jew. My fourth grandparent, who was born in America, was the son of German Jewish immigrants. When I was young, my Irish grandmother was visiting at the same time as one of my Russian great-aunts. Both had immigrated in their teens, so their English was spoken with heavy English accents. They were watching Fifties wrestling on the TV. One was cheering and swearing in Yiddish while the other was matching her in Gaelic. They understood, and enjoyed each other's company, despite their divergent cultural backgrounds.

Every day, judges from diverse backgrounds make decisions affecting people's lives. Every day we are faced with complex decisions: should the death penalty be imposed, were the parties given a fair trial, how long should a child remain in foster care, who gets custody of the children. We resolve them to the best of our ability based on the law and the evidence presented in an individual case. The Honorable Felix Frankfurter, one of the most recognized jurists in American history, said that because judging involves fallible creatures it is essential to get

[people] who bring to their task, first and foremost, humility and an understanding of the range of problems and of their own inadequacy in dealing with them; loyalty . . . to nothing except the effort to find their path through precedent, through policy, through history, through their own gifts of insight to the best judgment that poor, fallible creatures can arrive at in the most difficult of all tasks, the adjudication between man and man, between man and state, through reason called law.

Such is the life of a judge. But there are many moments of joy, marriages, adoptions, and occasionally, an unusual request. A few years ago, I received a call from a friend. Knowing that I could perform marriages, she asked if I could marry Sloopy and Casey. I was very puzzled, because, you see, Sloopy and Casey are birds, cockatiels to be exact. My friend went on to explain that her granddaughter had seen the birds, and as my friend put it, she saw them vo-de-o-do-ing in their cage and asked if Sloopy and Casey were married, hence the reason for the phone call. I later unofficially presided over their joining. It must have had some meaning, however, because although Sloopy and Casey had been a couple for three years prior to the ceremony, they had no children. After the ceremony, they proceeded to hatch 17 chicks. Who knew?

So what does judging in general have to do with the state of the Judiciary? Our melting pot culture, combined with our unique governmental system, is what distinguishes us from other nations. A key factor in that government is the Judicial Branch and its relationship with the Legislative and Executive Branches. George Washington once wrote that: [T]he due administration of justice is the firmest pillar of good Government . . . [the judicial department is] essential to the happiness of our Country, and to the stability of its political system.

Our system of justice and the creation of three branches of government, Executive, Legislative, and Judicial, is a defining aspect of this great nation and state. Each year, judges from around the world attend courses at the National Judicial College to study America's judiciary. Since the fall of the Soviet Union, Russian Federation judges have attended seminars and classes, interacting with Nevada judges, in order to create a viable judicial branch in their country. Our system, which has stood the test of time for over 200 years, is a shining example of democracy in action. It exemplifies the Rule of Law: a society governed by law, not violence and terrorism. Because of our example, the Ukraine Republic adopted the Rule of Law. During their recent turmoil, all sides agreed to, and abided by, a legal decision of the Ukraine Supreme Court, thus avoiding military conflict. It is for this reason that other nations study our judicial system.

Yet a judicial system cannot stand alone. It exists with the cooperation and support of the Legislative and Executive Branches. Democracy, as we know, is a fluid concept. As noted by Ilka Chase: Democracy is not an easy form of government, because it is never final; it is a living, changing organism, with a continuous shifting and adjusting of balance between individual freedom and general order.

The Legislative and Executive Branches of this State, including the counties and cities, have been strong supporters of the Judicial Branch. Without you, Nevada's judiciary would still be locked in the 19th century. Your assistance was essential to the development of new programs and methods of managing cases with a united purpose of promoting access to justice for all Nevadans.

I want to tell you a story that illustrates this point. Sixteen years ago, justices of the peace and municipal judges had no authority to suspend misdemeanor sentences. We had little ability to tackle recidivism through programs to combat domestic violence and drunk driving. We discussed the matter with the counties and cities, prosecutors, and defense counsel, and all agreed that expanding the authority of the judges made sense. We came to you, the Legislature, to seek that authority and you granted it. Such programs, with intensive judicial monitoring, have lowered recidivism rates for misdemeanor crimes. Many of the legislators who sit here today made this possible and are still serving; legislators like Senators Coffin, Raggio, Rhoads, Titus, and Townsend, and Assemblymen Arberry, Carpenter, and Marvel.

But you need to know more. You need to know what Legislative, Executive, and Judicial efforts have meant to people. So I'll give you one example. Eighteen years ago there was no mental health court. However, all branches of government came together for a common cause. A loose consortium of downtown leaders, nonprofits, the Las Vegas Municipal Court, the

Las Vegas City Council, City Attorney's Office, the Clark County Public Defender, and the State Division of Mental Health, specifically Carlos Brandenburg, formed to try a new method of handling mentally ill individuals.

This is the true story of one of those individuals. I'll call him "John," though that is not his real name. I tell this story only to illustrate my point. Although there is humor in the story, there is nothing humorous about how mental illness affected John. John was arrested for stealing t-shirts from a downtown casino. He stole because he was unemployed as a result of his mental state. You see, when John was booked into the jail, he told officers he was from the planet Mars. A mental health social worker interviewed him and concluded John wasn't joking; he believed he was from Mars. Before his probable cause hearing, the prosecutor, public defender, and I were all informed of the circumstances. John indicated that he understood the charges against him and that stealing was illegal on Mars, too. He wanted to plead guilty, but was concerned that his spaceship would be towed if he stayed in jail too long. I inquired if the ship was disguised in some fashion and John told me yes, it looked like an old station wagon with California plates and he gave me a license number. We located the vehicle with the help of the hotel security where it was parked and, with their cooperation, saw that it wasn't towed. With the assistance of the social workers and nonprofits, we determined John wasn't dangerous, even when confronted about his beliefs. We were able to get John a job with an employer who understood John's delusion. John became independent again, working, paying taxes, and never coming before the law again. We, the Judicial, Legislative, and Executive Branches, in partnership with the community, gave John his life back.

In the 18 years since John's case, the judiciary has undergone substantial changes; changes made possible by the partnership between the three branches, locally and statewide. These are just some of the programs and processes created by the judiciary with the assistance of the Legislature, Governor, and local governments: Self-help Centers in the Washoe County and Clark County Family Divisions, with outreach to other counties and Carson City.

Last year, a quarter of a million people were assisted in accessing the courts. Over three million forms were accessed through the Centers' websites. Violence Intervention Programs—courts provide space for volunteers who assist victims of domestic violence with protective orders, shelter, and counseling information. Drug court programs servicing counties throughout the State resulted in 70 percent or greater decreases in recidivism rates, saving taxpayers hundreds of thousands of dollars. Last year alone, over 30 drug-free babies were born to participants in such programs. Court annexed short trial, arbitration, and mediation programs to facilitate the expeditious and cost-effective resolution of small civil suits. Fast-track criminal appeals, settlement conferences and panel hearings in the Supreme Court resulting in a 40 percent decrease in the Courts' backlog. Implementation of the Uniform System of Judicial Records, providing information on court operations and resources necessary to court management in the 21st century. Because of this system, the Supreme Court is able, now, to publish the annual reports. Reports like the one distributed to you earlier in this session, and available on our website, provide a wealth of information on the operations and needs of the Judicial Branch. Technology and case management systems enabling the nation's busiest courts to tackle overwhelming caseloads more efficiently. Creation of standardized forms for family matters and protection orders under the auspices of the Supreme Court Pro Se Assistance Council and the Supreme Court and District Court Law Library Commissions. Creation of standards and case-processing procedures for family cases that have become a model for family courts around the country. Support for legal services programs whose volunteer attorneys have provided millions of dollars of free legal services to economically disadvantaged citizens. Creation of rules and training for court staff and law librarians governing provision of services to self-represented litigants. Increased programs and representation for abused and neglected children under the auspices of Clark County Legal Services led by Assemblywoman Barbara Buckley. Implementation of the recommendations of the Supreme Court Jury Improvement Commission, whose work was recently recognized by American Bar Association President Robert Gray as a model for jury improvement in the nation.

I could go on, but the point has been made. Many judges, among them my colleagues on the Court, were instrumental in these programs. Governor Guinn and other members of the Executive Branch were also key advocates. Legislators like Speaker Perkins,

Assemblywoman Giunchigliani and Assemblyman Hettrick, Senators Beers, Cegavske, and Mathews played their part, and the local mayors, councilpersons, and commissioners were essential components. These programs are the result of enormous commitment by government as a whole.

Daniel Webster said: "Justice, Sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together."

The Legislative and Executive Branches are the personal trainers whose support allows the judicial ligaments to stretch. Still, every ligament can only stretch so far without rupturing. Growth in caseloads and lack of resources have already strained our judicial ligaments, along with our tendons and muscles. We wish to walk freely, not hobble on canes or crutches, and so we call upon you once again for help.

Over the last four years, caseloads in the Washoe-Reno-Sparks and Greater Las Vegas Judicial Districts have grown by over 40 percent. In some instances, the growth in filings has exceeded growth in the general population. In addition, the complexity of the cases has increased, requiring more judicial hours per case. This affects the ability of courts to process cases in a timely fashion. The American Bar Association standard regarding disposition times for criminal cases indicates that a court should dispose of 100 percent of its criminal cases within one year. Clark County, for example, disposes of only 63 percent of its criminal cases in one year and is falling further behind. And, although the Family Divisions of the Washoe County and Clark County District Courts are meeting standards for timely processing of domestic cases, the increased caseloads make it impossible to maintain those standards. The civil case dispositions also fall short of meeting ABA standards. Percentages alone do not give an adequate picture. We are talking about delays in thousands of cases.

These courts have implemented tremendous changes in case processing to improve case dispositions, but the growth is simply outstripping all of their efforts. The National Center for State Courts indicates that a trial judge's caseload should be about 1,400 cases per judge. In Washoe County that figure is 1,800 cases per judge and in Clark County each judge has 2,400 cases. For appellate courts, the standard is approximately 100 cases per justice. The Nevada Supreme Court's case per justice is 240 cases.

In the face of this overwhelming growth, we are seeking new judges and an increase in funding of the senior judge program to avoid causing Nevada's citizens increased delays in the resolution of their cases. No victim, litigant, business entity, or injured party should see a case linger for lack of judicial resources.

The rural courts are not without their problems. Our rural judges spend days traveling between communities. Citizens regularly travel over 100 miles roundtrip to access a courthouse. Juveniles must be driven hundreds of miles to facilities in other counties. My colleagues in rural communities face unique challenges. Take jury selection, for example. Even Mark Twain noted how difficult it can be to select a jury in a small community. He said: "... a jury of twelve men were impaneled—a jury who swore that they had neither heard, read, talked about, nor expressed an opinion concerning a murder which the very cattle in the corrals . . . the sagebrush and the stones in the street were cognizant of."

Judges in rural areas know the litigants, the jurors, and the community. Each and every decision that judge makes will impact on that community. It is an awesome responsibility and I wish to publicly acknowledge their dedication and service to Nevada.

Last session, this august Body funded a study of the rural criminal justice system. A large facet of that study involved the courts. Thanks to the efforts of Senator McGinness and others, a comprehensive look at the needs of the rural justice system was accomplished. Issues such as lack of adequate local juvenile facilities, counselors, secured court facilities, and management staff were reviewed.

As a result of the study's recommendations, several bills will be introduced this session to address these issues, among them the construction of a new courthouse in Ely and the establishment of a rural court Coordinator position in the Administrative Office of the Courts.

Finally, I want to mention another report that you will be seeing in a few days. In 2003, then-Chief Justice Deborah Agosti undertook a formidable task. She created a Commission composed of judges, business leaders, representatives of local government, and legislators, including Senator Amodei and Assemblyman Anderson, to determine an estimate of the costs to run the

entire judiciary, not just the operations of the Supreme Court. Her efforts, together with those who served on the Commission, resulted in a comprehensive look at the cost to operate our statewide judicial system and how it is funded.

It has long been known that the Supreme Court's operations represent less than 1 percent of the State's total budget, but such information was not available about the total Judicial Branch because funding and expenses are divided between the State and the local governments. As a result of the Commission's efforts, we now know that the entire Judicial Branch would only make up 5 percent of the State's budget. When the Judicial Branch is compared to the combined budgets of the State and local governments, the Judicial Branch represents an even smaller percentage of the total expenditures.

But the Commission was just a first step. From here, we ask the help of the Legislature, community leaders, local governments, and the judiciary in taking the next step, implementation of the Commission's recommendations and formation of a second commission to determine the optimum method for funding the judiciary in the future.

I have spoken today of the past and the future, of all we have accomplished and all we can accomplish. This is the goal of the judiciary; to serve Nevada's citizens by providing a fair, impartial, cost-effective, and expeditious method of resolving disputes, protecting children, adjudicating guilt and, where possible, rehabilitating individuals into self-sufficient, productive citizens. Together we can achieve this goal. Thank you.

Senator Mathews moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Becker for her timely, able, and constructive message.

Seconded by Assemblywoman Koivisto.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Becker to the Bar of the Assembly.

Senator Schneider moved that the Joint Session be dissolved.

Seconded by Assemblywoman Weber.

Motion carried.

Joint Session dissolved at 5:32 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Powell, Debbie Swanston, and Paul Swanston.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Hickman and Ken Lange.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Sass, Tracy Saunders, Norman Subotky, and Catherine Farahi.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Tricia York and Susan Zeiter.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Arturo Rangel and Pamela Ross-Osinski.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Sloan.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Farahi.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Airica Blonsley, Crystal Wright, and Nate Weigl.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Brosy.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Huleva.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Kaler and Jennifer Lukins.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Troy Bonham and Michelle Yee.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Alli Bolton.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Scuito and Jason Sellers.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Driver and Samantha Carter.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Evelyn Majusiak and Kristie Belding.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Skyler Dillon.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Farrell and Duane Wallace.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Miyazaki and Molly Robbins.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Rod Walton.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Camilla Rubino and Lewis Green.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lara St. John.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Weston and Andrew Platon.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Henricks, Doris Azevedo, and Colleen Cooper.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Alissa Nourse and Connie Robertson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Titus.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Heffelfinger and Brenda Johnson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 3, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 3, 2005

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Larry Schneider.

Let us pray. The light of a divine presence is always available to illuminate and guide us. Today, as we are again joined in a sacred mission of governing, we open ourselves to following where that divine light may lead. For when we walk in the light of that divine presence, we clearly see the way to our highest good and the highest good of the Nevada citizens we serve. And so it is.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 6, 55, 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 87.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 59, 66.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 17 to Senate Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Ohrenschall, Parks, Anderson, Angle, Buckley, Carpenter, Christensen, Conklin, Denis, Gerhardt, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, and Pierce; Senators Care and Titus:

Assembly Joint Resolution No. 4—Urging the Federal Government to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste.

Assemblywoman Ohrenschall moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 159—AN ACT relating to wildlife; expanding the number of members who may be appointed to the county advisory board to manage wildlife in larger counties; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 160—AN ACT relating to public works; requiring that a bidder participate in an approved program of apprenticeship to be qualified to bid on or eligible to be awarded a contract for a public works project; requiring that certain subcontractors participate in an approved program of apprenticeship to be eligible to provide labor or work on certain public works projects; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Manendo moved that the action whereby Assembly Bill No. 160 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Manendo moved that Assembly Bill No. 160 be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 161—AN ACT relating to education; requiring the Department of Education to prepare and distribute a manual for use by members of the boards of trustees of school districts that contains information which is relevant to the duties and responsibilities of the boards of trustees; requiring the Superintendent of Public Instruction to convene conferences for the members of the boards of trustees of school districts; revising provisions governing the annual information the Superintendent is required to provide to school districts and charter schools concerning newly enacted legislation; requiring the governing body of a charter school to provide certain information to parents and employees of the charter school concerning newly enacted legislation; revising the provisions governing the information the board of trustees of a school district is required to provide to parents and employees concerning newly enacted legislation; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 162—AN ACT relating to education; authorizing a university, state college or community college within the University and Community College System of Nevada to sponsor charter schools; revising provisions governing the operation of charter schools and the enrollment of pupils in charter schools; providing for the issuance of a license to teach to certain persons with graduate degrees and work experience; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 12.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 27.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 59.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 66.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 87.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 163—AN ACT relating to taxation; revising provisions governing reporting and certification of gross yield and claimed net proceeds of minerals extracted for purposes of taxing such proceeds; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 4 and Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Gescheider.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jocelynn Villegas, Rebecca Walsh, Ronald Wright, Kelcy Campbell, Zabrina Alcantar, Austyn Barber, Kine Brown, Chris Campos, Ashlynn Cromer, Taylor Everidge, Laramie Ewen, Demeri Falls, Martin Fowler, Kevin Garcia, Jonathan Gomez, Geneviere Marquis, Mariah Meeks, Rafael Rodriguez, Ashlee Beckman, Brittany Harkins, Dawna Loughney, Kyra Boes, Amenah Crawford, Jennifer Bellows, Mark Skoff, Gary Wright, Dianna Adame, Julene Cortes, Heidi Villegas, Ana Navarro, Oscar Adame, Marc Brown, Deanna Johnson, and Susan Spear.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Kirby Randall, Anne Gerken, John V. Briggs, and Carmen Briggs.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Sue Grosz.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Nicoll.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Cesar Chavez, Shilo Cimini, Erik Cochrane, Antonio Deese, Jake Denhardt, Erika Galloway, Guadalupe Gomez, Karlo Guevara, Samantha Kilburne, Gabriela Lara, Brett Long, Blake Lora, Nika Maxfield, Murphy McBride, Kris McGill, Karinna Medina, Mario Moreno, Auston Nagata, Chris Nicholson, Oscar Oliden, Paola Torres, Sam D. Macaluso, Jario Seguar, Gonzalo Servin, Brianna Torres, Nathalie Renteria, Brandon Torres, Ayrhianna Paulin, Jasmine Garcia, Cody Power, Andrea Reyes, Luis Aguilar, Gonzalo Arellano, Jessica Arenas, Jessica Austria, Veronica Barajas, Jesse Bilbao, Jessica Buttacavole, Cesar Calix, Casey Carter, Tucker Cherry, Pablin Cruz, Fransisco Dominguez, Scarlett Guerrero, Marisa Harris, Jay Lawrence,

Geraldo Martinez, Steven Maynor, Luis Medina, Jesus Mesa, Josh Mondragon, Sami Nelson, Ian Padgett, Nica Quilao, Jose Reyes, Jesse Rodriguez, Jesus Saldana, Aaron Siegel, Tanner Webb, Keith Yanga, Alma Saldana, Joe Lawrence, Kara Bymers, Sam Macaluso, Kara Denny, Diana Romera, Marsha Galloway, Mikey Cercone, Francisca Cruz, Si Corbett, and Chanel Moreno.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Trounday.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Alexander.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Sadler.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Cervantez.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to John Holman, Erich Schmidt, Harry York, and Steven Lincoln.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Glenn Dawson, Kimberly Dawson, Warren Trumbly, Muriel Randall, Larma Volk, Lynn Tackman, and Raul Ledesma.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Whipple.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Gregory Martin.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Elisa Maser.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Denny Martindale and Dee Schafer.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Casey Walls.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Stanley St. John.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Alvey, Michael Thomas, and Jim Bauserman.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, March 4, 2005, at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 4, 2005

Assembly called to order at 10:33 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Mabey, who were excused.

Prayer by the Chaplain, Reverend Larry Schneider.

Once again, let us begin our important work with prayer. We are now in the presence of pure Being and immersed in the Holy Spirit of life, love, and wisdom. We acknowledge Your presence and power, O blessed Spirit. In Your divine wisdom, now erase our mortal limitations, and from Your pure substance of love, bring into manifestation our world according to Your perfect law.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 130, 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 44.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 10:37 a.m.

ASSEMBLY IN SESSION

At 10:43 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Smith, Gansert, Gerhardt, Giunchigliani, Holcomb, Leslie, Marvel, Parks, and Parnell; Senators Mathews and Washington (by request):

Assembly Bill No. 164—AN ACT relating to the City of Sparks; amending the Charter of the City of Sparks to increase the term of office of Municipal Judges; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kirkpatrick, Parks, Ohrenschall, Goicoechea, Allen, Arberry, Atkinson, Christensen, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Hogan, Horne, Koivisto, Manendo, McClain, McCleary, Munford, Ocegüera, Seale, Sibley, and Smith; Senators Hardy and Horsford:

Assembly Bill No. 165—AN ACT relating to land use planning; revising provisions governing continuances of matters before planning commissions in larger counties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy, Anderson, Hettrick, Sibley, Parks, Christensen, Claborn, Conklin, Denis, Gansert, Holcomb, Manendo, McCleary, and Seale; Senators Hardy, Nolan, and Raggio:

Assembly Bill No. 166—AN ACT relating to civil actions; revising certain provisions relating to an offer of judgment in a civil action; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hardy, Hettrick, McCleary, Denis, Parks, Arberry, Buckley, Christensen, Claborn, Gansert, Giunchigliani, Holcomb, Leslie, Manendo, Seale, and Sibley; Senators Coffin, Beers, Hardy, and McGinness:

Assembly Bill No. 167—AN ACT relating to municipal obligations; authorizing the acquisition by a county or the State of Nevada of municipal securities issued by certain wastewater authorities; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Denis, Smith, Hardy, Anderson, Atkinson, Buckley, Christensen, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, Marvel, McCleary, Munford, Ocegüera, Parnell, and Pierce; Senators Titus, Carlton, Hardy, Heck, and Lee:

Assembly Bill No. 168—AN ACT relating to education; revising provisions governing the review of applications to form charter schools submitted for sponsorship by the State Board of Education; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Denis, McCleary, Manendo, Smith, Hardy, Anderson, Atkinson, Buckley, Christensen, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hogan, Horne, Kirkpatrick, Koivisto, Marvel, Munford, Ocegüera, Pierce, Sherer, and Weber; Senators Carlton, Titus, Hardy, Heck, and Lee:

Assembly Bill No. 169—AN ACT relating to vehicles; requiring a person whose title to or interest in a vehicle is transferred to submit a notice of transfer and release of liability to the Department of Motor Vehicles under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Denis moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen McCleary, Denis, Hardy, Ohrenschall, Parks, Allen, Buckley, Claborn, Gerhardt, Grady, Hogan, Manendo, Marvel, McClain, Mortenson, Munford, Perkins, and Seale; Senators Wiener, Care, and Washington (by request):

Assembly Bill No. 170—AN ACT relating to military affairs; requiring the Governor to enter into an agreement with the Secretary of Defense to conduct the National Guard ChalleNGe Program in this State; requiring the Office of the Military to operate the program; making an appropriation; and providing other matters properly relating thereto.

Assemblyman McCleary moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Hettrick, Angle, Sherer, Christensen, Claborn, Goicoechea, Hogan, Holcomb, Marvel, McCleary, Mortenson, Munford, Parks, and Weber; Senators Beers, Amodei, and Cegavske:

Assembly Bill No. 171—AN ACT relating to transportation; requiring common and contract motor carriers to perform routine inspections of their vehicles; making various changes to provisions governing the supervision and regulation of carriers, drivers and brokers; revising provisions governing access to public transportation by persons with disabilities and service animals; making changes to the provisions governing leases of taxicabs to independent contractors by certain holders of certificates of public convenience and necessity; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen McClain, Koivisto, Giunchigliani, Smith, Parnell, Buckley, Claborn, Conklin, Denis, Gerhardt, Kirkpatrick, Leslie, Ohrenschall, Pierce, and Weber; Senators Titus, Wiener, and Carlton:

Assembly Bill No. 172—AN ACT making an appropriation to the Women's Research Institute of Nevada at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 44.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time and ordered to third reading.

Assembly Bill No. 55.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Iani Dunbar.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Marcotte, Dennis Keating, Nicole Genet, Traci Ward, and Debbie Wescoatt.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Mankeo and Alisa Savoretti.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, March 7, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:58 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 7, 2005

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jeff Paul.

Almighty God, known by many names, send down upon the members of the Assembly in our fair state the spirit of wisdom, charity and justice; that with steadfast purpose they may faithfully serve in their office to promote the well-being of all people; in Your name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES**NOTICE OF EXEMPTION**

March 7, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 1, 4, 5, 14, 35, 36, 40, 41, 46, 47, 48, 50, 53, 54, 60, 75, 77, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 109.

MARK STEVENS

Fiscal Analysis Division

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

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 130.

Bill read second time and ordered to third reading.

Assembly Bill No. 131.

Bill read second time and ordered to third reading.

Assembly Bill No. 138.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Sherer:

Assembly Bill No. 173—AN ACT relating to wildlife; revising the area in which a person is authorized to hunt with certain game tags; and providing other matters properly relating thereto.

Assemblyman Sherer moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 174—AN ACT relating to pupils; requiring the boards of trustees of school districts to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 6 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 55:

YEAS—42.

NAYS—None.

Assembly Bill No. 55 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Perkins, Mabey, Horne, Angle, Atkinson, Hardy, Buckley, Carpenter, and Leslie.

Assemblyman Anderson moved that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. Assembly Joint Resolution No. 2 proposes to amend the *Constitution of the State of Nevada* to authorize the Legislature to provide for a statewide lottery. The net proceeds from the lottery must be disbursed to the school districts to supplement, and not replace, the money that school districts would otherwise receive from the state for textbooks, classroom supplies and materials, and the reduction of class size.

If approved in identical form by both the 2005 and 2007 Sessions of the Legislature, the proposal will be submitted to the voters for final approval, or disapproval, at the 2008 General Election.

I had the privilege of chairing the Interim Education Committee over the past year and a half or so, and served with many of you in this Body. As we traveled to classrooms throughout the state of Nevada, I think we discovered that our classrooms were in crisis. The Department of Education ranks Nevada students near the bottom of the list in virtually every category. I, for one, am tired of seeing Nevada at the bottom of those lists. We as a state are failing our students by not providing basic tools for success. One of the most fundamental tools in a student's education is his or her textbook. We all had textbooks when we were in school. I, myself, had them the entire time I grew up in Henderson and attended school there, finishing my K-12 education at Basic High School in Henderson.

Today, in Nevada, the lucky students are learning from old, torn, and tattered textbooks, much like this one. Covers are coming off. This book, particularly, ladies and gentlemen, is a history book that is about seven or eight years old. I do not know about you, but a lot has happened in the last seven or eight years. It is a history book about the history of Nevada. We have had a lot of things happen in Nevada in seven years. The last governor who was mentioned in this book is Bob Miller. If our students wanted to learn about the current administration, they are not going to find it in this book. That is a seventh-grade social studies textbook. It is seven years old, and it is falling apart.

Many of our students are, at best, learning from hard-to-read, Xerox copies of these old textbooks. In many cases, there are no textbooks at all. No Xerox copies. Students are oftentimes learning from worksheets. How can we, as a state, increase the goals and standards for our children and then turn around and give them nothing to learn from? It is just not right. We need to fix it and fix it now.

This resolution to create a Nevada state lottery will provide the revenues, the dedicated and directed revenues, which are necessary for these types of things. Our schools need help, our children need textbooks, and our elected officials need to step up and become leaders. I challenge both Democrats and Republicans to pass this Nevada state lottery bill to provide a stable, directed funding source for textbooks.

We found out during testimony that one in three citizens in Clark County buys lottery tickets. They cannot buy them in Nevada so they are buying them somewhere else. We also found in testimony that two locations where the most lottery tickets are purchased in California are right across the border at Prim, Nevada, and right across the border from Reno, in California. So Nevadans are going there to buy their lottery tickets. They are supporting California education by doing that. I say we keep Nevada money in Nevada and support our students with this funding source. Its time is overdue, Madam Speaker pro Tempore, and I would encourage this Body to support this resolution.

ASSEMBLYMAN MABEY:

Thank you, Madam Speaker pro Tempore. While the cause is noble, that being to raise more funds to purchase textbooks for our children, the means for doing so is not. The lottery is another form of gambling. Our state does not need another form.

I appreciate the fact that if AJR 2 passes both Houses and is signed by the Governor, it will be placed on the ballot twice. Certainly the voice of the state will be heard. A lottery is voluntary; however, history has been a great teacher. Unfortunately, those who least can afford it spend proportionately more on lotteries. In effect, the poor suffer more on the hope of sudden wealth. If the children need more textbooks, we need to fund them. I know that ghosts from sessions past may accuse me, and my party, for not stepping up to the plate, but I will disagree. It is anachronistic for me to argue against something that will benefit me and my children, and yet I will never have to pay. Some say a meal tastes better if someone else is buying. Today I would rather buy my own, not on a lottery. Do the ends justify the means? Not this time. I will be voting no. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker pro Tempore. I rise in support of AJR 2. I think it is important to remember, I am going to go out on a limb and say of the members of this Body, all of us had textbooks when we were coming up. Yet, there are those of us who would argue against our children having the very same things that we had through education. They may not come right out and say, "I don't want our kids to have textbooks." I do not believe that, but their actions, when they vote, say that. You cannot say, "I am for education, I am for books, I am for teacher pay, and I am for all this," and then whenever a proposal comes up, you vote no. Is there another proposal to help supplement getting textbooks and supplies in our schools right now which is coming? I have not seen one. No one has come to me and said, "Instead of the lottery, I propose a bill to add more money into getting textbooks into our classrooms." Not one person has come to me and said that. But people have said, "This is a bad idea. I know the cause is good and it is to support books in our classrooms, but we need to find another way." Well, you have a way sitting right in front of you. The people have overwhelmingly said that they want it. We are not going to give it to them by just this vote. We are just giving them the opportunity to vote yes for it. I urge your support for AJR 2.

ASSEMBLYWOMAN ANGLE:

Thank you, Madam Speaker pro Tempore. I rise in opposition, also, to AJR 2. I will take exception to my colleague who said there are no other proposals. There will be another proposal as soon as we get it out of Legal, and that is to use the money that is built up in interest on funds within the *Comprehensive Annual Financial Report* to do the same thing. We also have an excess in revenues this year that we could use for those. There is plenty of money out there if we really want to do the right thing. The bill also covers class-size reduction, which we know costs \$250 million every two years. I believe that if we were to go to a different type of class-size reduction that wouldn't cost us nearly as much, but as long as we are spending that kind of money on class-size reduction I am afraid that this money will not go to books but will go to class-size reduction and we will still be in the same place that we are now. My cousins also work for the New Jersey lottery, and they have told me that most of the money in their lottery goes to the bureaucracy that supports the administrative costs. I want this money to go to our children, not to administrative costs. I do not think that we need to gamble with our children's education on a lottery. Thank you very much, Madam Speaker pro Tempore.

ASSEMBLYMAN ATKINSON:

Thank you, Ms. Speaker pro Tem. I rise in support of AJR 2. When I first saw AJR 2 I got a little bit excited. I thought about the reason that I ran for office a few years ago. The reason I ran for office was because my daughter, then in the second grade, came home with a bag, and in that bag was a math book. In that math book there was a note to me that she could keep the book for three days and then it needed to be returned because it needed to go to the next student. I remember getting really upset about that. I called the school and talked to the principal. The principal told me that the reason why we do not have books for students is because we did not have enough politicians, her word, that cared enough to make a difference. I told her, come the next election cycle, I would be running for office so that I could come here and make a difference. Today is that day that I am trying to make a difference. When I looked at the opportunity of this bill to make sure we had books in our classrooms, I knew then that I would be voting yes today. My daughter still has those struggles in her classes today. She still comes home with printed documents, and we do not have the opportunity to refer back to previous chapters because she does not have a book. I will agree with my colleague from Las Vegas when he spoke about us having books when we were all children. I remember that being really exciting for me. I know our book bags weighed a ton, but we were proud to carry around those books. It made us feel like we were students. Today, I do not believe a lot of our kids feel that way because they are going around with paper documents that represent their books. I will be pressing this green button today and I hope that my colleagues will join me. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker pro Tempore. I appreciate the opportunity to address this august Body. I need to clear up a misconception that was heard in committee or reported out of committee. There was a spirit of actual cooperation when you dug deep enough the last session or one of the many sessions. We actually funded books with what I would call, for lack of a better word, a “fence” around it, to \$64 million in one year, and \$66 million the other, for an average of \$65 million. Even I can do that math. That averages out to the children, per child, of \$160 approximately. We heard testimony in committee that how we needed \$176 million in elementary, and significantly more than that in secondary, education. We actually did fund books, but perhaps not enough. I would say that in this age of technology, those backpacks are going to get smaller and smaller because many of those books are going to be on CD, and we’re putting in a constitutional amendment with this particular bill that talks about books, and the reality is those books are going to get smaller and smaller so that even dinosaurs such as myself will be able to read a book on a computer.

I had the opportunity to go through the halls and up the stairs and down the stairs in the building and saw many computers sitting out. From my standpoint of not necessarily being technologically savvy, I recognize that most computers can do a CD, no matter how old they are, that are still functioning. I think that one of the things we have to do is look at the reality of getting computers that are, “too slow, too old” to be given to our children in this state from whatever organization—private, nonprofit, governmental—and make sure we have the opportunity to have CDs because they will be much cheaper than a heavy book. And we have all had our children come home with big backpacks or walk the halls with big backpacks.

In reality, we have had more cooperation than we sometimes would like to admit. I don’t think we need a constitutional amendment to put in place a lottery, which I consider a regressive tax on people who are least able to afford it. So, I will be voting no, but I will be on the record for supporting education and I do love books. Thank you, Madam Speaker pro Tempore.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. In this educational age, we demand more and more of our students and teachers. There does not seem to be a month that goes by where we do not mandate a test on what students are doing in terms of their academic performance. I think it’s wrong to expect our students and teachers to succeed if we don’t give them the tools to enable them to succeed. Creating a state lottery that is directed at buying textbooks and instructional supplies and devoted to smaller class size is the right way to go. Ask any parent of children who are in school what they need for their children, and it is smaller class sizes so the teacher knows

the name of their child, and books and instructional supplies, whether it is CDs, the wave of the future, or textbooks, either one. All this measure does is allow the people to decide whether this is the right way to go. Lotteries are not new. The most recent *State of the State* magazine has a nice little article on lotteries and gaming. Right now, there are only eight states without lotteries. It certainly has spread across the country.

I heard with some concern—since I devote my life outside of this building to helping people with limited means, I thought I'd be instructive and get the demographic information on who plays lotteries and how much it preys on the poor. So I'd like to share some of that. A *Washington Post* survey shows that middle-income Americans are the most likely group to play the lottery. Two out of three Americans with household incomes between \$25,000 and \$45,000 per year play the lottery at least once a year. Americans earning \$45,000 to \$65,000 play even more often, with 3 of 4 playing occasionally, while one-third wagers once a month. A 1999 Gallup poll on gambling in America shows 57 percent of American adults have bought a lottery ticket in the previous 12 months, with those with incomes from \$45,000 to \$75,000 being the most likely to play. Those with incomes less than \$25,000 were least likely to play.

Of the states that do have lotteries, at least nine of them have collected demographic information on who plays the lottery. I have statistics here from California, Idaho, Indiana, Kansas, Kentucky, Missouri, New Mexico, Oregon, Texas, and West Virginia. It doesn't bear out the argument that the poor are more likely to play. Those stats are not proven true in any one of these states. If you make the argument, "Well, you have less money, so, if you are paying \$30, it's a bigger part of your salary;" well, that, of course, is true. But that, of course, is true on rent. Should government set how much rent people of lower incomes should pay? Well, on mobile homes we know. What about casino gaming? Should we set rules on that as well? This is a voluntary choice in Nevada. We believe in the entrepreneurship and independent spirit that people have the choice in what they want to do. This just creates one more outlet for people to be able to use their discretionary income. What better place to send it than to our schools that need our help?

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I rise in support of AJR 2. I do not think there's any question the money will go to a needy cause. We know that education is certainly in need in our state. There is a lot of support for the lottery in my district. And I think there are a lot of people out there who are kind of like me: they aren't going to go down and play 21 or even put a nickel into a slot machine, but they will buy a lottery ticket. We can see the statistics bear that out. So, for this reason, I think we should keep that money here in Nevada and put it to good use. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore for a second time. I just wanted to talk about a couple of things that have been talked about in this debate. First, let me thank the Body for having a good, spirited discussion about this. That's healthy and this is not a partisan issue. Certainly, I think, you will have some Republicans who vote for this and some Democrats who do not. So I thank you for that.

A couple of points I want to make: Nevadans already buy lottery tickets. They already buy them. We are not going to keep them from doing that. They are going to buy them from California. California kids will have a schoolbook and our kids will not. That is the first thing I wanted to say. Secondly, this has to go to the voters. The voters have to approve this before anything can be done. Let us trust the voters. If it is something they want, then they will approve it. If it is something they do not, they will obviously reject it. It is already been talked about. It is voluntary. Gambling has been legal in Nevada since 1931. This is just another gaming product. It is layered upon the various other games that already exist. So, again, gambling is something this state has embraced for many, many decades.

We should spend some of our surplus this year on textbooks. Absolutely we should. We should make sure that is funded at a higher level than it is funded at currently. But that is a today fix. A lottery cannot go into effect for three years. If it meets the cycle of passing this session, next session, going to a vote of the people in 2008, and then it would be up to the

2009 Legislature to implement. So, actually, 4 years. That is a long-term solution. The short-term solution is for us to spend appropriately in this session.

You know, on opening day we had a year 2000 audit that said our K-6 teachers, on average, spend \$500 out of pocket on classroom supplies. I mentioned to you that I would bring a bill for us to send them all \$500 to do that because it is what we should do. We do not pay our teachers enough for them to go into their pockets for this. It is crazy. That, again, is the short-term solution. The long-term solution being the money that would come from the lottery. We have not touched upon how much the projections are. The projections are somewhere between \$40 million and \$70 million a year would be generated by a state lottery, coming back to the state, not the gross numbers. That would be the return to the state. It is also up to future Legislatures to determine how this would happen. What the administrative costs would be. You can cap that in a future Legislature. Whether it is run by the state, whether it is run by a private company, whether it is run by a public/private partnership, all the details can be implemented by a future Legislature. You have your administrative costs, the winner's money, and the money that comes back to the state. All those percentages can be adjusted by this Legislature.

It is also not as much about changing our entire *Constitution*. We are talking about repealing one section that was put in there in the late 1800s that is probably not as relevant today as it was then. After all, we changed from a prohibition on gaming in the late 1800s to enabling that in 1931. Again, ladies and gentlemen, let me just urge you, put this in front of the voters. Let them decide. The money would be there for textbooks for our classrooms and for classroom supplies for our students. It would be a great investment. Let the voters decide.

Assemblymen Conklin, McClain, and Ocegüera moved the previous question.

Motion carried.

The question being the passage of Assembly Joint Resolution No. 2.

Roll call on Assembly Joint Resolution No. 2:

YEAS—33.

NAYS—Angle, Christensen, Denis, Hardy, Hettrick, Mabey, McCleary, Sherer, Weber—9.

Assembly Joint Resolution No. 2 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 175—AN ACT making appropriations for mental health services, mental health courts and community triage centers; and providing other matters properly relating thereto.

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

Motion carried.

REMARKS FROM THE FLOOR

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

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker pro Tem for the opportunity to address you. I feel obligated to bring a note of sadness I guess. My Uncle Eve, James Everett Inman, died Friday afternoon in Reno. Uncle Eve was an old-time Sparks boy. His funeral, for those who are interested, is Wednesday at 11:00 a.m. at the church at 627 Sunnyside, First Congregational Church, with a

military service at 2:30 p.m. at the Fernley Veterans' Memorial Cemetery. Thank you, Madame Speaker pro Tempore.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Emmanuelle Garcia, Sarah Ghiglier, and Caryll Dziedziak.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Arney.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Cagie, Amanda DeSilva, Patricia Jones, Pam Roberts, and Thelma Clark.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Isom and Ashleigh Merritt.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandra Reid, Felicia Borsari, and Stephanie Pappas.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Izatt.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Julia Kruper.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Krissy Rice.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Marin Sauer, Chris Brooks, and Ed Zimmerman.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Heckathorn.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Bosworth, Paige Talbott, and Misty Kinser.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Tory Vogier and Lydia Hoffman.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Harman.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Suzi Michelle Jones and Bridgett McLean.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Cherise Balch, Cassandra Miller, Jack Close, Gaye Close, and Kathryn Regan.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Carter, Elizabeth Tew, and Ann Marie Cutkosky.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Montiel, Alicia Smalley, Brook Arigoni, and Darlene Spellberg.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Raquel Tartagia.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Coleman and Annalise Gardella.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Kristine Stebbins and K. Joni Reid.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Shirley and Danielle Winter.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Amelia Thibault and Miley Hendrix-Pluard.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Annelise Nelson and Ashley Slusher.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Stephenson, Kimberly Henderson, Betty Pardo, and Ruth Weinrott.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Halee Ackerman and Sarah Drummond.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Krista Blazic, Elizabeth Hopper, and Jason Geddes.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Hein, Kristi Huss, Gwenevere Dally, and Jennifer Parmeley.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Gross and Jordan Alford.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Stacie Voris and Lillie Smith.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Desiree Hein.

On request of Assemblyman Ocegura, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Frandsen and Chari Howard.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Marriott.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Andie Marken and Alyxx Godwin.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Tucker.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Silver Nichols and Steve McCoy.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Kellie Hawke, Amanda Collins, Frank Bradick, and Andrea Bradick.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Lathrop.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Drummond, Nova Gerhardt, and Robbi Phillips.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Marquise VanTassel and Lisa Lynn Chapman.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 8, 2005, at 11:00 a.m., and that it do so in memory of Sergeant Major James Everett Inman.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 8, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Mortenson, who was excused.

Prayer by the Chaplain, Father Jeff Paul.

Gracious God, known by many names, You have bound us together in a common life. Help us in the midst of our struggles for justice and truth, to confront one another without hatred or bitterness, and to work together with mutual forbearance and respect; in Your name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 17; Senate Bills Nos. 45, 48, 68, 86, 112, 113.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 15, 38, 114.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen McClain, Koivisto, Giunchigliani, Parnell, Ohrenschall, Arberry, Atkinson, Buckley, Claborn, Denis, Gerhardt, Hogan, Kirkpatrick, Leslie, Manendo, Marvel, McCleary, Munford, Ocegüera, Parks, Perkins, Pierce, Smith, and Weber:

Assembly Bill No. 176—AN ACT relating to public health; requiring a portion of the money in the Fund for a Healthy Nevada to be used to provide

dental benefits to certain senior citizens; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 177—AN ACT relating to mental health; creating the Steering Committee for the Systems Integration Pilot Project for Seriously Mentally Ill Persons; requiring the Steering Committee to develop and implement an action plan for integrating and coordinating the resources and services available to assist mentally ill persons in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Oceguela, Horne, Allen, Arberry, Buckley, Denis, Gansert, Gerhardt, Hettrick, Koivisto, Munford, Parks, and Seale:

Assembly Bill No. 178—AN ACT relating to notaries public; authorizing a notary public who is an attorney licensed to practice law in this State to perform a notarial act on an instrument or pleading relating to which he has or will receive a fee for providing legal services in excess of the fee authorized for the notarial act; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Oceguela, Allen, Arberry, Denis, Gerhardt, Horne, Koivisto, McCleary, Munford, Parks, and Seale; Senator Titus:

Assembly Bill No. 179—AN ACT relating to purchasing; exempting certain purchases of certain safety equipment for use by certain agencies from requirements of competitive bidding and control by the Purchasing Division of the Department of Administration; and providing other matters properly relating thereto.

Assemblyman Oceguela moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 180—AN ACT relating to education; revising provisions governing the review of applications to form charter schools submitted to the State Board of Education; revising provisions governing the requirements for licensed teachers in charter schools; revising provisions

governing the requirements for members of governing bodies of charter schools; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Goicoechea, Carpenter, Grady, Atkinson, and Marvel:

Assembly Bill No. 181—AN ACT relating to agriculture; removing the requirement that a person obtain a license to act as a cash buyer or as an agent of a cash buyer of farm products or livestock; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Sibley, Hardy, McCleary, Seale, Leslie, Allen, Anderson, Angle, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Sherer, and Weber; Senators Schneider, Townsend, Lee, Beers, Carlton, Hardy, Heck, Tiffany, and Titus:

Assembly Bill No. 182—AN ACT relating to pupils; requiring the boards of trustees of school districts to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sibley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the reading of the history on Senate Bills upon Introduction be dispensed with for this legislative day.

Motion carried.

Senate Bill No. 15.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 38.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

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

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ocegüera withdrew the motion that Assembly Bill No. 38 be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 45.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 48.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 68.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 86.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 112.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 113.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 114.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 6:

YEAS—40.

NAYS—Marvel.

EXCUSED—Mortenson.

Assembly Bill No. 6 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 130:

YEAS—41.

NAYS—None.

EXCUSED—Mortenson.

Assembly Bill No. 130 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 131:

YEAS—41.

NAYS—None.

EXCUSED—Mortenson.

Assembly Bill No. 131 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Ocegueda.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Mortenson.

Assembly Bill No. 138 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Doris Alcorn, Virginia Champion, Norman Champion, Freda Greenfield, and Joe Carter.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Simmons and Hitomi Mori.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Podewils and Kali Wahl.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Justine Harrison, Lisa Lynn Chapman, Carrie Morton, and Jebbie Whiteside.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Snyder.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Kuhlmeier and Wayne Keele.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Lazzari and Heather McCutcheon.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Girckx and Kim Jordan.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Brook Arigoni and Launa Wilson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Joti Bhakta and Kathryn Hamel.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Williamson, Kirsten Pieters, Shanna Coats, David Sturgess, Leah Defalco, Holly Radosevich, Nancy Kjeldergaard, Mary Jane Harding, Darlene Spellberg, Alex Whited, and Marissa Colbert.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Horton, Rudy J. Aguilar, Natasha M. Black, Tina-Marie Cortez, Chantel B. Dufek, Ashlee M. Floto, Andrea N. Gerbel, Tayler A. Goodman,

Kellyann M. Griffin, Hayden W. Hedrick, Sean A. Hofmeister, Brian V. Huynh, Andrew S. Mckinish, Olivia R. Mello, Matthew W. Perry, Kaitlin B. Peterson, Luke K. Regan, Ashley E. Renner, Kody T. Reynolds, Christina L. Rogne, Zoie E. Sanchez, Michael J. Villanueva, Jaime J. Virrey-Solorio, Walter Stucka, Cassidy M. Banks, Jamie D. Brennan, Cyrus W. Cappel, Natalie B. Cartwright, Brian Chavez, Nicholas J. Cleymaet, Kevin J. Clifton, Melanie F. Cook, Deena R. Devore, Morgan E. Estes, Casey E. Higgins, Tyler Z. Jenniges, Nikole R. Lance, Rachel G. Lecomte, Michael G. Manuel, Angelica Martinez, Melanie A. Martir, Ali N. McCarthy, Mejia Soria Enrique, Amanda N. Scott, Brian J. Tapado Dizon, Kristahna C. Valverde, Jeremy J. Youngberg, Kelly Creighton, Clara I. Arellano, Austin L. Atkerson, Devan J. Augustine, Rhiannon G. Barber, Hailey L. Brennan, Ashley M. Carr, Kyle P. Clanton, Courtney L. Cunningham, Leilana K. Fakava, Ellen N. Grunenwald, Mackenzie K. Harpster, Jacob O. Huntington, Alyssa K. Jordan, Thomas L. Lynch, Kevin Maldonado, Hiroji M. Nakayu, Dayna T. Nguyen, Drake A. Paden, Daljit Singh, Kendrick I. Taylor, Winnie Voong, Xavier G. Wells, and Shermeka Henry.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Shemilly Briscoe, Morag Logan, and Carlene Holbert.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lidia Hoffman.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Sharlene Peoples.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Rita McGary and Gwenavere Dally.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Amos and Tara Goodsell.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Thomas, Chisui Yamasaki, and Courtney Welch.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Samano, Charlie Harris, and Erin Holland.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jody Eble and Lauren Dahlby.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Toni McCormic and Shana Bachus.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Carroll, Elizabeth Dorway, and Matt Lauzon.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina R. Eggers and Elizabeth Evans.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Duncan and Sharon Badon.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Paulinus Alaribe, Desiree Guillen, and Lisa Leatham.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Jackson.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 9, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:37 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 9, 2005

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Angle, Hardy, and Mortenson, who were excused.

Prayer by the Chaplain, Father Jeff Paul.

O Lord, our Governor, bless the leaders of this land, that we may be a people at peace and a blessing to other nations. To the members of the Assembly gathered here give courage, wisdom, and foresight to provide for the needs of all our people, and to fulfill our obligations in the community of nations. Teach us to rely on Your strength and to accept our responsibilities to all citizens, that we may serve You faithfully in our generation; in Your name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 85, 121.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Leslie, Smith, McClain, Giunchigliani, Pierce, Atkinson, Gerhardt, Manendo, Ocegura, and Parks:

Assembly Bill No. 183—AN ACT relating to nursing; prohibiting medical facilities from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected

to such retaliation or discrimination are entitled to recover certain damages; and providing other matters properly relating thereto.

Assemblywoman Leslie moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Munford, Gerhardt, Smith, Horne, Denis, Ohrenschall, Allen, Arberry, Atkinson, Buckley, Claborn, Conklin, Giunchigliani, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Ocegüera, Parks, Parnell, Perkins, Pierce, Sherer, and Weber:

Assembly Bill No. 184—AN ACT relating to education; requiring the Department of Education to prescribe a form for a parental involvement compact between schools and parents or legal guardians of pupils; and providing other matters properly relating thereto.

Assemblywoman Gerhardt moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gansert, Hettrick, McCleary, Atkinson, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Marvel, Sherer, and Sibley; Senator Beers:

Assembly Bill No. 185—AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative; requiring a signed acknowledgment of a registered voter to be included with a petition as a condition to counting the signature; requiring the description of an initiative to be approved by the Secretary of State before the petition is presented for signatures; requiring the Attorney General to review the description of an initiative that is rejected by the Secretary of State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 186—AN ACT relating to industrial insurance; directing the Legislative Commission to appoint a committee to study the manner in which regular increases in compensation may be provided to certain claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability under industrial insurance; providing for a one-time payment of compensation to those claimants and dependents; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to impose an assessment; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 187—AN ACT relating to land use planning; authorizing the governing body of a local government to revise the procedure for the adoption of certain minor amendments to the applicable master plan; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 188—AN ACT relating to public records; setting forth that certain electronic mail addresses provided to a governmental entity are confidential and not subject to disclosure or public inspection; providing certain exceptions; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 189—AN ACT relating to the Nevada Equal Rights Commission; making various changes concerning the duties and authority of the Commission to receive, investigate, process, settle and otherwise remedy complaints of discrimination in employment, housing and public accommodation; providing that a person injured by an unlawful employment practice must, if the complaint is based on discrimination, obtain a notice of right to sue before seeking relief in a court of law; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Perkins, Conklin, Horne, Atkinson, Buckley, Gerhardt, Giunchigliani, Grady, Hettrick, Kirkpatrick, Leslie, Ocegüera, Parks, Pierce, Sherer, and Sibley; Senators Carlton, Coffin, and Heck:

Assembly Bill No. 190—AN ACT relating to crimes; prohibiting a person from entering upon certain property with the intent to surreptitiously conceal himself and peer, peep or spy through an opening in a building or other structure used as a dwelling; exempting law enforcement officers conducting criminal investigations or surveillance from the prohibition; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 85.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 121.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

March 8, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, 401 South Carson Street,
Legislative Building, Carson City, Nevada 89701-4747

DEAR ASSEMBLYMAN PERKINS:

This letter serves as a formal request to address a joint session of the Nevada Legislature on Tuesday, March 22, 2005, at 5 p.m. in the Assembly Chambers. Should you have any questions or concerns, please feel free to have your office contact my northern Nevada director, Verita Black Prothro, at 686-5770. Thank you.

Sincerely,
JOHN ENSIGN
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 9—Congratulating Dr. Donald K. Grayson for being selected as the recipient of the Nevada Medal given by the Desert Research Institute.

WHEREAS, Contributions to the sciences of archaeology, paleoecology and biogeography, and studies of the natural prehistory of the Great Basin, are of great importance to the residents of the State of Nevada; and

WHEREAS, The recipient of the 2005 Nevada Medal is Dr. Donald K. Grayson, a well-respected scientist who is known for his continued investigation of how the mammalian fossil record from archaeological and late Quaternary paleontological sites can contribute to effective scientific study of the long-term effects of climate change on species distributions and ecological associations, and how these historical insights contribute to effective management of biodiversity preserves; and

WHEREAS, Dr. Grayson is best known for his innovative research showing that climate change, and not “overkill by early human hunters,” led to the demise of large mammals like the woolly mammoth in North America some 10,000 years ago; and

WHEREAS, His extremely popular book, *The Desert’s Past: A Natural Prehistory of the Great Basin*, published by the Smithsonian Institution Press, explains how the modern Great Basin has come to be; and

WHEREAS, Other contributions include Dr. Grayson’s masterful study of the Donner Party who were stranded in the Sierra Nevada during the winter of 1846 on an ill-fated journey to California, which confirmed that biological predictors of mortality could accurately determine who would live and who would die, shedding new light on the importance of family ties in human societies; and

WHEREAS, Dr. Grayson’s research is driven more by questions than by time periods or geography, and the bulk of his work has involved the latest Pleistocene and Holocene of the Great Basin and Pleistocene southwestern France, all areas where he plans to continue working in the future; and

WHEREAS, Dr. Grayson joined the Department of Anthropology at the University of Washington 30 years ago, where he remains a Professor of Anthropology, Adjunct Professor at the Quaternary Research Center and Adjunct Curator of Environmental Archaeology at the Burke Museum of Natural History and Culture; and

WHEREAS, Dr. Grayson’s most important contribution not mentioned above is the large number of successful graduate students he has supported over the years; and

WHEREAS, The greater and longer-lasting measure of Dr. Grayson’s success is measured in the productivity of his students; and

WHEREAS, The Nevada Medal is an honor conferred by the Desert Research Institute of the University and Community College System of Nevada and sponsored by SBC Communications Inc. in recognition of outstanding achievement in science and engineering; and

WHEREAS, Dr. Grayson’s continued contributions toward understanding the interrelationships between people and the biotic landscapes with which they interact have been recognized and, as such, he is being honored this year as the recipient of the Nevada Medal; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby congratulate Dr. Donald K. Grayson for being named the recipient of the 2005 Nevada Medal given by the Desert Research Institute; and be it further

RESOLVED, That SBC Communications Inc. is hereby commended for its continued sponsorship of the Nevada Medal, which offers well-deserved recognition to persons who have demonstrated outstanding scientific, engineering and technical achievements; and be it further

RESOLVED, That the residents of the State of Nevada will long be grateful to Dr. Grayson for his contributions to the sciences of archaeology, paleoecology and biogeography, and in particular consideration of his long-term studies of the natural prehistory of the Great Basin; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Donald K. Grayson, the Desert Research Institute of the University and Community College System of Nevada and SBC Communications Inc.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblyman Parks.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 29.

Amend section 1, page 2, line 24, by deleting “Sell,” and inserting: “Make recommendations to the governing body of the city to sell.”.

Amend the title of the bill, second line, after “to” by inserting: “make recommendations to the governing body of the city to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes appointed trustees of city library to make recommendations to governing body of city to sell, exchange, transfer, assign or otherwise dispose of real or personal property of library. (BDR 33-509)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 16.

Amend section 1, page 2, line 2, before “The” by inserting “1.”.

Amend section 1, page 2, line 4, by deleting “1.” and inserting “[1.] (a)”.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

[2.] (b) Shall administer the provisions of law set forth in [subsection 4,] paragraph (d), subject to the administrative supervision of the Director.

[3.] (c) Except as otherwise provided in NRS 284.143, shall devote”.

Amend section 1, page 2, line 13, by deleting “4.” and inserting “[4.] (d)”.

Amend section 1, page 2, by deleting lines 20 and 21 and inserting: “provided by specific statute.

5.] (e) Is responsible for the preparation of a consolidated state plan”.

Amend section 1, page 2, by deleting lines 29 through 34 and inserting:

“[6.] (f) In developing and revising state plans pursuant to [subsection 5,] paragraph (e), shall consider, without limitation:

[(a)] (1) The amount of money available from the Federal Government for the programs of the Rehabilitation Division;

[(b)] (2) The conditions attached to the acceptance of that money; and

[(c)] (3) The limitations of legislative appropriations for the”.

Amend section 1, page 2, line 36, by deleting “7.” and inserting “[7.] (g)”.

Amend section 1, page 2, line 39, by deleting “8.” and inserting “(h)”.

Amend section 1, page 3, line 1, by deleting “9.” and inserting “(i)”.

Amend section 1, page 3, line 7, by deleting “10.” and inserting “(j)”.

Amend section 1, page 3, between lines 12 and 13, by inserting:

“2. The Rehabilitation Division shall serve as the designated state unit with respect to state programs for independent living established pursuant to 29 U.S.C. §§ 796 et seq. As used in this subsection, “designated state unit” has the meaning ascribed to it in 34 C.F.R. § 364.4.”.

Amend the bill as a whole by renumbering sections 6 through 15 as sections 7 through 16 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 426.235 is hereby amended to read as follows:

426.235 The Office of Disability Services is hereby created within the Department. The Office shall:

1. Provide access to information about services or programs for persons with disabilities that are available in this State.

2. Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(a) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(b) Making recommendations concerning new policies or services that may benefit persons with disabilities.

3. Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

4. Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Office shall:

(a) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Office to each of the local governmental agencies that provides services or programs to persons with disabilities;

(b) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(c) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

5. Administer the following programs in this State that provide services for persons with disabilities:

(a) The program established pursuant to NRS 426.265, 426.275 and 426.285 to provide financial assistance to persons with physical disabilities;

(b) The programs established pursuant to chapter 426A of NRS to obtain information concerning traumatic brain injuries and provide services to persons with traumatic brain injuries;

(c) The program established pursuant to NRS 426.295 to provide devices for telecommunication to deaf persons and persons with impaired speech or hearing;

(d) Any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.;

(e) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq. [;] , with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 364.4; and

(f) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

6. Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

7. Ensure that state and local governmental agencies comply with the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

8. Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(a) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(b) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

9. Publish a biennial report which:

(a) Reviews the current and projected capacity of:

(1) Services available to persons with disabilities pursuant to the State Plan for Medicaid;

(2) Waivers to the State Plan for Medicaid for the provision of home and community-based services in this State;

(3) Services available to persons with disabilities from counties and other local governmental entities in this State; and

(4) Any other services available to persons with disabilities from any governmental or nonprofit agency;

(b) Identifies the costs of existing and new services in the community for persons with disabilities;

(c) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(d) Recommends plans to provide services or programs for persons with disabilities by using the data from any waiting lists of persons seeking such services or programs;

(e) Reports the outcomes of persons with disabilities who have received services for persons with disabilities in this State; and

(f) Reports the progress of the Office in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001.

10. Provide on or before January 15 of each year a report to the Governor and on or before January 15 of each odd-numbered year a report to the Legislature, including, without limitation:

(a) A summary of the activities of the Office for the preceding fiscal year or 2 preceding fiscal years, if the report is provided to the Legislature;

(b) Documentation of significant problems affecting persons with disabilities when accessing public services, if the Office is aware of any such problems;

(c) A summary and analysis of the trends in the systems of care and services available for persons with disabilities; and

(d) Recommendations for improving the ability of the State of Nevada to provide services to persons with disabilities and advocate for the rights of persons with disabilities.”.

Amend the title of the bill, seventh line, after “Division;” by inserting: “clarifying that the Division is the designated state unit for certain state programs for independent living established pursuant to federal law;”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Munford, Sherer, Allen, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gerhardt, Hogan, Holcomb, Kirkpatrick, Koivisto, McCleary, Mortenson, Ocegüera, Ohrenschall, Parks, and Sibley:

Assembly Bill No. 191—AN ACT relating to elections; revising the distance from a voting area, polling place or city clerk’s office within which electioneering is prohibited; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mealoha Bacon, Andrea Brown, Shelby Cox, Karlee Day, Myranda Eaton (Keely), Alex Eekhoff, Brianna Finnis, Tina Fleisch, Amber Giese, Kissea Glazer, Lindsay Harrington, Marissa Jacky, Kimberly Lafferty, Jordan Machado, Eric McAuliffe, William McClenathan, Chaz Murphy, Jose Partida, Rebecca Parton, Crystal Peredia, Dakotah Ramirez, Jose Reyes Romero, Amanda Romine, David Snyder, Kevin Thomas, Scott Walsh, Jonathan Wheeler, Andrea Yarhi, Jacquellyn Frayna, Matthew Gold, Terri Brown, Maria Yarhi, Diane Lipon, Lisa Suedieck, Jessica Bailey, Liz Benesch, Elvis Brewer, Logan Bright, Frank Camacho, Nick Clark, Carlos Cordero Perez, Hannah Davis, Amanda Frohlich, Cathy Gardner, Michael Gomez, Karley Holz, Michael Lafferty, Alexis Lastfogel, Wanda Le Grange, Chelsey Luksa, Liz Malotte, Amber Nelson, Emilee Nicora, Ashley Olseen, Chris Price, Vanessa Rodriguez, Genesis Ruiz, J.D. Salem, Alyson Saunders, Evelyn Vazquez, Elysse Virden, Lorna Hornbuckle, Kelly Davis, Elaine Clark, Joyce Sargent, April Virden, Wendy Nicora, Kris Jackson, Rick Gardner, and Janina Benesch.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Rees and Marjorie Skinner.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Knisley and Christine Milburn.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gerry Conley and Gene Brochman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Judi Benvenuto, Chris Maples, Kelley Price, and David Fulstone.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Samano.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Donald Grayson.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Miller and Christine Roberto.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lidia Hoffman.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 10, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 10, 2005

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Mortenson and Ohrenschall, who were excused.

Prayer by the Chaplain, Father Jeff Paul.

Almighty God, giver of all good things, we thank You for the natural majesty and beauty of this land. They restore us, though we often destroy them. We thank You for the great resources of this nation. They make us rich, though we often exploit them. We thank You for the wonderful diversity of races and cultures in this world. They are our brothers and sisters, though we often forget. We thank You for the faith we have inherited in all its rich variety. It sustains our life, though at times we are faithless. Help us to finish the work here begun. Strengthen our efforts to blot out ignorance, prejudice, and privilege, and hasten the day when all people will praise You with many voices in one chorus. All this we ask in Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

SHEILA LESLIE, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Leslie moved that Assembly Bill No. 36 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 192—AN ACT relating to unclaimed property; providing that the provisions of the Uniform Disposition of Unclaimed Property Act do not apply to the State Child Support Disbursement Fund; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 193—AN ACT relating to contractors; providing that certain construction managers are not contractors; providing that a master developer is not a contractor; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Kirkpatrick moved that the action whereby Assembly Bill No. 193 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, and Sherer:

Assembly Bill No. 194—AN ACT relating to eminent domain; revising the provisions governing the amount of interest a plaintiff must pay in an action relating to eminent domain; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley, Ocegüera, Leslie, Perkins, Giunchigliani, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, Marvel, McClain, McCleary, Munford, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Titus, Carlton, Care, Schneider, Amodoi, Coffin, Heck, Horsford, Lee, Nolan, and Townsend:

Assembly Bill No. 195—AN ACT relating to health care; revising certain provisions concerning the distribution of prescription drugs to authorize certain Canadian pharmacies licensed in Nevada to provide prescription drugs through mail order service to residents of Nevada under certain circumstances; making various changes concerning the regulation of certain pharmacies located outside Nevada; requiring the Director of the Office for Consumer Health Assistance to establish and maintain an Internet website to provide certain information to consumers concerning purchasing prescription drugs from certain Canadian pharmacies licensed in this State; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Pierce, Atkinson, Anderson, Parks, Arberry, Buckley, Claborn, Denis, Gerhardt, Giunchigliani, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Ocegüera, Perkins, and Smith:

Assembly Bill No. 196—AN ACT relating to thrift companies; prohibiting a department store from acquiring control of a thrift company; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 49.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 22:

YEAS—40.

NAYS—None.

EXCUSED—Mortenson, Ohrenschall—2.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

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

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 28 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Atkinson, Kirkpatrick, McCleary, Giunchigliani, Denis, Allen, Anderson, Angle, Arberry, Buckley, Carpenter, Christensen, Claborn, Conklin, Gansert, Gerhardt, Goicoechea, Grady, Hettrick, Hogan, Holcomb, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Horsford, Carlton, Amodei, Beers, Care, Coffin, Hardy, Heck, Lee, Nolan, Rhoads, Schneider, Titus, Washington, and Wiener:

Assembly Bill No. 197—AN ACT relating to the Charter of the City of North Las Vegas; requiring that City Councilmen be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Perkins, Buckley, Parnell, Giunchigliani, Smith, Atkinson, Claborn, Conklin, Gerhardt, Horne, Kirkpatrick, Koivisto, Leslie, McClain, McCleary, Munford, Ocegüera, Parks, Pierce, and Sherer; Senators Titus, Horsford, Wiener, Schneider, Carlton, and Coffin:

Assembly Bill No. 198—AN ACT relating to education; revising provisions governing the calculation of basic support for purposes of apportionments from the State Distributive School Account to include pupils enrolled in kindergarten for a full school day; making an appropriation for school districts to provide kindergarten for a full school day; and providing other matters properly relating thereto.

Assemblywoman Parnell moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Munford, Ohrenschall, McCleary, Christensen, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Conklin, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Holcomb, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, Parks, Parnell, Sherer, Sibley, Smith, and Weber:

Assembly Bill No. 199—AN ACT relating to education; revising the requirements for courses in American history taught in public high schools; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to David Branson.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Clemencia Golbov.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Barrett.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Segerblom.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Beth MacMillan.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Davis.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Brekas Patron.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Shaun Griffin.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Johnson.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Hariette Trudell.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Caterino.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Rosenblatt.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Leona Kockenmeister.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Vonne Chowning and Elmer Chowning.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn DeMar.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Regin, Jean Henry, Kathy McLean, and Selena Ulch.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Leslie, Zach Gochenouer, Amber Heckman, Mick Ochoa, Madelyn Reyes, Melissa Paul, Stephanie Morse, Heather Carpenter, Madisyn Morrison, Doug Hitchcock, Kim Polley, Winter Woodward, Jennifer Thomas, Caitlin Hansen, Jesse Pacheco, Preston Malone, Kate Magnuson, Ryan Galvan, Rosita Angel, Jenna Burton, Lydia Carera, Samantha DeWaide, Samantha Farr, Sergio Myers, Kayla Olson, Elizabeth Quintero, Ysabel Ramos, Stephanie Resendez, Whitney Richmond, Aaron Virgo, Troy Weiler, Samantha Wells, Jessica Clary, Ashley Baker, Nathan Neben, Julie Gabica, Pamela McMullan, and Terry Ward.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Janette Sherman.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Roberts.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 14, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 14, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, James Sadilek.

O my Lord and my Hope, help Thou Thy loved ones to be steadfast in Thy mighty covenant, to remain faithful to Thy manifest cause, and to carry out the commandments Thou didst set down for them in Thy book of splendors, that they may become banners of guidance and lamps of the company above, wellsprings of Thine infinite wisdom, and stars that lead aright, as they shine down from the supernal sky. Verily, art Thou the Invincible, the Almighty, the All-Powerful.

‘A ABDU’L-BAHA.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 46, 71.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 14, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 2, 19, 42, 80, 84, 110, 117, 127, 132, 136, 154, 169, 170, 175, 176, and 198.

MARK STEVENS

Fiscal Analysis Division

March 14, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 129, 133, and 172.

MARK STEVENS

Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Parnell, Denis, Horne, Buckley, Smith, Allen, Anderson, Atkinson, Conklin, Gansert, Gerhardt, Giunchigliani, Grady, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Ocegüera, Parks, Pierce, and Sibley (by request):

Assembly Bill No. 200—AN ACT relating to child care facilities; prohibiting a person who is licensed to operate a child care facility and any employee or volunteer of a child care facility from taking certain actions against a child for disciplinary purposes; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Pierce, Leslie, Giunchigliani, Parks, Allen, Anderson, Atkinson, Buckley, Carpenter, Conklin, Denis, Gerhardt, Goicoechea, Grady, Hettrick, Hogan, Kirkpatrick, Koivisto, Marvel, Ocegüera, Ohrenschall, Perkins, Sherer, and Smith; Senators Wiener, Horsford, Carlton, Care, Beers, Coffin, Heck, and Lee (by request):

Assembly Bill No. 201—AN ACT relating to residential property; providing for the participation of certain nonprofit organizations in programs for the rehabilitation of residential neighborhoods and abandoned residential property; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks, Parnell, Pierce, Horne, Smith, Anderson, Arberry, Atkinson, Buckley, Claborn, Conklin, Gerhardt, Giunchigliani, Grady, Hogan, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Perkins, and Sherer; Senators Carlton and Titus:

Assembly Bill No. 202—AN ACT relating to education; requiring the Department of Education to prescribe a policy for public schools to provide a

safe and respectful learning environment; prohibiting a school official from interfering with or preventing the disclosure of information concerning harassment or intimidation in public schools; providing that certain causes of action may not be brought against a pupil or an employee or volunteer of a school who reports an incident of harassment or intimidation; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Seale, Parnell, Hardy, Buckley, and Mabey:

Assembly Bill No. 203—AN ACT relating to osteopathic medicine; authorizing the State Board of Osteopathic Medicine to employ hearing officers to conduct disciplinary hearings; authorizing the Board to obtain search warrants under certain circumstances; revising the provisions governing unprofessional conduct; authorizing a holder of a special license to treat patients in public mental health facilities under certain circumstances; revising the provisions governing the placing of a license on inactive status; revising the provisions governing the renewal of a license; increasing certain fees; and providing other matters properly relating thereto.

Assemblyman Seale moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 204—AN ACT relating to projects of capital improvement; requiring the issuance of general obligation bonds to pay the costs of certain capital improvements; authorizing certain expenditures by the State Public Works Board; requiring the repayment of certain costs; making appropriations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Manendo:

Assembly Bill No. 205—AN ACT relating to crimes; authorizing a compensation officer to obtain investigative and police reports concerning a minor who committed a crime in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 206—AN ACT relating to education; providing for the issuance of a special license for persons with certain graduate degrees and work experience to teach pupils in public schools; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 46.

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

Motion carried.

Senate Bill No. 71.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 49.

Bill read second time and ordered to third reading.

Assembly Bill No. 168.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 49:

YEAS—42.

NAYS—None.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 49 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Francis Allen, Jack Ferguson, Jacob Ferguson, Kristen Ferguson, and Troy Ferguson.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Koller, Corrine Taylor, Corey Smith, David Loree, Dustin Barnett, Eduardo Baller-Jaimes, Eric Green, George Crawford, Jeremy Rabb, Lance Dowling, Nick Doucette, Ray Moyers, Sterling McKay, Tim Lane, Wayne Brown, Norman Lowery, Julie Rader, Anita LeClerg, Gail Townsend, Amber McBroome, Elizabeth McBroome, Ryan C. Barrett, Nicolaus R. Bartsch, Kelsey L. Bridgewater, Melissa R. Davis, Ian E. Farber, Ryan W. Gardner, Michael L. Gay, Brenden L. Hankins, Maria Hernandez, Angela D. Kotsios, Kyla L. Lightner, Miles J. Machado, Jessica Magna, Thomas T. Mansfield, Lindsay M. Maurins, Jamie S. McGregor, Elizabeth L. Paloney, Justin M. Sawri, Reid J. Schlesener, Winston B. Skinner, Ashley C. Strauser, Alice Touch, William M. Tupou, Michael Wood, Danielle Labossiere, Karla Zermeno, Colleen Hoch, and Jason Saville.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Georgeanna Smith, Marilee Kuhl, Karen Mowrey, Donetta Johnson, Melissa DeLaMora, Kenda Huseby, Michelle Dunkel, Bernice Bowen, Robert Bassett, Kathleen Henderson, Wendy Hill, Shanna Lemaire, and Kym Mackley.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Stevens and Lauren Sutherland.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Anjanette Milham, Chris Elvrom, Charlie Goggin, Monica Shurtliff, Patricia Milham, Grant Milham, Marina Goggin, Sierra Goggin, Teresa Shurtliff, Laura Shurtliff, Bridgett Shurtliff, Alex Shurtliff, and Timothy Shurtliff.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Horne.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 15, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 15, 2005

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Angle, who was excused.

Prayer by the Chaplain, Robert Forster.

O Thou, kind Lord, this gathering is turning to Thee. These hearts are radiant with Thy love. These minds and spirits are exhilarated by the message of Thy glad tidings. O God, let this American democracy become glorious in spiritual degrees even as it has aspired to material degrees, and render this just government victorious. Confirm this revered nation to upraise the standard of the oneness of humanity, to promulgate the Most Great Peace, to become thereby most glorious and praiseworthy among all the nations of the world. O God, this American nation is worthy of Thy favors and is deserving of Thy mercy. Make it precious and near to Thee through Thy bounty and bestowal.

‘ABDU’L-BAHA.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 135, 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 96, 97, 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 207—AN ACT relating to peace officers; requiring a law enforcement agency to follow certain procedures before placing unfavorable comments or documents about a peace officer in certain files;

making various other changes concerning certain files of a law enforcement agency; requiring a law enforcement agency to provide certain information to a peace officer concerning the consequences of failing to provide certain information during an interrogation or hearing; authorizing a peace officer to have more than one representative present during an interrogation or hearing; excluding certain evidence obtained in violation of law from proceedings concerning a peace officer; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 9.

Amend section 1, page 2, by deleting lines 5 and 6 and inserting:

“332.039 may, after the bids are opened and within the period specified by the governing body or its authorized representative, file with the governing body”.

Amend sec. 3, page 3, by deleting lines 40 through 42 and inserting:

“(d) Such other matters as may properly pertain to giving notice”.

Amend sec. 7, pages 6 and 7, by deleting line 43 on page 6 and lines 1 through 5 on page 7, and inserting: “pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;”.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. NRS 332.195 is hereby amended to read as follows:

332.195 1. A governing body or its authorized representative and the State of Nevada may join or use the contracts of ~~[other]~~ local governments located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the ~~[local government]~~ governmental entity which joins or uses the contract.

2. A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Angle.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 39 be placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Horne, Conklin, Allen, Arberry, Atkinson, Christensen, Denis, Gansert, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Parks, Parnell, Pierce, Sherer, Sibley, Smith, and Weber; Senators Care, Horsford, and Titus:

Assembly Bill No. 208—AN ACT relating to medical professions; requiring an applicant for a license to practice medicine, licensed physicians and certain licensed osteopathic physicians to submit to a criminal background check; requiring certain disciplinary action to be taken against those applicants and physicians in certain circumstances; expanding the grounds for initiating disciplinary proceedings against physicians and osteopathic physicians; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Grant.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Driscoll,

Nancy Driscoll, Drew Aguilar, Shannon Albert, Janet Assmann, Vicki Bates, Michael Beam, Debra Bolstad, Ann Casaus, Sheryl Christian, Daniel Doyle, Barbara Dudziak, Keith Ford, Alan Lopeman, Katherine Marquardt, Diane Ortenzio-Cooling, Skip Sayre, Alycia Woods, Phyliz Zick, and Janet Andraski.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, March 16, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:26 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 16, 2005

Assembly called to order at 11:14 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman McCleary, who was excused.

Prayer by the Chaplain, Donald Thayer.

O my God, O my God. Unite the hearts of Thy servants and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor, and grant them strength to serve Thee. O God, leave them not to themselves, but guide their steps by the light of Thy knowledge, and cheer their hearts by Thy love. Verily, Thou art their helper and their Lord.

BAHA'U'LLAH.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 29; Senate Bills Nos. 132, 133, 134.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Smith, Leslie, Parnell, Giunchigliani, Anderson, Atkinson, Buckley, Conklin, Denis, Gansert, Gerhardt, Hardy, Hogan, Holcomb, Kirkpatrick, Manendo, McClain, McCleary, Oceguera, Pierce, and Weber:

Assembly Bill No. 209—AN ACT relating to education; making an appropriation to the Department of Education for distribution to school districts that establish pilot programs to teach the English language to prekindergarten children who have limited proficiency in the English language; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hogan, Giunchigliani, Ocegüera, Ohrenschall, Parks, Arberry, Atkinson, Buckley, Conklin, Denis, Gerhardt, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Munford, Parnell, Perkins, and Smith; Senators Titus and Carlton:

Assembly Bill No. 210—AN ACT relating to public works; requiring a contractor and subcontractor on certain public works in larger counties to submit a monthly report concerning the demographics of certain employees to the public body that awarded the contract; requiring that a committee be established for certain public works; requiring such a committee to meet monthly to discuss the monthly report; requiring that advertisements for bids for certain public works include a provision that the contractor and subcontractor will be required to comply with such requirements; and providing other matters properly relating thereto.

Assemblyman Hogan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 211—AN ACT relating to public health; providing for the regulation of nontransplant anatomic banks; requiring licensure for the maintenance or operation of such a bank; authorizing the Health Division to enjoin any person from operating or maintaining a nontransplant anatomic bank under certain circumstances; authorizing certain inspections of nontransplant anatomic banks; requiring the Legislative Committee on Health Care to review certain regulations concerning nontransplant anatomic banks; requiring the Central Repository for Nevada Records of Criminal History to assist the Health Division in investigating criminal backgrounds; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Weber, Koivisto, Ohrenschall, Allen, Buckley, Gansert, Gerhardt, Giunchigliani, Hardy, Hettrick, Hogan, Kirkpatrick, Leslie, Mabey, McClain, Parnell, Pierce, Sherer, Sibley, and Smith; Senators Cegavske, Titus, and Heck:

Assembly Bill No. 212—AN ACT relating to cervical cancer; creating the Task Force for the Elimination of Cervical Cancer and providing its duties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 213—AN ACT relating to peace officers; requiring a peace officer to reimburse his employer for the cost of training at a law enforcement training academy under certain circumstances; authorizing a state or local governmental employer of a peace officer to recover the cost of training from the paycheck of an employee under certain circumstances; requiring the Personnel Commission of the Department of Personnel to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 214—AN ACT relating to actions for dental malpractice; establishing screening panels to review claims against dentists; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sibley, Seale, Buckley, Kirkpatrick, Ohrenschall, Allen, Anderson, Atkinson, Carpenter, Christensen, Conklin, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Manendo, Marvel, Mortenson, Munford, Ocegüera, and Sherer; Senators Amodei and Heck:

Assembly Bill No. 215—AN ACT relating to real property; providing an exception to the requirement that a seller complete and serve a disclosure form on a purchaser of residential property for certain actions for foreclosure; and providing other matters properly relating thereto.

Assemblyman Sibley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 132.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 133.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 134.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 107.

Bill read second time and ordered to third reading.

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblyman Carpenter.

Assemblyman Carpenter requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. Senate Bill No. 38 relates to the distribution of local government taxes. The measure changes the distribution of the excess portion of the consolidated taxes within a county that in the proceeding five fiscal years has either a negative average percentage change in population or an average assessed valuation of taxable property attributable to the net proceeds of mines greater than \$50 million. In those eligible counties, the bill reinstates the one-plus formula for distributing the excess portion in the consolidated taxes. The one-plus formula uses a percentage of population growth, plus a factor of one, to distribute the excess formula. The bill is effective on passage and approval. The provisions of the bill apply retroactively to January 1, 2005, but do not affect previous distributions to local governments. Thank you.

Roll call on Senate Bill No. 38:

YEAS—41.

NAYS—None.

EXCUSED—McCleary.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Smith moved that the action whereby Assembly Bill No. 209 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 209 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Paul Hardy Jr., Dan Waite, and Robert Eglet.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Braden W. Benecke, Gerardo Bogarin, Brian D. Bruce, Andrew Carter, Charlie T. Cowen, Jennifer Diaz, Paneka T. Douglas, Andrew P. English, Cynthia Hernandez Ayala, Emily A. Kinsey-Shaw, Leann A. Leverett, Sierra M. Little, Alfonso Martinez, Austin R. McNinch, Tyler Neilson, Oscar J. Perez Garcia, Ashley J. Rea, Yarleni Rodriguez, Perry D. Senteney, Crystal R. Simon, Coleman M. Smith, Michael D. Sohn, Vaise T. Sparks, Amauri J. Watkins, Kylee I. West, Bruce Aguirre-Monroy, Xochitl E. Arauz-Rosiles, Mary Joy Beltejar, Suzanna E. Bledsoe, Lee J. Bluehorse, Travis L. Brooks, Andres Chavez-Rodriguez, Keri A. Corley, Neftali G. Dominguez, Hannah M. Franey, William F. Greene, Darnell M. Imus Rodriguez, Cami K. Johnson, Joshua I. Madu, Lucero A. Martinez, Bryce T. Mathews Amos, Liliam Mendez-Chinchilla, Kyle J. Podratz, Stephany M. Portillo, Kimberly Saenz, Maria Isabel Subillaga, Sanisi L. Talanoa, Dustin M. Yuhas, Stacy L. Zeigler, Daniel J. Ahumada, Joann J. Brooks, Brittnie L. Carr-Piccioni, Kimberly J. Chavez, Austin J. Davidson, Sophie L. Earnest, Ally M. Edmonds, Everett L. Fletcher, Royce A. Flores, Anthony R. Garcia, Zachary Guettler, Codi C. Lair, Kenneth S. Lester, Adriel M. Luippold, Gregory J. Luippold, Elizabeth Melendrez, David J. Nickerson, Hector P. Ramirez, Jennifer Rodriguez, Zachary T. Shockley, Elora D. Smith, Troy A. Smith, Kyle J. Spingola, Austtyn M. Thomas, and Reanne G. Tuamoheloa.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Claudette Crooks, Mary Jane Flies, and Donna Shewey.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 17, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 17, 2005

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hogan and Pierce, who were excused.

Prayer by the Chaplain, Paul Bennings.

The earth is one native land, one home, and all mankind are the children of one Father. God has created them, and they are the recipients of His compassion. Therefore, if anyone offends another, he offends God. It is the wish of our Heavenly Father that every heart should rejoice and be filled with happiness, that we should live together in felicity and joy. The obstacle to human happiness is racial or religious prejudice, the competitive struggle for existence and inhumanity toward each other.

‘ABDUL’L’BAHA.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 141, 164; Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 61; Senate Bills Nos. 99, 138.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 18.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Anderson, Marvel, Smith, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Washington, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Wiener:

Assembly Concurrent Resolution No. 7—Commemorating the 100th anniversary of the City of Sparks.

WHEREAS, The members of the 73rd Session of the Nevada Legislature wish to congratulate the City of Sparks on its 100th anniversary; and

WHEREAS, As Nevada's fifth largest city, Sparks now has a population of approximately 78,500 residents; and

WHEREAS, Sparks is located in the Truckee Meadows between the Carson and Virginia Mountain Ranges; and

WHEREAS, In 1902, there was nothing 4 miles east of Reno except swampland and ranches, and like many cities in Northern Nevada, the history of the City of Sparks is closely related to the development of railroad transportation, and when Southern Pacific Railway Company, the new owner of the main line across Northern Nevada, shortened the route, the new route bypassed Wadsworth, which had accommodated the roundhouse and maintenance shops for 40 years; and

WHEREAS, Southern Pacific startled its Wadsworth employees by offering to pack up every house in the town and ship it to the new location free of charge, and in the summer of 1903, 67 names were drawn from one hat and 67 lot numbers from another, giving to each of the employees clear deed to a 50 by 140 foot lot near the new roundhouse at \$1 a lot; and

WHEREAS, The City had been called East Reno, New Wadsworth and Harriman for a while, but that did not suit the independent spirit of the new residents, and in 1904, the City was officially named the City of Sparks after then Nevada Governor "Honest John" Sparks, who was instrumental in its development, and in 1905, Sparks became an incorporated city, with Governor Sparks hosting a barbecue for the residents in celebration of the honor; and

WHEREAS, Sparks has become widely known as the premier special events venue for Northern Nevada in focusing on events that include the entire family, the heart of the city being Victorian Square with its old-fashioned ambiance and charm; and

WHEREAS, Serving as the official kick-off to the Sparks Centennial Celebration, the 2004 Sparks Hometowne Christmas gala, an annual event which has become Northern Nevada's largest Christmas celebration, highlighted "A Centennial Christmas, Celebrating 100 Years of Sparks, 1905-2005," where families get into the spirit of the holiday season with delicious refreshments, booths with arts and crafts perfect for gift giving, fun activities for children, the

Hometowne Christmas Parade with a special appearance by Santa Claus and a tree-lighting ceremony complete with free hot cocoa, cake, cookies and hot roasted chestnuts; and

WHEREAS, Sparks is well known for its outstanding parks and recreation system with numerous neighborhood parks, regional sports facilities and a large number of fun recreation programs designed to appeal to everyone from preschoolers to senior citizens, and Sparks Marina Park, the newest addition, is 80 acres of water surrounded by a lighted walking trail where you will find people of all ages walking and talking, and it includes such amenities as two swimming beaches, two sand volleyball courts, numerous picnic tables and gazebos, a bandstand for summer concerts, and facilities for boating, fishing and scuba diving, and while the families are enjoying all this outdoor activity, they have a breathtaking view of the nearby mountains; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature invite all Nevadans to join with the residents of this fine city in celebrating their 100th anniversary; and be it further

RESOLVED, That the City of Sparks is hereby congratulated for focusing on the many events that bring family and friends together and for providing an outstanding quality of life for its residents; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Mayor and City Council of the City of Sparks.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Marvel, Angle, and Smith.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Ohrenschall, Manendo, Buckley, McClain, Claborn, Denis, Kirkpatrick, Koivisto, Munford, Ocegurea, Parks, and Pierce:

Assembly Bill No. 216—AN ACT relating to manufactured home parks; requiring landlords to reduce the rent for certain older persons who are tenants of manufactured home parks; establishing the eligibility and procedural requirements which must be satisfied before such a person receives a reduction in rent; establishing the procedures by which a landlord may object to a reduction in rent; providing remedies and administrative civil penalties; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Kirkpatrick, Anderson, Atkinson, Carpenter, Claborn, Denis, Koivisto, Manendo, McClain, Munford, Parks, Pierce, and Sibley:

Assembly Bill No. 217—AN ACT relating to education; authorizing the boards of trustees of school districts to provide instruction in self-defense for certain pupils; providing that certain pupils who complete a course of self-defense must receive credit in physical education; and providing other matters properly relating thereto.

Assemblywoman Ohrenschall moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Ohrenschall, Atkinson, Carpenter, Claborn, Denis, Kirkpatrick, Koivisto, Manendo, McClain, Munford, Ocegüera, and Parks:

Assembly Bill No. 218—AN ACT relating to public highways; directing the Department of Transportation to conduct a study of the need and feasibility of constructing an arterial road and access to that road between Interstate Highway No. 95 and North Hollywood Boulevard in Las Vegas, Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, McClain, Anderson, Manendo, Parks, Allen, Atkinson, Carpenter, Claborn, Denis, Koivisto, Munford, Ocegüera, Pierce, and Sibley:

Assembly Bill No. 219—AN ACT relating to domestic violence; creating the Nevada Council for the Prevention of Domestic Violence; providing for its membership and duties; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Ohrenschall moved that the action whereby Assembly Bill No. 218 was referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblywoman Ohrenschall moved that Assembly Bill No. 218 be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hardy:

Assembly Bill No. 220—AN ACT relating to fuels; revising provisions relating to alternative fuels; and providing other matters properly relating thereto. Assemblyman Hardy moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ocegüera, Manendo, Leslie, Parks, Anderson, Angle, Buckley, Christensen, Claborn, Conklin, Denis, Gerhardt, Hogan, Horne, Munford, and Pierce:

Assembly Bill No. 221—AN ACT relating to intoxicating liquor; requiring that certain persons who sell, handle or serve alcoholic beverages successfully complete a program of training relating to alcoholic beverages; authorizing the Department of Taxation to impose administrative fines upon the owners or operators of certain establishments for certain violations; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Parnell, Giunchigliani, Smith, Manendo, Allen, Anderson, Angle, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Horsford, Care, Hardy, Townsend, Amodei, Beers, Carlton, Cegavske, Coffin, Heck, Lee, McGinness, Nolan, Schneider, Tiffany, Titus, Washington, and Wiener:

Assembly Bill No. 222—AN ACT relating to education; providing for the periodic review of school districts to evaluate whether the school districts are carrying out certain financial management principles; requiring the Legislative Auditor to issue a request for proposals for a qualified independent consultant to conduct the reviews; requiring the State Board of Education to select a consultant based upon the recommendations of the Legislative Auditor; requiring the establishment of an oversight committee to oversee the progress of a consultant in conducting the review of a school district; requiring the board of trustees of a school district that is not in compliance with the financial management principles to vote on whether to adopt a plan for corrective action recommended by a consultant; providing that certain school districts may receive an exemption from a review under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Gansert, Hardy, Allen, Atkinson, Buckley, Carpenter, Christensen, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Holcomb, Kirkpatrick, Koivisto, Mabey, Marvel, McClain, Mortenson, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Assembly Bill No. 223—AN ACT relating to education; revising the eligibility requirements for millennium scholarships; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Carpenter, Holcomb, Mortenson, and Munford; Senators Beers, Cegavske, and Washington:

Assembly Bill No. 224—AN ACT relating to public health; prohibiting a person from administering or providing an immunization which contains more than a specified amount of mercury to certain persons; providing exceptions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle, Christensen, Gansert, Holcomb, Mabey, Mortenson, and Munford; Senators Tiffany and Washington:

Assembly Bill No. 225—AN ACT relating to motor vehicles; providing for the biennial inspection and testing of emissions of certain motor vehicles; requiring the State Environmental Commission to provide a waiver from emissions testing for certain motor vehicles; revising provisions regarding certain fleets to authorize the use of certain additives for motor vehicle fuel; and providing other matters properly relating thereto.

Assemblywoman Angle moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Claborn, McCleary, Goicoechea, Grady, Hogan, Koivisto, Manendo, McClain, Munford, and Sherer:

Assembly Bill No. 226—AN ACT relating to wildlife; limiting the period during which a person may serve as a member of the Board of Wildlife Commissioners; providing that a portion of certain fees deposited in the Wildlife Account may only be used for the management and control of the natural predators of mule deer; and providing other matters properly relating thereto.

Assemblyman Claborn moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 18.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 99.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 138.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 204, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time and ordered to third reading.

Assembly Bill No. 88.

Bill read second time and ordered to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 66.

Amend section 1, page 1, line 3, by deleting “\$15,092,900” and inserting “\$13,080,921”.

Amend section 1, page 1, by deleting lines 8, 9 and 10.

Amend section 1, page 1, line 11, by deleting “2.” and inserting “1.”.

Amend section 1, page 2, line 2, by deleting “3.” and inserting “2.”.

Amend section 1, page 2, line 7, by deleting “4.” and inserting “3.”.

Amend sec. 5, page 2, line 42, by deleting “\$8,000,000” and inserting “\$1,400,000”.

Amend sec. 5, page 3, by deleting lines 4, 5 and 6.

Amend sec. 5, page 3, line 7, by deleting “2.”.

Amend sec. 6, page 3, line 12, by deleting “appropriations” and inserting “appropriation”.

Amend sec. 12, page 4, line 9, by deleting “\$15,092,900” and inserting “\$13,080,921”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 96:

YEAS—40.

NAYS—None.

EXCUSED—Hogan, Pierce—2.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 97 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 107:

YEAS—40.

NAYS—None.

EXCUSED—Hogan, Pierce—2.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 135:

YEAS—39.

NAYS—Angle.

EXCUSED—Hogan, Pierce—2.

Assembly Bill No. 135 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 137:

YEAS—40.

NAYS—None.

EXCUSED—Hogan, Pierce—2.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 28 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Parks.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Geno Martini and John Mayer.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan C. Reynolds.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Jacques Pellam.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald Schmitt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 21, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 21, 2005

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

Our Heavenly Father, please let the words of our mouths and the meditation of our hearts be acceptable in Your sight, O Lord, our Rock and our Redeemer. In the name of our Savior I pray.
AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolutions Nos. 11, 13 of the 72nd Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 34, Amendment No. 34, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 141.

MARY JO MONGELLI

Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 79.

Bill read second time and ordered to third reading.

Assembly Bill No. 141.

Bill read second time and ordered to third reading.

Assembly Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblymen Ocegüera and Carpenter.

Roll call on Assembly Bill No. 82:

YEAS—42.

NAYS—None.

Assembly Bill No. 82 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 88:

YEAS—42.

NAYS—None.

Assembly Bill No. 88 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 204:

YEAS—42.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto,
and Ohrenschall:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada
Constitution to revise the provisions governing a petition for initiative or
referendum.

RESOLVED by the Assembly and Senate of the State of Nevada, Jointly, That Section 2 of
Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution,
but subject to the limitations of Section 6 of this Article, the people reserve to themselves the
power to propose, by initiative petition, statutes and amendments to statutes and amendments to
this Constitution, and to enact or reject them at the polls.

2. ~~[An initiative petition shall be in the form required by Section 3 of this Article and shall
be proposed by a number of registered voters equal to 10 percent or more of the number of
voters who voted at the last preceding general election in not less than 75 percent of the counties~~

~~in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.~~

~~3.—If the~~ An initiative petition that proposes a statute or an amendment to a statute ~~[, the]~~ must be in the form required by Section 3 of this Article and must be proposed by a number of registered voters from each congressional district in this State equal to 15 percent or more of the number of voters who voted at the last preceding general election in the congressional district, but the total number of registered voters signing the initiative petition must be equal to 15 percent or more of the voters who voted in the entire State at the last preceding general election. The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section. The person who intends to circulate ~~[it]~~ the initiative petition that proposes a statute or an amendment to a statute shall file a copy of the petition with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

~~[4.—If the]~~

3. An initiative petition that proposes an amendment to the Constitution ~~[, the]~~ must be in the form required by Section 3 of this Article and must be proposed by a number of registered voters from each congressional district in this State equal to 20 percent or more of the number of voters who voted at the last preceding general election in the congressional district, but the total number of registered voters signing the initiative petition must be equal to 20 percent or more of the voters who voted in the entire State at the last preceding general election. The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this Section. The person who intends to

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

[~~5~~] 4. If two or more measures which affect the same Section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same Section, by the voters at the same election:

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

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

[~~6~~] 5. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same Section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the Section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

And be it further

RESOLVED, That Section 4 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 4. 1. The initiative and referendum powers provided for in this Article are further reserved to the registered voters of each county and each municipality as to all local, special and municipal legislation of every kind in or for such county or municipality. In counties and municipalities initiative petitions may be instituted by a number of registered voters in the county or municipality equal to [~~45~~] 20 percent or more of the voters who voted at the last preceding general county or municipal election. Referendum petitions may be instituted by [~~40~~] 15 percent or more of such voters.

2. If an initiative petition that is instituted in a county or municipality is submitted to the voters of the county or municipality at an election and 55 percent or more of the voters vote for the disapproval of the measure, for the 2 years following the year of the election at which the measure was disapproved, an initiative petition must not be instituted for a measure that is substantially similar to the measure that was disapproved.

Assemblywoman Giunchigliani moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Buckley, Ocegüera, Leslie, McCleary, Anderson, Allen, Arberry, Atkinson, Carpenter, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Sherer, Sibley, and Smith; Senators Titus, Coffin, Care, Schneider, and Lee:

Assembly Joint Resolution No. 6—Urging Congress to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to provide an affordable, easily understood comprehensive program for coverage of prescription drug benefits.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Joint Resolution No. 7—Proposing to amend the Nevada Constitution to repeal the limitations on terms of elected officers.

RESOLVED by the Assembly and Senate of the State of Nevada, Jointly, That Section 3 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 3. ~~[4-]~~ The members of the Assembly shall be chosen biennially by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November and their term of Office shall be two years from the day next after their election.

~~[2.—No person may be elected or appointed as a member of the Assembly who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.]~~

And be it further

RESOLVED, That Section 4 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 4. ~~[4-]~~ Senators shall be chosen at the same time and places as members of the Assembly by the qualified electors of their respective districts, and their term of Office shall be four years from the day next after their election.

~~[2.—No person may be elected or appointed as a Senator who has served in that Office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this State.]~~

And be it further

Resolved, That Section 3 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 3. No person shall be eligible to the Office of Governor, who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty five years; and who shall not have been a citizen resident of this State for two years next preceding the election . ~~{}~~ nor shall any person be elected to the Office of Governor more than twice; and no person who has held the Office of Governor, or acted as Governor for more than two years of a term to which some other person was elected Governor shall be elected to the Office of Governor more than once.]

And be it further

RESOLVED, That Section 19 of Article 5 of the Nevada Constitution be amended to read as follows:

Sec. 19. 1. A Secretary of State, a Treasurer, a Controller, and an Attorney General, shall be elected at the same time and places, and in the same manner as the Governor. The term of Office of each shall be the same as is prescribed for the Governor.

2. Any elector shall be eligible to any of these Offices . ~~[but no person may be elected to any of them more than twice, or more than once if he has previously held the Office by election or appointment.]~~

And be it further

RESOLVED, That Section 3 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 3. ~~[4.]~~ No person shall be eligible to any office who is not a qualified elector under this Constitution.

~~[2.—No person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this Constitution.]~~

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

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Denis, Pierce, McCleary, Leslie, Parks, Anderson, Atkinson, Buckley, Claborn, Conklin, Gansert, Gerhardt, Giunchigliani, Hogan, Holcomb, Kirkpatrick, Mabey, Munford, Ocegüera, Seale, and Smith; Senators Carlton and Horsford:

Assembly Bill No. 227—AN ACT relating to notaries public; prohibits a notary public who is not an attorney licensed to practice law in this State from using the term “notario,” “notario publico” or any other equivalent non-English term in any form of communication that advertises his services as a notary public; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McCleary, Parnell, Manendo, Munford, Claborn, Anderson, Atkinson, Buckley, Conklin, Gerhardt, Koivisto, McClain, Mortenson, Ocegüera, Parks, and Pierce:

Assembly Bill No. 228—AN ACT relating to educational personnel; prescribing a minimum base salary for certain teachers; requiring the board of trustees of each school district to increase the annual base salary of each licensed teacher in the district by a certain percentage; requiring the Department of Education to establish a task force to study the effectiveness of financial incentives on the recruitment and retention of qualified teachers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Atkinson, McCleary, Allen, Buckley, Claborn, Denis, Giunchigliani, Goicoechea, Hettrick, Horne, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, and Sibley:

Assembly Bill No. 229—AN ACT relating to traffic laws; reducing the distance from the nearest track at certain railroad crossings within which the driver of a vehicle must stop; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Atkinson, Conklin, Parks, Allen, Anderson, Arberry, Buckley, Carpenter, Claborn, Denis, Giunchigliani, Goicoechea, Hettrick, Horne, Kirkpatrick, Koivisto, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, and Pierce:

Assembly Bill No. 230—AN ACT relating to vehicles; revising the provisions governing the transfer of the registration of certain vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Atkinson, Horne, McClain, Parks, Allen, Arberry, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Giunchigliani, Kirkpatrick, Koivisto, Manendo, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Perkins, Pierce, and Sibley:

Assembly Bill No. 231—AN ACT relating to real property; requiring the construction, maintenance, reconstruction and repair of sidewalks on certain real property located within 1 mile of a public school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 232—AN ACT relating to weapons; authorizing certain law enforcement officers and retired law enforcement officers to carry certain concealed weapons and firearms in certain circumstances; clarifying certain terms used in the provisions concerning concealed weapons and firearms; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 233—AN ACT relating to homeland security; providing that the Nevada Commission on Homeland Security consists of 10 members; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the Commission to approve the submission of an application by a response agency for a grant relating to acts of terrorism or other related emergencies; requiring a response agency to adopt and implement any national system administered by the United States Department of Homeland Security for preventing and responding to acts of terrorism; revising provisions relating to membership of the Commission; revising provisions relating to exceptions to the Open Meeting Law; revising provisions relating to appointment of committees of the Commission; revising provisions relating to the inspection, copying, duplication or reproduction of restricted documents; revising provisions relating to emergency response plans; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 234—AN ACT relating to anatomical gifts; transferring certain duties pertaining to anatomical gifts from the Bureau of Consumer Protection in the Office of the Attorney General to the University of Nevada School of Medicine; expanding the types of information given to certain applicants for drivers' licenses and identification cards concerning anatomical gifts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Grady:

Assembly Bill No. 235—AN ACT relating to cities; revising the provisions governing the changing of the boundaries of wards established in cities incorporated by general law; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 236—AN ACT relating to energy; revising provisions governing net metering systems; exempting certain types of renewable energy systems from the requirements of the Utility Environmental Protection Act; prohibiting certain restrictions on the location and use of

wind energy systems; requiring local building codes to allow the use of certain types of renewable energy systems under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 237—AN ACT relating to justices' courts; revising the jurisdiction of certain justices' courts with respect to the issuance of orders for protection against domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 238—AN ACT relating to statutory liens; lowering the amount of the surety bond that must be provided by a lessee for the benefit of a contractor under certain circumstances; allowing for alternative types and amounts of security to be agreed upon by a lessee and contractor under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 239—AN ACT relating to state government; making various changes relating to motor vehicles, drivers' licenses and certain operations of the Department of Motor Vehicles; reducing the fees for hunting and fishing licenses for certain military veterans; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 240—AN ACT relating to transportation; exempting operators of interstate and intrastate charter bus service from regulation by the Transportation Services Authority; revising provisions relating to the jurisdiction of the Transportation Services Authority over common motor carriers that are not fully regulated carriers; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 241—AN ACT relating to taxation; authorizing county assessors to grant an abatement of property taxes for certain residences to avoid severe economic hardship; providing for the repayment of all or a portion of the abated taxes upon the sale of the property or other mitigation of the severe economic hardship; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Goicoechea and Marvel:

Assembly Bill No. 242—AN ACT making an appropriation to the Office of the Attorney General for the start-up costs of the quarterly publication of the National Center for Missing and Exploited Children; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 243—AN ACT relating to estates in property; revising the definition of “securities account” for the purposes of the Uniform TOD Security Registration Act; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea, Marvel, Carpenter, and Grady; Senator Rhoads:

Assembly Bill No. 244—AN ACT relating to taxation; revising the provisions governing the distribution of the proceeds of the tax on the net proceeds of minerals; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Marvel (by request):

Assembly Bill No. 245—AN ACT relating to taxation; clarifying that certain taxes on the transfer of real property apply to transfers of controlling interest in business entities that own real property in this State; requiring the proceeds of the taxes on such transfers to be used for the maintenance of public buildings; establishing the Fund for Maintenance of Public Buildings into which such proceeds must be deposited; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 246—AN ACT relating to religious freedom; prohibiting a governmental entity from substantially burdening the exercise of religion of a person in certain circumstances; authorizing a person whose exercise of religion has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens the exercise of religion in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Holcomb:

Assembly Bill No. 247—AN ACT relating to planning; providing that regional plans and master plans adopted by local governments in certain counties are deemed to include certain provisions requiring that any proposed change in land use that would result in an increase in the use of water must be offset by an equivalent decrease in the use of water elsewhere in the water planning region or by the addition of new water resources to the water planning region; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 248—AN ACT relating to public health; requiring a portion of the money in the Fund for a Healthy Nevada to be used to provide certain services to certain senior citizens who reside in certain assisted living facilities; requiring the Housing Division of the Department of Business and Industry to certify certain assisted living facilities for the purpose of providing services pursuant to the home and community-based services waiver in the State Plan for Medicaid; requiring the Department of Human Resources to apply to the Secretary of Health and Human Services to amend the State Plan for Medicaid to amend its waiver to provide certain home and community-based services in certain assisted living facilities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 249—AN ACT relating to vehicles; authorizing the Director of the Department of Motor Vehicles to expend money appropriated by the Legislature to assist in the acquisition of certain evidence; authorizing the Department to impose an administrative fine against a person who engages in certain deceptive trade practices relating to the purchase or sale of a vehicle; authorizing a person who is injured by a bonded dealer, distributor, rebuilders, manufacturer, representative or salesman to bring an action or to apply to the Director for compensation from the bond; providing that a rebuilt vehicle may not be registered unless it is inspected and certified by a garageman or the owner of a body shop; prohibiting a person from removing certain markings on a certificate of title for a rebuilt vehicle; revising the circumstances under which a lien claimant may sell or auction a vehicle upon which he holds a lien; revising the duties of a manufacturer or its agent or authorized dealer concerning the sale, lease or transfer of ownership of a vehicle that fails to conform to certain express warranties; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Arberry (by request):

Assembly Bill No. 250—AN ACT relating to massage therapy; creating the Board of Massage Therapists; prescribing the powers and duties of the Board; providing for its membership; prohibiting a person from engaging in the practice of massage therapy unless he is issued a license by the Board; prescribing the requirements for the issuance or renewal of a license; setting forth the grounds for disciplinary action against a massage therapist; providing the actions the Board may take against a person who commits certain acts; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Arberry and Senator Horsford:

Assembly Bill No. 251—AN ACT relating to disadvantaged businesses; authorizing a preference for disadvantaged businesses under certain circumstances for certain contracts for public works and state and local government purchasing; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Conklin:

Assembly Bill No. 252—AN ACT relating to educational personnel; prescribing a limit on the number of administrators employed in certain large school districts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Goicoechea:

Assembly Bill No. 253—AN ACT relating to water; creating the Interbasin Transfer Adjudication Fund to be used to support the adjudication of certain existing water rights related to interbasin transfers of ground water; requiring the State Engineer to adjudicate certain existing rights to water before approving an application for an interbasin transfer of ground water; making an appropriation to the Interbasin Transfer Adjudication Fund; making an appropriation to conduct an inventory of water resources in this State; providing for a legislative study of water resources and management; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 254—AN ACT relating to industrial insurance; prohibiting an employer from appealing or contesting a determination made relating to a claim for compensation under certain circumstances; increasing the maximum amount of certain fines and benefit penalties; expanding the list of prohibited acts for which a benefit penalty may be imposed; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 255—AN ACT relating to taxation; providing for the licensing and regulation of purchasers of dyed special fuel in bulk; requiring each purchaser of dyed special fuel in bulk to submit to the Department of Motor Vehicles a monthly report setting forth certain information relating to dyed special fuel; requiring the Department to cancel certain licenses that have been surrendered to the Department; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley and Manendo:

Assembly Bill No. 256—AN ACT relating to driving under the influence of alcohol or a controlled substance; establishing the crimes of vehicular homicide and homicide by vessel for a person who drives a motor vehicle or operates a vessel under the influence of alcohol or certain controlled or prohibited substances in certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 257—AN ACT relating to property; prohibiting a financial institution from including a provision in a loan agreement that allows the financial institution to satisfy a debt or liability owed to the financial institution under the loan agreement from certain money in an account unrelated to the loan agreement; exempting payments received pursuant to the federal Social Security Act from execution and attachment; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Anderson, Horne, Gerhardt, and Denis:

Assembly Bill No. 258—AN ACT relating to concealed firearms; authorizing certain law enforcement officers and retired law enforcement officers to carry certain concealed firearms and weapons in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Anderson, Horne, Gerhardt, and Denis:

Assembly Bill No. 259—AN ACT relating to peace officers; making various changes concerning administrative files of peace officers; providing that evidence obtained in violation of certain provisions may not be used in an administrative proceeding or civil action against a peace officer; providing that the home address and photograph of a peace officer are confidential; revising various provisions relating to an interrogation or a hearing concerning a peace officer; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Allen, Hardy, and Hettrick; Senators Mathews and Heck (by request):

Assembly Bill No. 260—AN ACT relating to environmental health specialists; defining the practice of environmental health; requiring persons who engage in the practice of environmental health to be registered; providing for registration of environmental health specialist trainees; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; providing for the issuance of a basic certificate of registration as an environmental health specialist under certain circumstances; revising the requirements for registration as an environmental health specialist; authorizing the Board to register certain persons by reciprocity; exempting certain retired persons from the requirements for continuing education; requiring an applicant for a certificate of registration as an environmental health specialist trainee or for a basic certificate of registration as an environmental health specialist to pay a fee; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Allen and Hardy (by request):

Assembly Bill No. 261—AN ACT relating to motor vehicles; revising provisions concerning negligence and causation in relation to certain acts of unrestrained riding within or upon a motor vehicle; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sibley:

Assembly Bill No. 262—AN ACT making an appropriation to the Health Division of the Department of Human Resources for a power generator for the bioterrorism laboratory in Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sibley (by request):

Assembly Bill No. 263—AN ACT relating to veterinarians; requiring a licensed veterinarian to obtain informed consent in writing from the owner of an animal before administering a vaccination to, or performing a diagnostic procedure on, the animal; providing exceptions; prohibiting the licensed veterinarian from misrepresenting certain information concerning the

vaccination or diagnostic procedure; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 264—AN ACT relating to trade practices; requiring notice to be provided to consumers of retail products which have radio frequency identification tags; establishing certain labeling requirements for such products; making certain acts deceptive trade practices; providing civil and administrative penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 265—AN ACT relating to domestic wells; revising the provisions governing permits for the development and use of underground water from domestic wells; providing civil liability for certain violations of such a permit; providing causes of action against the State Engineer and the State of Nevada under certain circumstances if an owner of a domestic well suffers a reduction in the amount of underground water available for diversion; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 266—AN ACT relating to state financial administration; providing in skeleton form that the interest and income earned on the money in certain accounts and funds be credited to the State General Fund and accounted for separately; providing for the quarterly distribution of such money among the county school districts for use only for the provision of books, supplies or instructional materials for the classroom; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Parnell, Conklin, Allen, Angle, Gerhardt, Holcomb, Horne, Mortenson, and Ocegüera:

Assembly Bill No. 267—AN ACT relating to crimes; prohibiting the abuse, neglect, exploitation or isolation of a vulnerable person; requiring the

report of the abuse, neglect, exploitation or isolation of a vulnerable person; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 268—AN ACT relating to state financial administration; requiring the Legislative Auditor, if he finds evidence of willful noncompliance with applicable laws or regulations, to report that noncompliance to the Governor, each member of the Legislature and the Attorney General; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 269—AN ACT relating to elections; requiring a person to show a form of valid identification before casting a ballot at a poll; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle and Holcomb:

Assembly Bill No. 270—AN ACT relating to transportation; requiring employees of the Transportation Services Authority and the Taxicab Authority to wear identifying uniforms and use marked vehicles when exercising enforcement powers in the field; increasing the required standard for such employees to stop or detain a vehicle when exercising such powers; making employees of the Transportation Services Authority and the Taxicab Authority who are peace officers eligible for certain retirement benefits; requiring the Transportation Services Authority and the Taxicab Authority to adopt certain procedures and policies governing their organization and operation; requiring certain notice to be provided before the examination of certain records; removing the authority of the Transportation Services

Authority to impose certain administrative fines; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce, Leslie, Parks, and Parnell:

Assembly Bill No. 271—AN ACT relating to hospice care; authorizing a licensed facility for hospice care to provide certain palliative services to a patient who is terminally ill; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Ohrenschall:

Assembly Bill No. 272—AN ACT relating to correctional facilities; providing that only female officers, employees or independent contractors may serve in a correctional facility or institution that requires direct contact with female offenders; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Ohrenschall:

Assembly Bill No. 273—AN ACT relating to nursing; requiring the State Board of Nursing to establish a program for the repayment of loans to assist certain licensees in the repayment of educational loans; requiring the State Board to adopt regulations to establish and carry out the program; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Ohrenschall:

Assembly Bill No. 274—AN ACT relating to offenders; requiring sex offenders and offenders convicted of a crime against a child to register with each local jurisdiction in which they reside if they reside at multiple residences; establishing the Attorney General's Offender Information Website to provide certain information to the public concerning sex offenders and offenders convicted of a crime against a child; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 275—AN ACT relating to public works; prohibiting the involvement of the State Public Works Board in certain activities of local governments; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Giunchigliani, Denis, McClain, Hogan, Koivisto, and Weber (by request):

Assembly Bill No. 276—AN ACT relating to pharmacists; requiring a registered pharmacist, upon request by a patient, to transmit a prescription for the patient to another registered pharmacist under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 277—AN ACT relating to vehicles; revising the provisions concerning the responsibility of the registered owner of an abandoned vehicle; requiring the Department of Motor Vehicles to take certain actions relating to the removal of an abandoned vehicle; requiring the Department, under certain circumstances, to suspend the license and registration of a person who abandons a vehicle; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hogan:

Assembly Bill No. 278—AN ACT relating to residential leases; authorizing certain persons to terminate such a lease under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenschall:

Assembly Bill No. 279—AN ACT relating to public education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term “occupational education” to “career and technical education”; requiring each school district to establish and maintain a program of career and technical education in accordance with the regulations adopted by the State Board for Career and

Technical Education; establishing career and technical education diplomas; authorizing a school district to hire certain persons with technical expertise to assist with classroom instruction for a program of career and technical education; requiring school districts to schedule start times for public schools in a certain manner; authorizing school districts and charter schools to request permission from the Board of Regents of the University of Nevada for high school teachers to teach dual-credit courses; authorizing teachers to submit evaluations of principals; revising various provisions governing pupils; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenschall:

Assembly Bill No. 280—AN ACT relating to higher education; requiring the State Board of Education and the Council to Establish Academic Standards for Public Schools to work with the Board of Regents of the University of Nevada to ensure that the courses and academic standards required in high school sufficiently prepare students for college; authorizing school districts and charter schools to request permission from the Board of Regents for certain high school teachers to provide instruction for dual-credit courses; requiring full access to library and research services for students enrolled at an institution within the University and Community College System of Nevada; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; revising the definition of the term “public work” as that term applies to the System; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Holcomb:

Assembly Bill No. 281—AN ACT relating to tort actions; limiting the amount of noneconomic damages that may be awarded in certain civil actions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Conklin, Denis, Hogan, Horne, Koivisto, and Ohrenschall:

Assembly Bill No. 282—AN ACT relating to guardianship; requiring professional guardians to meet national standards of training and

competence; requiring certain guardians to submit to an investigation of their criminal history; requiring guardians to complete a training program conducted by the public guardian; authorizing a public guardian to compel certain guardians to make and file a verified account in a guardianship proceeding; increasing the fees to commence a proceeding for the appointment of a guardian to provide money for the training and registration of public guardians; requiring that certain fees to commence a proceeding for the appointment of a guardian be paid to a fund for the office of the public guardian; requiring a public guardian to conduct a training program for guardians; requiring a public guardian to meet national standards of training and competence; requiring a board of county commissioners to establish the office of public guardian; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherer:

Assembly Bill No. 283—AN ACT relating to state parks; directing the Division of State Lands and Division of State Parks of the State Department of Conservation and Natural Resources to make every reasonable effort to obtain the transfer of land for a state park in Esmeralda County and to establish the state park if the land is transferred; requiring the Division of State Lands and Division of State Parks to report to the Interim Finance Committee the progress made toward establishing the state park; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Sherer:

Assembly Bill No. 284—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for medical transportation to medical facilities under certain circumstances; requiring such coverage to be provided pursuant to the same conditions for coverage that are required in the policy or plan; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Sherer (by request):

Assembly Bill No. 285—AN ACT relating to transportation; abolishing the Transportation Services Authority; transferring the duties and responsibilities for regulating certain operators of tow cars to the Nevada Highway Patrol; transferring the duties and responsibilities for regulating

carriers of household goods and related storage facilities to the Consumer Affairs Division of the Department of Business and Industry; transferring the duties and responsibilities for regulating taxicabs to the Taxicab Authority under certain circumstances; transferring the duties and responsibilities for regulating all other common motor carriers to the Department of Motor Vehicles; providing for the regulation of limousines by the Taxicab Authority under certain circumstances; authorizing certain local governmental entities to assume regulatory authority over taxicabs and limousines based within the jurisdiction of the governmental entity; establishing the Consumer Affairs Division Regulatory Fund and the Nevada Highway Patrol Regulatory Fund; eliminating the Transportation Services Authority Regulatory Fund; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 286—AN ACT relating to public highways; requiring the Department of Transportation to construct sound barriers along a portion of U.S. Interstate No. 95 in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegueda:

Assembly Bill No. 287—AN ACT relating to public works; requiring contractors and subcontractors to provide and maintain a bona fide health care plan for certain employees employed on a public works project; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ocegueda:

Assembly Bill No. 288—AN ACT relating to health care; making various changes concerning the qualifications of the members of the Board of Medical Examiners; making various changes concerning the duties and proceedings of the Board of Medical Examiners; restricting the advertising of board certification; expanding the scope of permissible voluntary practice by a retired physician; requiring prescriptions to be legible; requiring a hospital or surgical center for ambulatory patients to maintain and report certain information to the Board; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 289—AN ACT relating to cultural resources; requiring the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs to establish a stewardship program for the protection of cultural resources; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Parks and Pierce (by request):

Assembly Bill No. 290—AN ACT relating to common-interest communities; requiring a member of an executive board of an association in a common-interest community who stands to personally profit from a matter before the board to disclose the matter and abstain from voting on such matter; prohibiting an association from requiring a unit's owner to obtain any approval from the association in order to rent or lease the unit; requiring that bids for an association project be opened at a meeting of the executive board; providing that the association shall establish an adequate reserve fund given the nature and extent of the liability and responsibility of the association; requiring a unit's owner to provide certain documents to a purchaser within a certain period; providing that a purchaser may cancel the contract of purchase with a unit's owner in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Parks, Atkinson, Claborn, Goicoechea, Grady, Hardy, Kirkpatrick, Munford, Parnell, and Pierce (by request):

Assembly Bill No. 291—AN ACT relating to employment agencies; requiring the licensing and regulation of talent agencies; prohibiting a talent agency from harassing a person placed for employment by another agency; requiring a talent agency to include certain provisions in a contract for employing talent; requiring a talent agency to pay wages owed to talent within a certain number of days; providing a limit on the fee a talent agency may charge for placing a person in employment; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 141.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 228 was referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 228 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 283 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 283 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 287 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 287 be referred to the Committee on Commerce and Labor.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 5:28 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 11.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio and Titus:

Senate Concurrent Resolution No. 11—Temporarily suspending subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2.

Resolved by the Senate of the State of Nevada, the Assembly Concurring, That subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2 is hereby temporarily suspended and the last day for introduction of a bill or joint resolution that was requested by a legislator is the 47th calendar day of the 73rd Regular Session of the Legislature.

Assemblywoman Buckley moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Goicoechea, Marvel, and Carpenter:

Assembly Bill No. 292—AN ACT relating to taxation; requiring earlier filing of statements of estimated gross yield, net proceeds and royalties by persons extracting minerals in this State; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, Hardy, Hogan, McCleary, Horne, Anderson, Carpenter, Claborn, Giunchigliani, Grady, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, Pierce, Seale, and Smith (by request):

Assembly Bill No. 293—AN ACT relating to taxation; providing an exemption from the governmental services tax for vehicles registered by a resident of Nevada who is on active duty in the Armed Forces of the United States; authorizing such a person to waive his exemption and designate any additional amount to be credited to the Gift Account for Veterans' Homes; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Parks moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Munford, Holcomb, and Sibley:

Assembly Bill No. 294—AN ACT relating to public schools; requiring the Clark County School District to construct a vocational-technical high school within the boundaries of Assembly District 6; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Leslie, Smith, and Ocegüera:

Assembly Bill No. 295—AN ACT relating to crimes; creating the crime of vehicular manslaughter; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Koivisto, Smith, and McClain:

Assembly Bill No. 296—AN ACT relating to health care; requiring certain major hospitals to accept certain payments for the provision of emergency services and care to certain patients as payment in full; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Koivisto:

Assembly Bill No. 297—AN ACT relating to the Southern Nevada Veterans Memorial Cemetery; naming the Chapel at the Cemetery the Ken Brown Chapel; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywomen Koivisto, McClain, and Smith (by request):

Assembly Bill No. 298—AN ACT relating to elections; providing in skeleton form for the conversion of the offices of mayor and city councilmen to partisan offices; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 299—AN ACT relating to state lands; authorizing the exchange of certain parcels of land with the Reno-Sparks Indian Colony; authorizing the construction of a new restitution center for the Department of Corrections; authorizing an agreement to share sales tax revenue from a proposed retail project on property owned by the Reno-Sparks Indian Colony; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McClain, Parks, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Hogan, Koivisto, Leslie, Manendo, McCleary, Munford, Ocegüera, Pierce, and Smith:

Assembly Bill No. 300—AN ACT making an appropriation to provide assistance in rent for low-income families; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Sibley, Hardy, and Christensen:

Assembly Bill No. 301—AN ACT relating to taxation; removing veterans from the classes of persons whose exemption from personal property tax is reduced by the amount of the exemption from the governmental services tax allowed those persons; increasing to 100 percent the veterans' exemption from the governmental services tax; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 302—AN ACT relating to elections; creating a presidential preference primary election; establishing requirements for participation in the presidential preference primary election by major political parties and registered voters; establishing provisions governing how the results of the presidential preference primary election will effect the selection of a candidate for nomination for President of the United States; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 303—AN ACT relating to mold; requiring the Health Division of the Department of Human Resources to license and regulate persons engaged in certain activities related to the control of mold; requiring the Division to establish and collect certain fees; setting forth the requirements for eligibility for the issuance of a license or certificate of registration by the Division; requiring the holder of a license for mold assessment or mold remediation to prepare certain assessments or work plans; authorizing the Health Division to take certain disciplinary actions relating to the assessment or remediation of mold; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hardy, Mabey, Hettrick, and Marvel:

Assembly Bill No. 304—AN ACT relating to public contracts; revising requirements relating to performance contracts for operating cost-savings measures in buildings occupied by state agencies; providing requirements for such performance contracts that are financed as installment-purchase contracts or lease-purchase contracts; authorizing the issuance of refunding obligations relating to performance contracts; clarifying the inapplicability of the requirements relating to prevailing wages to the payment of the wages of inmates of custodial or penal institutions working on public works; providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 305—AN ACT relating to education; requiring that a student successfully complete at least one advanced placement course to be eligible for a millennium scholarship if he is enrolled in a school district or private school that offers those courses; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McClain, Atkinson, Koivisto, Giunchigliani, Parks, Hogan, Leslie, Manendo, McCleary, and Pierce:

Assembly Bill No. 306—AN ACT relating to local governments; providing in skeleton form for the consolidation of certain governments and services within certain urbanized areas of a county; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McClain, Koivisto, Carpenter, Smith, Giunchigliani, Arberry, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Leslie, Manendo, McCleary, Munford, Ocegüera, Parks, Parnell, and Pierce:

Assembly Bill No. 307—AN ACT relating to motor vehicles; making various changes concerning the registration of motor vehicles; requiring the Department of Motor Vehicles to compile certain statistical information relating to veterans; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hettrick, Christensen, Mabey, Hardy, Angle, Carpenter, Gansert, Goicoechea, Grady, Holcomb, Marvel, Sherer, and Weber:

Assembly Bill No. 308—AN ACT relating to health care; establishing a limitation on the amount of noneconomic damages that may be awarded in an action against a residential facility for groups based upon professional negligence; making various changes concerning the introduction of evidence of payment by collateral sources in such an action; making various changes concerning the payment of future damages in such an action; limiting attorneys' fees in such an action; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, Parnell, Anderson, McCleary, Parks, Allen, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, Mortenson, Munford, Ocegüera, Ohrenschall, Perkins, Pierce, Sibley, Smith, and Weber:

Assembly Bill No. 309—AN ACT relating to the University and Community College System of Nevada; providing for the waiver of fees for certain veterans who are recipients of the Purple Heart and who attend a university, state college or community college within the System; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Smith and Senator Titus:

Assembly Bill No. 310—AN ACT making an appropriation to the Department of Human Resources for the establishment of a 2-1-1 telephone number in certain areas of the State to provide residents with information concerning services available to children and families; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Manendo; Senators Titus and Care:

Assembly Bill No. 311—AN ACT making an appropriation to the Department of Transportation for the construction of an extension to the sound barrier along the east side of U.S. Highway No. 95/Interstate Highway No. 515 near Elaina Avenue in Las Vegas; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Sibley, Hardy, Mabey, Conklin, Parks, Allen, Atkinson, Buckley, Carpenter, Christensen, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hettrick, Horne, Kirkpatrick, Manendo, McCleary, Munford, Ocegüera, Perkins, Seale, Sherer, and Weber; Senators Titus, Coffin, Townsend, Beers, Carlton, Amodei, Cegavske, Hardy, Heck, Lee, and Wiener:

Assembly Bill No. 312—AN ACT relating to real property; requiring certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Giunchigliani, Buckley, Ocegüera, Conklin, and Perkins:

Assembly Bill No. 313—AN ACT relating to state financial administration; creating a revolving account for loans to repair owner-occupied homes damaged by natural disasters; renaming the Fund to Stabilize the Operation of the State Government as the Rainy Day Fund; revising the standards and procedures for expenditure of money in the Fund; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen McCleary, McClain, Holcomb, Manendo, Mortenson, Seale, and Sibley:

Assembly Bill No. 314—AN ACT relating to public officers; prohibiting ex-felons from being elected, appointed or otherwise holding public office; requiring elected public officers and members of public boards who are appointed by the Governor, the Legislature or members of the Legislature to have resided in the State, district, county, township or other area prescribed by law to which the office or position pertains for at least 6 months immediately preceding the date of the close of filing of declarations of candidacy or preceding the appointment; eliminating the provisions that provided for the automatic restoration to certain ex-felons of the right to hold public office upon specified future dates; eliminating the right to hold public office of an ex-felon who had previously received restoration of that right; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblymen Pierce, Parks, Buckley, Giunchigliani, and McClain:

Assembly Bill No. 315—AN ACT relating to motor vehicles; requiring disclosure of the existence of certain event recording devices in motor vehicles under certain circumstances; restricting the use of information retrieved from an event data recording device under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Denis, Pierce, Conklin, and Giunchigliani:

Assembly Bill No. 316—AN ACT relating to employment; providing for the regulation of agents who book performing artists with client businesses; providing that an agent shall be deemed to be the employer of such a performing artist; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Leslie (by request):

Assembly Bill No. 317—AN ACT relating to taxation; providing for the imposition of the tax on live entertainment provided by all houses of prostitution; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Weber, Mabey, and Hardy; Senator Titus (by request):

Assembly Bill No. 318—AN ACT relating to crimes; providing that a dog is vicious if it kills another domesticated animal in certain circumstances; authorizing the destruction of a dog that is found to be vicious because it killed or inflicted substantial bodily harm upon a human being or killed another domesticated animal; prohibiting the possession of a bird or an animal with the intent that the bird or animal will be engaged in any illegal fight between birds or animals; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Weber (by request):

Assembly Bill No. 319—AN ACT relating to military services; prohibiting employers from discriminating against a person because of his service in the military or his application to perform that service; providing for certain rights and benefits relating to employment for such a person; providing for the continuation of coverage for insurance and retirement plans while a person serves in the military under certain circumstances; providing for the exemptions of certain fees; requiring the establishment of policies relating to the continuation of postsecondary education by persons who serve in the military services; providing that elected offices held by persons who enter service in the military services are deemed to not be vacant during that period of service; providing legal remedies to enforce rights and benefits provided to persons who serve in the military; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 320—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to authorize the Legislature to prescribe temporary exemptions from sales and use taxes to provide for sales tax holidays; contingently authorizing the Legislature to prescribe temporary exemptions from the Local School Support Tax Law and certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 321—AN ACT relating to state financial administration; requiring the Governor to publish a Nevada Report to Taxpayers on the status of the state finances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 322—AN ACT relating to health care; requiring each hospital to adopt and carry out a plan for providing benefits to the community it serves; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Gansert, Smith, Angle, Anderson, Leslie, Marvel, and Parnell; Senators Townsend, Raggio, Washington, and Mathews:

Assembly Bill No. 323—AN ACT relating to water; requiring the Bureau of Consumer Protection in the Office of the Attorney General to conduct an audit and investigation of the rate-setting practices of the Truckee Meadows Water Authority; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Angle:

Assembly Bill No. 324—AN ACT relating to tort actions; limiting the amount of noneconomic damages that may be awarded in certain civil actions; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Weber and Hardy:

Assembly Bill No. 325—AN ACT relating to child care facilities; requiring the Chief of the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Human Resources to create a pilot project to evaluate licensed child care facilities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 326—AN ACT relating to insurance; establishing an expedited process pursuant to which certain increases or decreases in rates of insurance become effective upon the filing of the rates with the Commissioner of Insurance under certain circumstances; authorizing the Commissioner to order the rates to be discontinued under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 327—AN ACT relating to county hospitals; authorizing the board of hospital trustees of a county hospital to compensate physicians for providing certain medical services to indigent patients; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 328—AN ACT relating to State Government; providing for automatic increases in the salaries of state officers and employees in certain circumstances; requiring the Director of the Department of Personnel to biennially survey the salaries of certain local governmental officers and employees; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 329—AN ACT relating to juvenile justice; providing the juvenile court the power to designate proceedings as extended jurisdiction juvenile prosecutions; to allow certain criminal prosecutions by a juvenile court; providing that a juvenile court may impose certain adult sentences in extended jurisdiction juvenile prosecutions; providing for placement of a child who violates parole in a facility for detention of children or a county jail; providing that records of extended jurisdiction juvenile prosecutions must not be sealed; providing that certain information may be released to and published by news media regarding a child subject to an extended jurisdiction juvenile prosecution; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 5:46 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Allen and Sibley; Senator Beers:

Assembly Bill No. 330—AN ACT relating to state financial administration; revising the formula for calculating the limit for each biennium on total proposed expenditures from the State General Fund for purposes other than construction; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 331—AN ACT relating to water; providing expressly that the State Engineer shall reject an application for water rights for a speculative purpose; limiting the State Engineer to considering only the factors expressly included in statute in determining whether to grant applications for water rights; directing the State Engineer to consider any analysis of proposed interbasin transfers of ground water obtained from certain state agencies; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 332—AN ACT relating to special districts; providing in skeleton form for the creation of the Washoe County Water District; setting forth the powers of the District and the form and method of governance of the District; providing for the storage, conservation, distribution and sale of water within the District; authorizing the District to purchase, acquire and construct the facilities necessary to provide water to customers within the District; providing for the provision of sewage service within the District; authorizing the District to purchase, acquire and construct the facilities necessary to provide sewer services to customers within the District; authorizing the issuance of general obligation and revenue bonds; providing the power to tax; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 333—AN ACT relating to wildlife; requiring an application for the issuance of a tag to hunt a big game mammal to be submitted by the applicant in person at a location in this State specified by the Department of Wildlife; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 334—AN ACT relating to privacy; requiring a governmental entity, except in certain circumstances, to ensure that social security numbers in its books and records are maintained in a confidential

manner; requiring a governmental agency or person who does business in this State that owns, licenses or maintains computerized data to notify certain persons if personal information included in that data was, or is reasonably believed to have been, acquired by an unauthorized person; expanding the types of prohibited computer contaminants to include spyware; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 335—AN ACT relating to education; making appropriations for educational technology, the expansion of the co-teaching program in the Clark County School District and the contractual services of a consultant to provide personalized study guides to pupils who fail one or more portions of the high school proficiency examination; requiring the Superintendent of Public Instruction to establish an Advisory Task Force to Review Certain Academic Standards and the High School Proficiency Examination; prescribing the membership and duties of the Advisory Task Force; requiring the Department of Education to review, during the 2005-2007 interim, certain issues related to distance education; requiring the Legislative Committee on Education to review, during the 2005-2007 interim, the transition of pupils from high school to postsecondary education; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 336—AN ACT relating to education; revising provisions governing the plan to improve the achievement of pupils prepared by the State Board of Education and the plans to improve the achievement of pupils prepared by school districts to include strategies to increase and improve parental involvement; authorizing the regional training programs for the professional development of teachers and administrators to provide training and information concerning effective communication with parents; making an appropriation for the contractual services of a consultant to provide certain information to parents regarding the performance of their children on certain examinations; providing for the establishment of the Advisory Council on Parental Involvement; prescribing the membership and duties of the Advisory Council; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 337—AN ACT relating to public welfare; requiring the licensure of agencies which provide personal care services in the homes of elderly persons and persons with disabilities; requiring such agencies to file a surety bond or deposit other security to provide indemnification to certain persons; requiring the periodic investigation of the criminal histories of employees and independent contractors of such agencies; requiring a person who maintains or is employed by such an agency to report the abuse, neglect or isolation of an older person and to report certain misconduct of nurses and nursing assistants; authorizing a person who receives nonmedical services from such an agency to submit a claim for damages to the property of the person by a person who maintains or is employed by the agency to the Aging Services Division of the Department of Human Resources; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 338—AN ACT relating to insurance; providing for the regulation of discount health plans; providing the tax rate on premiums for risk retention groups; decreasing certain fees for risk retention groups; authorizing an insurer to invest in bonds or notes secured by second liens upon real property under certain circumstances; setting forth the circumstances under which a producer of insurance may pay a commission for selling, soliciting or negotiating insurance in this State; authorizing the Nevada Insurance Guaranty Association to carry out certain acts requested by the Commissioner of Insurance; providing that coverage under a conversion health benefit plan must be renewed by the carrier that issued it under certain circumstances; providing for the establishment and regulation of sponsored captive insurers; providing for the establishment and regulation of branch captive insurers; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 339—AN ACT relating to gaming; requiring certain counties to conduct a study concerning neighborhood gaming; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, Leslie, Parks, Ohrenschall, Anderson, Buckley, Claborn, Denis, Koivisto, McClain, McCleary, and Perkins:

Assembly Bill No. 340—AN ACT relating to financial services; revising certain provisions relating to check-cashing services, deferred deposit services and payday loan services; limiting the interest and fees on certain types of services; limiting the amount of certain loans made to each borrower; requiring an investigation of the loan history of certain borrowers through an electronic database; requiring the Commissioner of Financial Institutions to adopt regulations regarding such databases; prohibiting the rollover of certain loans; requiring local governing bodies to adopt zoning regulations restricting the location of businesses which offer certain services; requiring persons who provide loans secured by tax refunds to provide certain notices regarding fees; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Parks, Giunchigliani, Leslie, and McClain (by request):

Assembly Bill No. 341—AN ACT relating to appraisers of real estate; exempting persons who assess the value of property in connection with a proceeding for eminent domain from the provisions governing appraisers; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Leslie, Pierce, and Buckley:

Assembly Bill No. 342—AN ACT relating to health care; making various changes concerning the analysis and reporting of trends regarding sentinel events reported by certain medical facilities; expanding the hospitals that the Director of the Department of Human Resources is required to audit to ensure compliance with various provisions to restrain the costs of health care; making various changes concerning the reporting of financial information by hospitals to the Department of Human Resources; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Smith, Ohrenschall, Manendo, Parks, Buckley, Claborn, Gerhardt, Koivisto, Leslie, McClain, and Pierce:

Assembly Bill No. 343—AN ACT relating to manufactured housing; requiring the Manufactured Housing Division of the Department of Business and Industry to provide certain information to landlords of manufactured home parks; requiring employees of the Division to report certain violations

to the Administrator of the Division and to certain electric utilities; prohibiting certain persons from unlawfully connecting a manufactured home to an electric utility; requiring landlords of manufactured home parks to make certain disclosures relating to water services provided through a master meter; providing for the creation of an account to provide assistance to certain persons who are required to relocate because the State or a political subdivision has determined that a manufactured home park is unsuitable for use; requiring owners of manufactured home parks to pay annual fees to fund the account; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold in this State to be equipped with a smoke detector; requiring certain inspections of manufactured homes, mobile homes and commercial coaches; prohibiting the construction, expansion or operation of a mobile home park without a permit issued by the State Health Officer or the appropriate local board of health certifying the safety of the infrastructure of the park for the provision of utilities; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Atkinson, Horne, Conklin, and Hogan:

Assembly Bill No. 344—AN ACT relating to homesteads; providing that a homestead exemption exists by operation of law; increasing the amount of the exemption; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 310 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 310 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 312 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 312 be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 319 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 319 be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 321 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 321 be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 331 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 331 be referred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 336 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 336 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 61 and Senate Bill No. 38.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Workman.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen and Cole Christensen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Welsh.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Howard.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Carrubba and Kimberly Carrubba.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, March 22, 2005, at 11:00 a.m., where it would reconvene in the old Assembly Chambers in the historic Capitol Building.

Motion carried.

Assembly adjourned at 6:04 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday) March 22, 2005

Assembly called to order at 11:13 a.m. in the Assembly Chambers at the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

Proverbs 15:23 says, “. . . how delightful is a timely word!” Our Heavenly Father, may we speak words of challenge, encouragement, decision, and delight this day. I pray in the name of my Savior.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 55; Senate Bill No. 164.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Perkins:

Assembly Bill No. 345—AN ACT relating to the Peace Officers’ Standards and Training Commission; expanding the membership of the Commission; providing that the Chairman of the Commission may only vote to break ties; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Ocegüera (by request):

Assembly Bill No. 346—AN ACT relating to fire protection; authorizing the State Fire Marshal to adopt certain regulations relating to the use of fire by fire departments in providing training to firemen; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goicoechea, Grady, and Carpenter; Senators McGinness, Amodei, and Beers:

Assembly Bill No. 347—AN ACT relating to taxation; clarifying certain provisions governing the administration of the exemption from the Sales and Use Tax Act of 1955 and certain analogous taxes for property shipped out of State; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for farm machinery and equipment; providing such an exemption from certain analogous taxes; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 164.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 11 of the 72nd Session.
Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 13 of the 72nd Session.
Resolution read second time and ordered to third reading.

ASSEMBLY IN SESSION

At 11:25 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 79:

YEAS—42.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 141:

YEAS—42.

NAYS—None.

Assembly Bill No. 141 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblymen Smith and Anderson.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 164:

YEAS—29.

NAYS—Anderson, Angle, Buckley, Carpenter, Conklin, Denis, Giunchigliani, Horne, Koivisto, Mabey, Manendo, Mortenson, Ohrenschall—13.

Assembly Bill No. 164 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 114:

YEAS—42.

NAYS—None.

Senate Bill No. 114 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m., where it would meet in the Nevada Legislative Building.

Motion carried.

Assembly in recess at 11:50 p.m.

ASSEMBLY IN SESSION

At 5:05 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Madam Speaker pro Tempore appointed Assemblyman Conklin and Assemblywoman Allen as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

The members of the Senate appeared before the Bar of the Assembly.

Madam Speaker pro Tempore invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Arberry, Buckley, and Parks, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Nolan and Assemblywoman Weber to wait upon Senator Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Madam Speaker pro Tempore welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRTY SESSION, 2005

Thank you, Governor, Madam President, Madam Speaker Pro Tem, Mr. Speaker, Majority and Minority Leaders, constitutional officers, members of the Legislature, and special guests. Thank you for inviting me to join you tonight. It is always great to be here in our state's capital with so many friends. For the eighteenth year, we are the fastest-growing state in the nation. Although there are challenges that come with that growth, I am incredibly proud of how Nevada has led the nation in innovation and vision on so many different fronts.

One of my proudest legislative accomplishments, which has literally become the envy of Washington, D.C., is the Southern Nevada Public Lands Management Act, which I wrote with then-Senator Dick Bryan when I was in the House of Representatives. It has exceeded all possible expectations. When we first brought environmentalists, land users, wilderness groups, local, state, and federal governments together, our most optimistic estimates were that about \$50,000 per acre would be achieved with the auction of these public lands. Seven years and a

booming economy later, land is being auctioned off at \$300,000 per acre thus far, bringing our great state more than \$2 billion in proceeds. It really is quite remarkable. Our general education fund has received more than \$78 million, and water infrastructure has benefited by more than \$144 million. We have improved parks and trails, acquired environmentally sensitive lands, and worked to conserve beautiful natural resources across Nevada.

I am especially proud of legislation I authored that amended the Southern Nevada Lands Act, which guarantees \$300 million for water clarity, erosion control, and fire suppression at Lake Tahoe. The Spring Mountain Range and Mount Charleston in southern Nevada are slated to receive a \$50 million jump-start for infrastructure and fuel reduction to help heal some of the challenges faced there. The success of the Southern Nevada Lands Act is so much more than what we thought it would be because southern Nevadans made the land valuable. They have put in the infrastructure and they have put in the sweat equity to make land so valuable. That is why the funds generated by those land auctions must stay in the state of Nevada. I am thrilled that through the Budget Committee, on which I sit, we were able to stop any attempts to steal our proceeds for the federal coffers. I also received commitments from powerful allies on the Appropriations and Energy Committees to join our fight if another attempt is made to raid our funds. You can rest assured that I will work tirelessly with Senator Reid and the rest of the delegation to stop any further efforts to take these funds from Nevada. Additionally, Senator Reid, Congressman Gibbons, and I worked with countless interested parties to get the Clark County Lands Bill and the Lincoln County Lands Bill signed into law by President Bush. Both pieces of legislation will greatly contribute to the quality of life for residents in both counties.

Senator Reid and I have invited every county in Nevada to consider pursuing a lands bill to address growth, environmentally sensitive areas, and recreation. Several counties are now working on bills as we speak. I extend that invitation again tonight to those counties who have not yet formulated a plan to take advantage of this historic precedent. It is tough work, but bringing together diverse and interested groups, working through difficult issues, and seeing the result of that work is truly remarkable. We had a vision about how to grow southern Nevada and take care of precious resources at the same time. Today, that vision is paying off.

The vision of Nevada educators is something I have also become very familiar with over the past several years. I have met with school administrators, teachers, and parents in school districts across the State. I have asked them to share with me the successes and struggles that they face. They have come up with some very thoughtful and innovative approaches that I have taken back to Washington, as we work to improve the No Child Left Behind Act and the Individuals With Disabilities Education Act. We have come a long way.

Last time I spoke with you, I told you that the No Child Left Behind Act was absolutely not an unfunded mandate. I was so sure of myself because I fought for a provision in the law to allow school districts to opt out of having to comply if there was anything that we required that we did not fund. Well, over the past two years, I have challenged every single district in this state and every single person who has claimed that it is an unfunded mandate, that if you believe that, show me where there is an unfunded mandate. Not one person, to this date, has shown an unfunded mandate. Not one single person, not one single school district. Now, I know that the No Child Left Behind Act is not a perfect piece of legislation, but it is not an unfunded mandate. I will continue to work with educators across this state to make it a better legislation for our students to improve our schools. It is our children's education and future that should be all of our top priority.

Nevada has also been at the head of another class for the past 20 years, as our state has been showing the nation how to plan for retirement. I am not talking about some of the beautiful retirement communities around the state. Since 1984, Nevada's public school teachers and state employees have had the opportunity to invest a portion of their paychecks in the Public Employees' Retirement System of Nevada (PERS). As a matter of fact, they are exempt from paying into Social Security. I have asked hundreds of teachers over the years how they would feel about giving up the opportunity to contribute to PERS and instead be enrolled into Social Security like the rest of us. Let's just say that the response was not very positive. That is because PERS has averaged almost an 11 percent rate of return since its inception. During that time, Social Security has had a 2 percent rate of return; 11 percent versus 2 percent. Pretty obvious.

PERS is not a perfect system either. Like Social Security, PERS is susceptible to the whims of elected officials because there are no protected personal accounts.

As we all know, the current Social Security Trust Fund really is just a farce. It is made up of nothing but IOUs, paper IOUs, that are just promises for future generations to pay taxes for future retirees. That's because since the beginning of Social Security, politicians have been spending that money as if it was their personal rainy day account. Enough is enough. We must come up with a better, stronger system that saves and strengthens Social Security for tomorrow. The new system is about empowering Americans who earn money by working long hours and sacrificing family time, with the right to own their money and the right to make their decisions about how their money will grow. They should know that their hard-earned money in their retirement accounts is secure in a personal account that cannot be spent to pay for Congress's fiscal irresponsibility. They should feel secure knowing that their retirement money, locked in their own personal account, can also be passed on to their children. After all, it is their hard-earned money, and part of living the American dream is having something to leave behind for the next generation. That should not just be true for wealthy families. We can make it true for all Americans.

The personal account, which, again, is completely voluntary, will only be comprised of a portion of a worker's payroll taxes. The majority would go into the Social Security system to ensure that a safety net is in place. There would also be limits on how much and where the money could be invested. Personal accounts alone, however, will not fix the entire problem, but they work toward the goal of providing a safe and secure retirement future with the opportunity for financial growth. Without the personal accounts, we only delay a future crisis because the system, in its current form, is completely unsustainable. Today, Senators, members of Congress, and all federal employees have true personal accounts in addition to Social Security; it is called the Thrift Savings Program. We all choose where to put our money from a list of five index funds. The money in my account is mine when I retire. I own it. Nobody else can dip into it or borrow from it. It is mine. Every single American worker deserves to have ownership over their retirement account. The retirement systems that benefit federal employees and Nevada state employees are innovative and visionary plans, and we should use the same vision as we work to save and strengthen Social Security today.

It is that kind of vision that makes us so proud of this state. But even more special to me than the innovation that thrives in Nevada are the people who make it all possible. I think of people like Mike O'Callaghan, who loved this state with every fiber of his being and who dedicated his life to making it a better place to live for all of us. I think of people like Tony Armstrong, Mayor of Sparks, who brought humility to public office and showed us that we serve our constituents best when we serve with our hearts.

Since I last spoke with you two years ago, no one has shown more bravery and courage than Nevada's servicemen and -women who have sacrificed so much to defend our freedom. Sadly, twelve sons of Nevada have given their lives in their service to this nation in Iraq and Afghanistan. While we mourn their losses, I continue to be inspired by the heroism and complete commitment of our armed forces. And Nevadans have led on that front, too. Corporal Daniel Routson from Winnemucca was awarded the Navy and Marine Corps Commendation Medal with Combat "V." Last July, a 20-man insurgent force dressed as Arab civilians ambushed his platoon. Corporal Routson drove his unarmored civilian vehicle through a hail of enemy fire in pursuit of fleeing insurgents. His actions resulted in the capture of two foreign fighters. And then there is Lance Corporal Miguel Melara, a 2003 Douglas High School graduate, who was wounded in November during the intense battle for the city of Fallujah. With shrapnel wounds to his lip, forehead, neck, and leg, the young Marine was given the option of leaving Iraq. He chose to stay with his comrades. Lance Corporal Melara finished his tour and is stationed, now, at Camp Pendleton until he is deployed again at the end of the summer. I know that all Nevadans are thankful for these exceptional men and the countless other brave men and women in uniform from Nevada in our Armed Forces who have exhibited unbelievable strength and courage. Having been to Iraq twice, attended many funerals, and visited with injured servicemen at Walter Reed Hospital, I have seen their sacrifices and the effects firsthand. And the fruits of their sacrifices are also being witnessed across the world.

As Martin Luther King, Jr. once urged, “Let freedom ring.” Today, that glorious ring of freedom is being heard in Iraq, where democratic elections have been held and where thousands of Iraqis recently protested against foreign fighters while chanting, “No to terrorism.” It is being heard in Afghanistan where a free government, elected by their people, is running that country, and not terrorists or regimes of hate. And it is being heard in Lebanon, where hundreds of thousands of Lebanese are demanding that Syrian troops leave their country. Make no mistake about it. This is not an American freedom being forced down the throats of unwilling nations and reluctant people. This is a freedom yearned for and sought by nations and people who want a better life for themselves and their children and their grandchildren. As President Bush said, this is a “freedom granted by a Higher Being.” All of God’s children deserve to be free, and the United States of America will never stop supporting freedom. We are all so fortunate to live in the greatest nation in the history of the world. God bless you, God bless Nevada, and God bless America. Thank you.

Senator Amodei moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able, and constructive message.

Seconded by Assemblywoman Parnell.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the Bar of the Assembly.

Senator Tiffany moved that the Joint Session be dissolved.

Seconded by Assemblyman Hardy.

Motion carried.

Joint Session dissolved at 5:33 p.m.

ASSEMBLY IN SESSION

At 5:35 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

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

Assembly in recess at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:43 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Horne, Perkins, Ocegüera, and Anderson:

Assembly Bill No. 348—AN ACT relating to traffic laws; prohibiting the operation of a vehicle, other than an authorized emergency vehicle, equipped with any mechanism or device designed to alter or interfere with a traffic-control signal; prohibiting the use by certain persons of any mechanism or device designed to alter or interfere with a traffic-control signal; providing for an increased penalty in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 349—AN ACT making an appropriation to the Interim Finance Committee for allocation to the State Engineer for development and implementation of improvements in information technology and administrative capabilities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Parnell, Leslie, Smith, Parks, Anderson, Buckley, Gerhardt, Giunchigliani, Hardy, Kirkpatrick, Mabey, and Pierce:

Assembly Bill No. 350—AN ACT relating to public welfare; requiring the Division of Health Care Financing and Policy of the Department of Human Resources to provide medical assistance pursuant to a program established by the Department to each person with a disability who is employed and who satisfies certain eligibility requirements; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Mortenson:

Assembly Bill No. 351—AN ACT relating to parks; requiring the adoption of certain regulations concerning the display and sale of art in state, county and municipal parks, recreational and cultural facilities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 352—AN ACT relating to impact fees; allowing a portion of an impact fee collected for a park project to be expended to pay for services of police and fire protection under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 353—AN ACT relating to health care; requiring hospitals to submit to the Director of the Department of Human Resources certain information concerning their charges, their provision of discounted services to or reduction of charges for persons without health insurance and their collection of unpaid charges; increasing the amount by which certain hospitals are required to reduce or discount the total billed charges for hospital services provided to certain uninsured patients, and to reduce or discount the total billed charges of their outpatient pharmacies to patients who are eligible for Medicare; requiring certain hospitals to reduce or discount such charges for services provided to outpatients; requiring certain hospitals to provide to persons receiving services certain information concerning the duty of those hospitals to reduce billed charges for certain patients and services; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Leslie (by request):

Assembly Bill No. 354—AN ACT relating to taxation; providing for certain veterans and surviving spouses to apply their property tax exemption to more than one property under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblywoman Giunchigliani (by request):

Assembly Bill No. 355—AN ACT relating to housing authorities; providing that persons who receive adverse final decisions from a housing authority under certain circumstances are entitled to seek judicial review of such decisions; establishing certain procedures and standards for judicial review of such decisions; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 356—AN ACT relating to contractors; prohibiting certain provisions in a public works contract or an agreement for a work of improvement; providing certain rights to a contractor or subcontractor who performs additional work under a public works contract or an agreement for a work of improvement; revising the provisions relating to the requirements for a release or waiver of a right that is required to receive a progress payment or retainage payment pursuant to a public works contract or an agreement for a work of improvement; limiting the retention amount that may be withheld pursuant to an agreement for a work of improvement; revising the provisions governing the rights and duties of owners, contractors and subcontractors if amounts due are unpaid or the required notice of a withholding is not given; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Allen, Sibley, and Hardy (by request):

Assembly Bill No. 357—AN ACT relating to gaming; making the provisions that it is unlawful to manufacture, sell or distribute gaming devices without a license applicable to associated equipment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 358—AN ACT relating to law enforcement; requiring an internal investigation of a peace officer to be suspended until an investigation which concerns alleged criminal activity is completed; changing the classification of certain peace officers from category II to category I for the purpose of receiving training required by the Peace Officers' Standards and Training Commission; eliminating certain limitations on the powers of a peace officer for certain positions; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 359—AN ACT relating to juvenile justice; authorizing a juvenile court to impose certain penalties on a child who disobeys the terms of certain orders of disposition made by the juvenile court; authorizing a juvenile court to impose certain penalties on a child who violates a term or condition of his parole from a state facility for the detention of children; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 360—AN ACT relating to permanent cosmetics; providing for the regulation and licensing of permanent cosmetics technicians by the Health Division of the Department of Human Resources; making it unlawful to practice permanent cosmetics without a license; providing a fee for the issuance and renewal of such a license; requiring the Health Division to adopt certain regulations relating to the licensing of permanent cosmetics technicians; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Holcomb:

Assembly Bill No. 361—AN ACT relating to state financial administration; requiring each state agency to adopt a program to improve the efficiency of the state agency or the service provided by the state agency, or both; requiring a state agency to adopt a program to allow the state agency to retain a portion of its unexpended budget that is identified as savings under certain circumstances; authorizing the use of that portion of the savings for training of employees and equipment purchases; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Allen and Carpenter (by request):

Assembly Bill No. 362—AN ACT relating to concealed firearms; providing that the Department of Public Safety shall enter into reciprocal agreements with certain other states regarding permits to carry a concealed firearm; providing that a person issued a permit to carry a concealed firearm

in another state may carry a concealed firearm in this State under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 358 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 358 be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Buckley moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, March 22, 2005, the Nevada Assembly once again embraces its rich heritage and storied past by holding a floor session in its former Chambers in the historic State Capitol Building, the second since the 55th Regular Session of the Legislature adjourned *sine die* over 35 years ago, on April 24, 1969; and

WHEREAS, The earliest sessions of Nevada's Territorial and State Legislatures, from 1861 through 1869, were conducted in Carson City in either hotels or the original Ormsby County Courthouse, which led Assemblyman John S. Mayhugh, of Aurora in Esmeralda County, to introduce legislation providing for the erection of a State Capitol Building, which was passed after waves of legislative protest and signed into law on February 23, 1869; and

WHEREAS, The Capitol Building in Carson City served as the home of the Nevada State Legislature for nearly 100 years and 51 regular sessions, from the 5th Regular Session in 1871 through the 55th Regular Session in 1969; and

WHEREAS, A century of change and challenge in Nevada was addressed in these Chambers every two years (including one annual session in 1960), during which time the State's population experienced sharp increases and decreases depending on the fortunes of mining and the price of minerals, ranging from a total state population of just over 42,000 in both 1870 and 1900, to 488,738 in 1970; and

WHEREAS, The number of Assembly members in these Chambers, which was originally called the Assembly Hall, ranged from a high of 53 in the sessions of 1913 and 1915, to a low of 30 members in the sessions of 1893 through 1899; and

WHEREAS, Women first graced these Chambers as elected members when Mrs. Sadie D. Hurst was elected to the Assembly from Washoe County in 1918 and served during the 1919 Session with distinction; and

WHEREAS, As the 1969 Session neared its end, the Speaker of the Assembly noted that, despite the excellent design, quality of building materials, and stately beauty of the Capitol Building, the State and its legislative requirements had outgrown the Assembly and Senate Chambers that had served so well; and

WHEREAS, It was with feelings of gratitude and respect for the past and hopes for the future that Assembly Speaker Howard F. McKissick, Jr., a native Nevadan and distinguished attorney from Reno, bid farewell to these Chambers on the last night of the 55th Legislative Session, on April 24, 1969, by stating, "Let us then hold fast to the memory of those who went before us and, grateful that we have had an opportunity to participate in events that have taken place here, let us go forward with confidence to our new duties in our new Assembly chamber in the soon-

to-be completed Legislative Building. . . (and) let us take with us the same pioneer spirit of all the Assemblymen of the State of Nevada who have helped shape our destiny, the willingness to enforce what is just, and the courage to change what is wrong;" now, therefore, be it

PROCLAIMED, That the members of the Nevada State Assembly of the 73rd Session look back with deep pride and appreciation on the hard work, courage, and vision of all those men and women who served the people of the state of Nevada as members of the Nevada Assembly in the Capitol Building; and be it further

PROCLAIMED, That Nevada's rich political history and heritage must be treasured, preserved, and brought back to life periodically through celebrations such as today's historic floor session in the former Chambers of the Nevada Assembly in the State Capitol Building.

Dated this Twenty-Second Day of March, 2005

RICHARD D. PERKINS,
Speaker of the Assembly

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

NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you, Mr. Speaker, for your kindness in having me back for an encore performance. Before I begin my presentation, I want to respectfully acknowledge one of my former teachers in Las Vegas and now a freshman member of your august Body, Harvey Munford. Mr. Munford did so much for the students at Clark High School in promoting harmonious human relations in the midst of great racial tension and violence in 1969 and 1970. My younger sister, Victoria, and I were very fortunate to have Mr. Munford touch our lives, and now he and I have reconnected after almost 36 years. His constituents and the people of Nevada, I suggest, are equally as fortunate.

For those of you who weren't here two years ago, I regaled the Body with the story of how a law was passed in 1895 to prohibit the sale, gift, or disposal of liquor in the State Capitol Building. Reformers were finally able to ban the alcohol concession known as "The Well;" halt the prodigious amount of alcohol consumption while legislating; and presumably enhance the quality of the legislation.

I was asked many times at the end of the 2003 regular session if the session was the most contentious, mean-spirited, rancorous legislative session in Nevada history. My answer was that it was among the worst in that regard, but not necessarily the worst; perhaps the worst in the modern era.

I thought of the 1899 session when a U.S. Senator, William M. Stewart, vying for the votes of legislators—when legislators picked our U.S. Senators—had hired notorious gunmen as bodyguards. One bodyguard, Dave Neagle, had been acquitted in the 1889 shooting death of former California Supreme Court Chief Justice David S. Terry as the bodyguard of U.S. Supreme Court Justice Stephen J. Field.

In addition, charges of bribery and other improper manipulations were made on both sides. A missing Assemblyman—the Sergeant-at-Arms failed to find him although he had been present in the morning session—swung the election to Stewart in a key Assembly vote.

However, the colorful story I share with you today takes us back to this very chamber in the final day, March 4, of the 1875 session. Arguably, this legislative day may have the dubious distinction of the being the worst legislative day in Nevada history:

Territorial Enterprise/Saturday, March 6, 1875: The afternoon and evening sessions of the Assembly, last Thursday, were in some respects the most disgraceful that ever occurred in a deliberative body. While the roll was being called on the Appropriations bill, the list was twice snatched from the hands of the Clerk, and it was only after a few resolute members had volunteered to protect that officer that the call was finished and the result declared. One of them ([Douglas County Republican Assemblymember Henry] Van Sickle), who years ago

brought the very worst of Nevada's desperados to a final reckoning through the agency of a double-barreled shotgun, took his place beside the Clerk, and quietly announced that he would kill in his tracks the first man who attempted to interfere with the proceedings of the Assembly. This intimation from a man who had "seen service" was more potent than the Speaker's gavel, and for some time comparative peace prevailed in the House. This was in the afternoon. In the evening a regular saturnalia was inaugurated, which could be suppressed neither by the menace of Van Sickle nor the vehement protests of the Speaker. Some of the members smiled at the rulings of the presiding officer and his efforts to preserve the peace, and in questions of privilege requested that gentleman step into the lobby and in a rough and tumble fight settle certain contested questions of parliamentary usage. The irate Speaker [Republican W.C. Dovey of Lyon County], physically unable to maintain his rulings in the manner suggested, communicated the information, in as quiet a manner as possible, that were the desk of the presiding officer supplied with a couple of Spencer rifles, he would reduce the names of the roll-call fifty percent in five minutes, and that the only embarrassment in the House during the brief remainder of the session would be in removing the dead. But the rifles were not at hand, and for the next five or six hours the time of the Speaker was pretty equally divided in gesticulating wildly with the gavel and dodging inkstands. During the evening the members found entertainment in throwing books at each others' heads, and requesting opponents to step into the street and exchange shots. One member, after first requesting the Speaker, who had called him to order, to "take a walk," expressed a willingness to fight the entire body, and at the same time brushed aside the skirts of his coat and disclosed the handle of a revolver and what seemed to be a tomahawk or butcher's cleaver. A shower of books greeted the belligerent representative, and he subsided through sheer inability to determine the first point of assault. Finding that the session was to be closed in this manner, most of the members had provided themselves with extra supplies of books, ink-stands, and mucilage pots, and for some hours any one rising to his feet and attempting to make a motion was incontinently knocked down, or compelled to seek protection from a merciless general assault by crawling under his desk. Finally, the outsiders took a hand in the sport, and to the projectiles were added stove-wood and spittoons. But all that transpired in this line was not the result of overflowing good-humor. Blows were exchanged in some instances with venom. [Lincoln County Republican Assemblymember J.B.] Van Hagan, in reply to some remark, hurled a copy of the compiled laws of Nevada at the head of [Roop and Washoe counties Democratic Assemblymember H.H.] Hogan. As the volume opened in its flight, Hogan was not knocked down. The latter started for his assailant but a hand-to-hand fight was prevented by some lady in the lobby. About 11 o'clock a wood-chopper from the head of Clear Creek dropped into the Chamber, and, believing that a free fight was about to be inaugurated, offered a bystander a month's wages if he would turn off the lights and give him a five minutes discussion with the members with an ax. At one time it was proposed to raise an alarm of fire, and wash out the chamber with a stream from a fire steamer; but better counsel prevailed, and the members were allowed to "fight it out on that line." It is marvelous that some of them were not killed, for behind the apparent levity which kept the air full of books and ink-stands, was a feeling of rancor which suggested pistols and bowie-knives. As described to us by half-a-dozen witnesses, the scene was the most disgraceful ever enacted

within a legislative chamber, and when the minute for adjournment came, the Speaker descended from his stand with an undisguised look of thankfulness that his life had been spared. The closing scenes in the Senate were less turbulent, yet the proceedings were characterized by a sullen discourtesy on the part of many of the members which we hope may never again be observed in a Nevada Legislature. Had the [Lt. and] acting Governor [Jewett W. Adams] appeared during the evening in the Assembly, the chances are that he would have been thrown out of a window. Those who witnessed the scenes in the Assembly say that they were indescribable; and here, in respect to the people of Nevada, we will let the curtain drop on the seventh session of the Nevada Legislature.

And that is the rest of the story. So, in closing, just remember, it wasn't all that bad in the 2003 Legislative Session.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I have some dignitaries I would like to introduce from the rostrum, as well. I would also like to change seats with Speaker pro Tempore so she can round out our session today. With us over here are many folks who have actually served in these Chambers. We have the Honorable Louis J. Capurro, Jr., the Honorable Randy Capurro, the Honorable Harold Jacobson, the Honorable Lawrence E. Jacobson—Jake, it is good to see you—the Honorable Coe Swobe, glad you could make it down, the Honorable Art Valentine, Justice Mark Gibbons, Theresa Moiola, representing Controller Augustine, and last but not least, Governor Guinn, amongst our ranks. You are the only one who is still active, in spite what the *Las Vegas Review-Journal* says about you.

I would like to thank Mr. Rocha as well. He has always made history very entertaining and provided those little pieces of information for us that really kind of bring us together.

We put this session in the old Chambers together last session for the first time because I thought it was important for all of us to understand where we came from. There was a whole number of people that came before us. We are only caretakers of the seats we now hold, and we have a great responsibility to the citizens of this state as we sit here and deliberate the business that will affect all of us.

I want to also thank the staff. This is no small undertaking to move our operation over here with the recording information. They are going to spend a great deal of time cleaning up what we just did today when they get back and make sure everything is entered properly in the computers, the sound system, and the like. If you were here just a few days ago, you would have seen this was just basically an empty room. They have really put this together for us.

The traditional desks that are sitting mostly in the front row, and the arrangement, when the Assembly met in these Chambers, they were not only your desks, but they were your offices. As you can tell, there is not a lot of additional space in this Capitol Building. The work and meetings you had with your constituents happened right here at your desk. We are quite spoiled in the digs that we have now and the ability where we are able to do the business of the people. I think bringing recognition to the process that came before us, even if it was a little raucous in the late 1800s, and even if the "Well" was named after the watering hole that existed back then.

I wanted to make sure that everybody had the opportunity to do this again this session. I know that a number of you have guests you would like to introduce. We have microphones, one at the Minority Leader's desk, one at the Majority Leader's desk, and one at both ends. If you have a guest you would like to introduce, I need you to come forward to a microphone and the Chair will recognize you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. First I would like to thank the Speaker for convening this effort. I think it is so much different to think back on how things happened before technology, before our time, just on a bit of a contested vote, seeing the differences between not having a board, not having a display. It is quite interesting and quite different to see how well we have it today compared to how our predecessors operated. I would also like to thank the Speaker.

This is the first time a woman has acted as Speaker in these Chambers. Last session it was noted that I was the first female Majority Leader to ever speak in these Chambers, and now we have another record by having our colleague, Speaker pro Tempore up there at the front, and it is great to see you up there.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

Thank you very much. I am in good company. I appreciate the Speaker giving me this opportunity, but you as well, and all the men and women in this room. It is an honor, a privilege, to be here, and I think, too often, we get stuck in our little halls and we remember we are public servants, but unfortunately, with the press of everything, we don't always get to acknowledge that. I want to thank you for giving me the opportunity as well.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Rick L. Collins.

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Beers.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Reed Christensen and Cole Christensen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Barber and Torrey Barber.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Carrell, Desiree Ivkovich, Bryanna Raue, Christi Holland, Becky Costanzo, Cory Costanzo, Amanda Staten, Catherine Wiemers, Sommerly Simser, Angela Farrell, Jamie Farrell, Stephanie Hetrick, Rachel Diehl, Ashley Smith, Cindy Autry, Byron Autry, Laura Autry, Sarah Kirkpatrick, Tara Kirkpatrick, Jimmie Knight, Jacqueline Knight, Marlene Elliott, and Lisa Elliott.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Morrison and Joe Bushek.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Arellanes and Nancy Haywood.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, March 23, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:52 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2005

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

The prophet Micah said, “. . . what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?” (Micah 6:8). Our Heavenly Father, please enable our representatives to enact just laws, please guide us all to be kind to one another, and please allow us to walk beside You this day. In the Name of my Savior, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Judiciary.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 23; Senate Bills Nos. 82, 174.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 94, 97, 119.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to specify that the number of signatures required on a petition for referendum or a petition for initiative is to be determined when, before circulating the petition for signatures, a copy of the petition is filed with the Secretary of State.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in section 3 of this article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state. *The number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election required to file a petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to subsection 1.* The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

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

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election. *The number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election required to propose an initiative petition must be determined at the time a copy of the petition is filed with the Secretary of State pursuant to subsection 3 or 4.*

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation

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

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

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

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

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

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

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

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 363—AN ACT relating to industrial insurance; requiring an owner or principal contractor who establishes and administers a consolidated insurance program to submit a monthly affidavit to the Commissioner of Insurance setting forth certain information; requiring the Occupational Safety and Health Review Board to hold a review hearing concerning certain allegations made by the Commissioner; requiring the Commissioner to impose an administrative fine against the owner or principal contractor under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 364—AN ACT relating to industrial insurance; requiring a check issued for the payment of compensation for a permanent total disability to set forth certain information; requiring an insurer to reopen a claim to consider the payment of compensation for a permanent partial disability under certain circumstances; authorizing an insurer or an injured employee to request a vocational rehabilitation counselor to prepare a written assessment of the injured employee under certain circumstances; prohibiting a vocational rehabilitation counselor from being assigned to a case administered by the employer of the counselor; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Ohrenschall:

Assembly Bill No. 365—AN ACT relating to property; increasing the amount of the homestead exemption; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 366—AN ACT relating to offenders; requiring the Division of Parole and Probation of the Department of Public Safety to charge each person placed under its supervision a fee for training employees of the Division; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 367—AN ACT relating to school financial administration; providing that the uncommitted money remaining in the State Distributive School Account does not revert to the State General Fund; requiring that such money be distributed to the school districts biennially; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Ocegüera:

Assembly Bill No. 368—AN ACT relating to motor vehicles; authorizing designees of sheriffs, marshals and policemen to remove abandoned vehicles from public property in their jurisdiction; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 369—AN ACT relating to children; requiring a court which is hearing a petition for the involuntary admission to a public or private mental health facility of a child who is in the custody of an agency which provides child welfare services to place the child in a less restrictive environment under certain circumstances; establishing a maximum period of 60 days for which such children may be involuntarily admitted to a mental

health facility; establishing certain rights for such children who are admitted to mental health facilities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 370—AN ACT relating to contractors; revising the definition of “contractor” to include a construction manager, general contractor or other person who engages in certain activities relating to a construction project and certain employment agencies which provide skilled workers for the construction project; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 371—AN ACT relating to financial practices of local governments; providing criteria for the approval of investment advisers to make certain investments for local governments; authorizing certain banks to hold certain securities on behalf of local governments under certain circumstances; establishing standards for agreements to locate, deliver, recover or assist in the recovery of certain property held in trust by a county treasurer; providing that a deed made to the county treasurer as trustee for the State and county is, except as against actual fraud, conclusive evidence of certain matters; increasing the payment to the county general fund from the proceeds of properties sold for taxes; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 372—AN ACT relating to housing; revising the area of operation of the Rural Housing Authority; providing that the Rural Housing Authority may operate in an area in which it is authorized to operate without the approval of a local housing authority operating in the same area; providing that the Rural Housing Authority may make a mortgage loan for residential housing; revising the power of the Rural Housing Authority to issue bonds and notes; providing that the Rural Housing Authority may enter into agreements with and accept property from any person or governmental agency; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parnell, McCleary, Conklin, Holcomb, Koivisto, McClain, and Smith:

Assembly Bill No. 373—AN ACT relating to education; requiring the boards of trustees of school districts to pay increased salaries to certain speech pathologists who are employed by those districts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Parnell, McClain, Koivisto, McCleary, Conklin, Holcomb, and Smith:

Assembly Bill No. 374—AN ACT relating to interpreters in schools; providing an exemption from the requirements of certification for interpreters who provide services for persons who are deaf or hearing impaired in schools; requiring the governing body of each charter school, the board of trustees of each school district and each private school to ensure that interpreters who provide services within the district or school possess the knowledge, qualifications and capabilities for the job; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hogan (by request):

Assembly Bill No. 375—AN ACT relating to public works; establishing an administrative procedure for the resolution of a complaint filed with the Labor Commissioner concerning the employer's designation of a workman as a member of a specific recognized class of workmen; requiring the Labor Commissioner to use the wage established pursuant to a collective bargaining agreement as the prevailing wage for a recognized class of workmen under certain circumstances; defining the terms "employed at the site of a public work" and "necessary in the execution of the contract for the public work" for the purposes of employment on a public work; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 82.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 94.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 97.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 119.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 174.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 376—AN ACT relating to the Nevada National Guard; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the gross receipts from the sale, storage, use or other consumption of tangible personal property sold to certain members of the Nevada National Guard and certain relatives of such members; contingently providing the same exemption from certain analogous taxes; providing for the reimbursement to certain members of the Nevada National Guard of premiums paid for coverage under certain policies of group life insurance; providing for a tax incentive for a mortgagor who defers payment on an obligation secured by a mortgage from certain members of the Nevada National Guard; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 377—AN ACT relating to interscholastic activities; designating the name of the association for interscholastic activities; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 378—AN ACT relating to juvenile justice; authorizing a juvenile court to appoint certain probation officers to act as masters of the juvenile court in certain proceedings concerning children who are alleged to be runaway children; requiring a juvenile court to order runaway children to pay certain fines and perform community service and to place conditions on the drivers' licenses of such children in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 379—AN ACT relating to wildlife; providing for the regulation of a person who submits an application to the Department of Wildlife on behalf of another for consideration; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Parks and Giunchigliani:

Assembly Bill No. 380—AN ACT relating to district boards of health; revising the composition and duties of district boards of health in larger counties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 59.

Amend section 1, page 1, line 3, by deleting "\$93,972" and inserting "\$79,602".

Amend section 1, page 1, line 5, by deleting “\$42,460” and inserting “\$28,090”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 60.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry for an unanticipated shortfall in money resulting from the reclassification of positions in the Nevada Athletic Commission:

For Fiscal Year 2003-2004	\$7,963

For Fiscal Year 2004-2005	\$7,241

2. This appropriation is supplemental to that made by section 23 of chapter 327, Statutes of Nevada 2003, at page 1835.”.

Amend the title of the bill to read as follows:

“AN ACT making a supplemental appropriation to the Department of Business and Industry for an unanticipated shortfall in money for Fiscal Years 2003-2004 and 2004-2005 resulting from the reclassification of positions in the Nevada Athletic Commission; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes supplemental appropriation to Department of Business and Industry for unanticipated shortfall in money resulting from reclassification of positions in Nevada Athletic Commission. (BDR S-1195)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 220.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 11 of the 72nd Session.

Resolution read third time.

Remarks by Assemblymen Giunchigliani and McCleary.

Roll call on Assembly Joint Resolution No. 11 of the 72nd Session:

YEAS—29.

NAYS—Angle, Carpenter, Christensen, Gansert, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, McCleary, Sherer, Weber—13.

Assembly Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Joint Resolution No. 13 of the 72nd Session.

Resolution read third time.

Remarks by Assemblymen Mortenson, Arberry, McCleary, Buckley, and Christensen.

Roll call on Assembly Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 13 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 34.

Amend section 1, page 2, line 21, by deleting “\$30,000;” and inserting “[~~\$30,000;~~] \$35,000;”.

Amend section 1, page 2, line 24, by deleting “\$30,000.” and inserting “[~~\$30,000.]~~ \$35,000.”.

Amend the title of the bill to read as follows:

“AN ACT relating to residential contractors; revising provisions governing the Recovery Fund administered by the State Contractors’ Board; increasing the maximum amounts that the Board may pay from the Recovery Fund for individual claims and for multiple claims made against a single contractor; providing for retroactive application with regard to certain claims; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 34.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Mabey:

Assembly Concurrent Resolution No. 8—Creating an interim study regarding the long-term financial stability of the Public Employees' Retirement System.

Assemblyman Mabey moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 259, just reported out of committee, be rereferred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 55; Senate Concurrent Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Nassios.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Barber, Torrey Barber, Brian Scroggins, and Rachel Scroggins.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to D.J. Allen.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Gainey.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Rhonda Hornbeck, Bonnie L. Colgan, Bill Wahl, and Paula Elefante.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Brittney Bradley, Jon Bradley, Alexis Chavez, Andrea Contreras, Francisco Del Rio, Daniel Dominguez, Ashley Eckman, Celia Gonzalez, Jacky Guan,

Odell Hare, Mark Landeros, Nancy Le, Edwardd McConnell, Roy McConnell, Daniel Moreland, Adriana Perez, Carlos Perez, Julio Rivas, Samantha Salmoran-Guillen, Johnathan Saucedo, Christian Segura, Ali Vargas, Marco Vargas, Wu Yuxiang, Juttland Alsaybar, Jeimico King, Ryan Buzick, Michelle Cardenas, Sharayia Carter, Alejandra Estrada, Sarah Faz, Ian Fitzpatrick, Ixian Gonzalez, Evan Guido Diaz, Brenda Hernandez-Lopez, Rosio Izquierdo, Nestor Lara-Gomez, Lupita Lopez, Gabriela Mederos, Alexis Mejia Rodriguez, Conny Mendoza, Santiago Moran-Garcia, Elizabeth Nieves, Adrian Queahpama-Scott, Jorge Segura, Veronica Sluga, Philip Manuel Soberano, Alexis Arturo Vazquez, Yvette Abundis-Arias, Emmallie Walden, Emily Aguirre, Aaron Aguirre Garcia, Jaqueline Alvarado, Hillary Baker, Kathy Barrett, Cristian Camacho, Kayla Duran, Cory Faz, Teddy Glass, Isaias Guillen, Gerardo Gutierrez-Rodriguez, Violeta Lopez, Griselda Lopez-Segura, Miles Lugo, Christina Luna, Edgar Melchor, Gina Mendoza, Viridiana Natera, Melissa Noguera, Jesse Palomera, Guillermo Reyes Barajas, Fernando Roscom, Oscar Salazar, Maria Sandoval, Juan Alfredo Vazquez, Salvador Vega, Mary Nemitz, Rebecca Gauthier, Sara Cunningham, Rosalynda Carlton, Gregg Bean, Gregg Donnelly, Mary T. Flynn, Michelle Foncault, Ena Montes, Angelina Chavez, Rosa Gomez, Ricardo Chavez, and Leobarda Reyes.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Gregory, Denise Lake, and Mykaila Lake.

Assemblywoman Buckley moved that the Assembly adjourn until March 24, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 24, 2005

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Terry Arnold.

While rebuilding the walls of Jerusalem, some people attempted to divert Nehemiah from his task. Nehemiah replied in Nehemiah 6:3, “I am doing a great work and cannot come down.” Our Heavenly Father, our legislators are doing a great work. Please empower them to accomplish their task with single-mindedness, courage, and enthusiasm this day. I pray in the name of my Savior.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 138; Senate Bill No. 73.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 108.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to provide for forfeiture of public office for three or more breaches of ethical duties.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec. 2. ~~For the~~ 2.

1. *Except as otherwise provided in subsection 2, the Governor and other State and Judicial Officers, except Justices of the Peace shall be liable to impeachment for Misdemeanor or Malfeasance in Office; but judgment in such case shall not extend further than removal from Office and disqualification to hold any Office of honor, profit, or trust under this State. The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.*

2. *If the Governor or other State or Judicial Officer, except a Justice of the Peace, commits three or more breaches of his ethical duties, that public officer forfeits his office.*

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

Motion carried.

By Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 9—Commending the Drug Abuse Resistance Education (D.A.R.E.) program and the law enforcement officers who are specially trained to provide instruction in the D.A.R.E. curriculum, and designating March 21 to 25, 2005, as Law Enforcement Youth Drug Education Week in Nevada.

WHEREAS, Illegal drug use and the abuse of prescription drugs and alcohol have the potential to destroy the hopes, ambitions and lives of users and to negatively impact the safety and health of families, schools and communities with an associated increase in violence and risky behavior; and

WHEREAS, As long as drugs remain available to young people, antidrug education must be a priority, because only through consistent and ongoing antidrug messages from family, friends, schools and governments, and the supported efforts of these youth to remain drug free, can adolescent drug use be substantially reduced; and

WHEREAS, Since its development in 1983, the Drug Abuse Resistance Education (D.A.R.E.) program, based on the premise that prevention is the only long-term answer to substance abuse, has offered a curriculum to millions of students from kindergarten through grade 12 that helps students raise their self-esteem to resist peer pressure, teaches them how to make decisions on their own and encourages them to identify positive alternatives to drugs; and

WHEREAS, Expanded in 1994 to include lessons that focus on reducing violence through the use of anger management and conflict resolution and by building interpersonal and communications skills, the D.A.R.E. curriculum is constantly being revised to blend the latest in prevention science with the largest prevention delivery network in the world; and

WHEREAS, The D.A.R.E. program relies on accurate information and an upbeat approach to give young people the skills they need to recognize and resist the subtle and overt pressures that may cause them to experiment with drugs or become involved in gangs or violent activities and to inspire them to become contributing members of their communities; and

WHEREAS, A unique feature of D.A.R.E. is the introduction into the classroom of law enforcement officers from the community who are certified school resource officers and who, through the utilization of on-the-job experiences and specialized training, have dedicated themselves to helping the young people in this State to remain drug and violence free; and

WHEREAS, Nevada's law enforcement community has made a commitment to educate the youth of Nevada concerning the dangers of gangs, violence and drug use, and as members of our communities, and through their daily work routine, these law enforcement officers continually strive to work with the children in our school system to teach such awareness in classrooms throughout the State; and

WHEREAS, The presence of these dedicated men and women in our schools permits students to interact with law enforcement officers, and the relationships that develop open lines of communication between law enforcement and these children, setting the stage to defuse dangerous situations that may arise on school campuses; and

WHEREAS, As they introduce valuable lessons through role-playing, group discussions, question-and-answer sessions and workbook exercises in the classroom setting, these officers become visible role models to the students and provide opportunities for them to seek support in other areas of their lives where they may feel threatened or afraid or pressured to engage in harmful behavior; and

WHEREAS, By holding true to the ethics of police service, these members of the law enforcement community have shown their dedication and loyalty to the residents of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the Drug Abuse Resistance Education program for its part in lowering the percentage of drug use and participation in gangs and violent activities among the youth of our nation while providing them with positive and healthful alternatives; and be it further

RESOLVED, That the residents of the State of Nevada applaud the dedication of the Nevada law enforcement officers whose expertise in the classrooms of our State as they present the D.A.R.E. program is critical to the well-being of our children and their future; and be it further

RESOLVED, That March 21 to 25, 2005, is declared Law Enforcement Youth Drug Education Week in Nevada, in conjunction with the Nevada State D.A.R.E. Conference to be held in Carson City; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sergeant Mark Sharp, State D.A.R.E. Administrator, John Lybbert, State D.A.R.E. Coordinator and Mike Pardovich, President of the D.A.R.E. Officers Association.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblyman Perkins:

Assembly Concurrent Resolution No. 10—Directing the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada.

Assemblyman Ocegüera moved that the resolution be referred to the Concurrent Committees on Education and Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 381—AN ACT relating to traffic laws; authorizing the use of a single center lane when making a left-hand turn onto a highway; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Weber:

Assembly Bill No. 382—AN ACT relating to criminal procedure; expanding the crimes for which a defendant is required to submit a biological specimen for genetic marker analysis when he is found guilty; requiring a juvenile court to order a genetic marker analysis from a child who is adjudicated delinquent for committing certain unlawful acts; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 383—AN ACT relating to property; creating a right of redemption for an owner of property in a common-interest community in certain instances of nonjudicial foreclosure; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Buckley, Giunchigliani, Ocegüera, Parks, and Arberry; Senators Care and Horsford:

Assembly Bill No. 384—AN ACT relating to financial services; establishing uniform standards and procedures for the licensing and regulation of check-cashing services, deferred deposit loan services, payday loan services and title loan services; repealing provisions governing check-cashing services and deferred deposit loans to conform with the uniform standards and procedures; providing remedies and administrative penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 385—AN ACT relating to building standards; making various changes to encourage energy efficiency in construction; providing for a partial abatement of certain taxes for certain energy efficient buildings and

green buildings; requiring the University and Community College System of Nevada to provide instruction in certain areas related to green building; requiring the State to reduce its grid-based purchases; exempting from the Universal Energy Charge energy consumed in certain energy-efficient buildings; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Buckley:

Assembly Bill No. 386—AN ACT relating to child support; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order in certain circumstances; making an appropriation for a performance audit of the collection and enforcement of child support by the Welfare Division of the Department of Human Resources; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hettrick, Parnell, Angle, Carpenter, Christensen, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Holcomb, Mabey, Mortenson, Parks, Perkins, Seale, Sherer, Smith, and Weber:

Assembly Bill No. 387—AN ACT relating to taxation; providing for the reduction of certain excise taxes payable by employers who contribute to health savings accounts for their employees; altering certain statutory references to medical savings accounts to instead refer to health savings accounts; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 388—AN ACT relating to education; changing the name of the State Board for Occupational Education to the State Board for Career and Technical Education; changing the term “occupational education” to “career and technical education”; requiring the superintendent of schools of each school district that has established a program of career and technical education to appoint an advisory technical skills committee for the program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 389—AN ACT relating to state financial administration; providing for the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 390—AN ACT relating to gaming; revising the provisions governing the designation of gaming enterprise districts in certain counties; increasing the required minimum distance between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship that must be proven before certain petitions for such a designation may be granted; increasing, as between a proposed gaming establishment and a developed residential district, public school, private school or structure used primarily for religious services or worship, the distance within which the absence of adverse effects must be proven before certain petitions for such a designation may be granted; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 391—AN ACT making an appropriation to the Department of Education for disbursement to elementary school teachers for classroom supplies; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 392—AN ACT relating to taxation; requiring the Nevada Tax Commission to adopt regulations governing the assessment of property for the purposes of taxation; authorizing the Commission to award a property owner the amount of reasonable attorney's fees and costs incurred by the property owner by reason of a knowing violation of such regulations by a county assessor; requiring county boards of equalization and the State Board of Equalization to comply with such regulations; authorizing a taxpayer who reasonably believes that a county assessor, county board of equalization, the State Board of Equalization or the Department of Taxation has violated such a regulation to obtain declaratory relief without first

exhausting his administrative remedies; requiring the award of attorney's fees and costs to taxpayers who obtain such relief; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 393—AN ACT relating to taxation; authorizing a county to sell tax liens against parcels of real property located within the county under certain circumstances; requiring the county treasurer to issue a certificate of purchase for each tax lien sold; authorizing the purchaser of a tax lien to commence an action for the collection of the delinquent taxes, penalties, interest and costs; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 394—AN ACT incorporating the City of Sierra Hills in Douglas County, Nevada, under a new charter; defining the boundaries thereof; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 395—AN ACT relating to education; prohibiting the use or attempted use of a false or misleading degree or honorary degree granted by any private or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an institution in a false or misleading manner; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Holcomb:

Assembly Bill No. 396—AN ACT relating to civil actions; requiring courts to award attorney's fees and costs against certain attorneys and parties for taking certain actions, including, without limitation, filing an action or defense without substantial justification; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Giunchigliani:

Assembly Bill No. 397—AN ACT relating to education; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; designating the types of diplomas that may be issued to pupils; requiring the State Board of Education to prescribe alternative criteria for receipt of an advanced diploma; requiring homeschooled children to take certain achievement and proficiency examinations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Parnell, Kirkpatrick, Ohrenschall, Denis, Atkinson, Hogan, Holcomb, and Horne:

Assembly Bill No. 398—AN ACT relating to education; making an appropriation to the Department of Education for a statewide parental involvement and communications consultant; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherer (by request):

Assembly Bill No. 399—AN ACT relating to education; requiring the State Board of Education to prescribe instruction in flag etiquette; requiring each public school to set aside appropriate time each school year for instruction in flag etiquette; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherer:

Assembly Bill No. 400—AN ACT relating to state financial administration; requiring the Department of Administration to prepare a long-term strategic plan for the State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherer (by request):

Assembly Bill No. 401—AN ACT relating to remedies; providing that the sheriff must deliver a writ of garnishment by personal service to the garnishee defendant or his employee or agent; providing that the time limitation for a garnishee to answer interrogatories is tolled for any period during which the plaintiff and defendant have entered into negotiations for settlement; authorizing a court to order a garnishee to appear for the purpose of answering interrogatories; revising the jurisdiction of justices' courts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 402—AN ACT relating to municipal obligations; amending the definition of "pledged revenues" to include certain fees imposed upon a public utility by a municipality; authorizing a board of county commissioners or a city council to pledge certain fees that are imposed on a public utility for the payment of certain general or special obligations; authorizing a board of county commissioners or a city council to use the proceeds of certain fees that are imposed on a public utility to the pay the principal, interest or any other indebtedness on general or special obligations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 403—AN ACT relating to education; requiring the Department of Education to release and provide for the public dissemination of certain portions of the high school proficiency examination; making an appropriation for the development of examinations to replace the examinations that are released; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Leslie:

Assembly Bill No. 404—AN ACT relating to residential leasing; removing the exemption for landlords who own and personally manage four or fewer dwelling units from provisions relating to landlords and tenants; exempting from the requirements for a state business license natural persons whose sole business is the rental of four or fewer dwelling units to others; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 73.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 92.

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

Motion carried.

Senate Bill No. 108.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 389 was referred to the Committee on Judiciary be rescinded.

Motion carried.

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

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 392 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 398 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 192.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 192 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 95:

YEAS—42.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 220:

YEAS—42.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Assembly Concurrent Resolution No. 10 was referred to the Concurrent Committees on Education and Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 382 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

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

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 5:06 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Madam Speaker pro Tempore appointed Assemblywoman Ohrenschall and Assemblyman Sibley as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Madam Speaker pro Tempore invited the President of the Senate to the Speaker's rostrum.

Madam Speaker pro Tempore invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:13 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Tiffany, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Mabey, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Carlton and Assemblyman Ocegüera to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker pro Tempore welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA SEVENTY-THIRD SESSION, 2005

Thank you very much for that lovely applause. I appreciate it very much. Mr. Speaker, Madam President, members of the Legislature, Constitutional Officers, Supreme Court Justices, honored guests, thank you very much for inviting me to speak with you this evening. I appreciate the opportunity. I know how very busy you all are. I promise not to take up too much of your very valuable time, but I must say I do look forward to this biannual ritual. It is wonderful to come here and it is wonderful to see all of you. I think it is very important to share with you what is happening in Washington, how it impacts your work, and how what I am doing impacts the work you are doing as well.

A few weeks ago I had an opportunity to share an extraordinary experience with my fellow Nevadans. I had an opportunity to participate in the dedication ceremony of the Winnemucca statue. I can tell you, I have attended many ceremonies in Washington D.C., but I cannot remember being moved by a single one until our Sarah Winnemucca ceremony. We were in the nation's Capitol Rotunda where there were over 300 Nevadans lead by the Governor and his wife Dena, and we were paying tribute to a woman, and there are very few statues of women in our nation's Rotunda, and a Native American woman. It was a proud day for the state of Nevada, and I know you will enjoy your dedication ceremony here in April as much as we enjoyed it in Washington, D.C. It was truly spectacular.

I am now in my fourth term of serving in the United States House of Representatives. I still come home almost every weekend and I still sit on three committees. What I would like to do tonight is share with you what we are doing on each of those committees so you have a better understanding of the work that I am doing on behalf of the people whom we equally and mutually represent in this state.

As you all know, I sit on the Veterans' Affairs Committee and—you have heard this before—we have the fastest-growing veterans population in the United States right here in Nevada. There are 240,000 veterans in the state of Nevada. Almost 200,000 reside in southern Nevada, where we have almost no veterans' medical care for them. I have 80-year-old veterans standing in 100 degree temperatures waiting for a shuttle to pick them up to take them to one of ten locations where they can get clinical help and healthcare help. We share hospital facilities with Nellis Air Force Base, but the active duty get preference over the veterans; 1,500 veterans from southern Nevada have to go to southern California to get their healthcare needs met. We were in desperate need of VA facilities in southern Nevada.

I am very pleased to report that President Bush's budget contained \$199 million for a full-service VA medical center in southern Nevada. There will be a full-service hospital. There will be a full-service outpatient clinic. There will be a long-term care facility for those veterans who are no longer able to care for themselves. The land has been transferred from the Interior Department to the VA; \$25 million was appropriated last year for startup money. The architects have been selected and we are going to pass that \$199 million appropriation, break ground in 2006, and have this thing completed by 2009. I have always felt and have said that I feel like the mother hen. I am going to sit on this nest until this egg is hatched. I am very happy to say I am feeling some rumblings. I am looking forward, not only to turning over that first spade of dirt in order to start the process, but I am looking forward to being there to cut that ribbon, and I hope that all of you will be there along with me. This is important for the veterans whom we represent.

As pleased as I am that we have \$199 million set aside in our budget for a veterans medical center, I am equally disappointed with some of the proposals that are included for our veterans, and I want to share those with you because, not only will I oppose them, I am going to fight them tooth and nail. There is a proposal that there should be a \$250 enrollment fee for our veterans to access health care in this nation. There is also a proposal to double the co-pays for prescription medication for our veterans. I think our veterans have sacrificed enough, and I don't think we should be balancing our budget on the backs of our veterans. These costs should not be included and I will fight them, I promise you that.

I also sit on the Transportation Committee. The House recently passed a \$285 billion transportation bill, which funds highway programs for the next six years—every highway program in the United States for the next six years. Nevada's share will rise to \$1.5 billion. That is \$300 million more than we had the last time. Nevada's per capita federal highway funding now ranks sixth out of the 50 states. While I cannot tell you every project throughout the state of Nevada, I would like to share with you what will be done in Congressional District 1, because so many of you will be a part of that and have constituents who are affected by this. There will be \$10 million for the I-15 Las Vegas Beltway Interchange; \$10 million for US 95 Las Vegas Beltway Interchange; \$8 million for the widening of I-15 and an interchange at Apex Road; \$8 million to widen US 95 in the northern stretch of the Las Vegas Valley; \$6 million to build a new Intermodal Transportation Terminal in downtown Las Vegas; \$5 million for Smart Signs and traffic flow monitoring equipment; and \$2 million for Bus Rapid Transit on Boulder City as we have introduced in North Las Vegas. These improvements and innovations are going to help the quality of life in our state, the quality of life of our citizens, help improve the air quality, and we could not have done this without the help of the Regional Transportation Commissions, north and south, and NDOT. They have done a remarkable job educating your congressional delegation of what the transportation needs are in this state, and in comparison to the DOTs and Regional Transportation Commissioners that I have met throughout the United States, ours are head and shoulders above all the others. You ought to know that, because we should all be very proud of their help.

My third committee assignment is the International Relations Committee. I sit on the Middle East Subcommittee. My area of jurisdiction is Iran, Iraq, Afghanistan, and the entire Middle East. Needless to say, it has been in the news in the last few years. I want to talk to you about a few of the countries. Although we could spend an entire speech on this, I am going to go through this very rapidly, but it is important for you to know what is going on in our nation's capital when it comes to these particular nations, because they impact all of us in a very direct way.

Iraq. No matter what you thought about going into the war, or what you think about it now, we have troops on the ground, men and women serving in a very dangerous theater of war. Sixty percent of Nevada's National Guard has been deployed. Our Nevada Army Reserves and Nevada Marine Reserves are among the highest percentage deployed in the nation. Deployment out of Nellis is an extraordinarily high percentage of those who are stationed at Nellis. I have attended, I am very sorry to say, a number of memorial services for our fallen soldiers. These are youngsters, 19–20 years old. In talking with their parents, I can tell you, I was struck by the fact that their families are so very proud of their children and proud of the sacrifices they have made on behalf of this great nation. Now, I can't end this war on my own, and I can't win it on my own, but what I can do is make sure that our troops have the best equipment, the best protection, and the best training that we can provide for them.

I do have a serious concern. Our military personnel are stretched to the limit. It is very, very thin, while we have other serious hotspots throughout the world. Iran is a looming problem. North Korea is a looming problem. While bringing democracy to Iraq is a very laudatory goal, we must be mindful of the other challenges. In my opinion, China is a threat that we will be facing in the next decade. They are an economic power, and rapidly becoming a very strong economic power, and they are a very strong military power and becoming stronger by the day. We cannot afford to deploy our forces and weaken our forces to the point that, if a nation like China makes a move that is a danger to the rest of the world, we will be unable to stand up and do what we must do. So, while I know of the importance of democratizing a region that has not known democracy, and in the long run I appreciate how important it is, I think it is equally important to realize that we need an exit strategy, know what it is that our goals are, go for our goals, and get out.

Everyone knows of my interest in the Middle East. With Arafat in control of the Palestinian Authority there was no chance for peace in the Middle East. With Arafat's death and the election of Abu Mazin, I think, for the first time in many, many years, we have a real opportunity to bring peace in a two-state solution in a very troubled part of the world. I envision a Jewish state of Israel living side-by-side with a Palestinian state, in peace, with secure borders, and Israel's right to exist recognized by the Palestinians and all of its Arab neighbors. I think that there is a genuine move in that direction, and we need to do everything in Congress to ensure that both parties come to the table, make a deal, and the United States acts as a guarantor to make sure that deal is carried out. I am very cautiously optimistic that this time has come. I think we have a very short window of opportunity. We need to take this time to do it and I think we will, and I think we can, and both peoples will be better off for it, and the world will be more at peace.

One of the worst offenders of human rights, religious freedoms, equal rights for women, and a country that has no democratic institutions, is Saudi Arabia. It is the biggest exporter of terrorism and the financier of terrorists for the last 30 years. It is no accident that 15 of the 19 terrorist attackers of the World Trade Center and the Pentagon were Saudis. This week, the United States Congress actually voted to continue foreign aid to the Saudis. I happen to believe \$56 a barrel is enough foreign aid for the Saudis. We continue to pretend that this radical fundamentalist state is our ally and is our partner in our fight against terrorism. There is only one reason and one reason alone that we continue this fiction, and that reason is oil. We are dependent on foreign oil, Saudi oil, for our energy needs. Our nation must develop an energy policy for the 21st century. We must develop renewable energy sources that will make this nation energy self-sufficient so that our children, our grandchildren, and future generations of Americans won't be dependent on foreign oil to satisfy our energy needs, and isn't dependent on nuclear energy, which has a deadly by-product, nuclear waste, that has never been figured out how to safely dispose of. Burying it in the Nevada desert is not the answer.

As you are all well aware, last week the Department of Energy acknowledged that employees at Yucca Mountain, allegedly, although I believe there is good evidence of it, faked the scientific documents relating to the work on the proposed dump. Now, this documentation must have been really falsified for the Department of Energy to have to come clean and come public. This, coupled with the starving of the funds and the cutting of the funds that our senior Senator has done so beautifully; the radiation standards, which, according to the Circuit Court of Appeals judgment last May, they miscalculated the radiation standards by a mere 290,000 years, which I think is a bit much; and transportation issues we have never figured out. We have never done the

study on how we are going to safely transport 77,000 tons of toxic nuclear material across 43 states safely without any accident or terrorist attack. With all of these things, even the nuclear industry is beginning to look at alternatives for storage of nuclear waste. What is their alternative? Leaving it on-site, in dry cast storage, exactly what Senator Bryan suggested over a decade ago.

I believe that Nevada has a potential to lead the nation in renewable energy with our solar, geothermal, and endless supply of wind. Our state's renewable portfolio standard, which this Legislature passed a few terms ago, should be serving as a national model. It should be part of our nation's energy policy. You should all be congratulated on the foresight and the vision to have implemented that legislation before it became trendy. I, for one, not only applaud you, I have given you the ultimate compliment by stealing your idea and introducing it in the United States Congress.

You have heard this before. I represent the fastest-growing congressional district in the United States, with the fastest-growing senior population. Issues that affect my senior citizens are very important to me. So, when the United States Congress passed the so-called Prescription Medication Bill last year, in the middle of the night, we started voting at 3:00 and ended at 6:00 a.m., we passed a sham of a legislation. It doesn't provide affordable prescription medication for most seniors. It is outrageously expensive. It has yet to be implemented and the cost has now gone from \$500 billion to close to \$1 trillion. It is a gift, plain and simple, to the pharmaceutical companies. It actually has a provision that was passed by the United States Congress—without my help—that forbids the federal government from negotiating for lower prices, just as the VA gets to negotiate for lower prices because they are negotiating in bulk. We have legislation that prohibits such negotiation. To add insult to injury, the Congress voted against the reimportation of prescription medication from Canada. Let us be clear on this: we are talking about the same medication, the same pharmaceutical companies, selling their products for 50 percent less in Canada than they do here in the United States. I am very pleased to see that this Legislature is now looking at a bill that would allow seniors to access safe, affordable prescription medications in Canada. This is an innovative plan that would save seniors real dollars. I am a strong supporter of reimportation in Congress. I am a strong supporter here. I certainly hope that you do look at this and pass it.

Another issue that affects seniors is Social Security. You see my button. It says, "Do not gamble with Social Security." We in Nevada understand a gamble, but we know a sure bet, and we know a not sure bet, and Social Security privatization is not a sure bet. In Nevada, we have 327,000 people who receive some sort of Social Security benefits. 221,000 are retired workers, 40,000 are disabled workers, and there are 24,000 children who receive Social Security benefits in our state alone. We have a problem with Social Security. Anybody who doesn't acknowledge it I think is wrong. It is not a crisis. Medicare is a crisis, Social Security is not. The Social Security Trust Fund is solvent and will continue to pay full benefits until at least the year 2041. If Congress does nothing, absolutely nothing, after 2041 seniors will receive 80 percent of the Social Security. But Social Security will not remain solvent for long if we divert \$2 trillion dollars to create the so-called private accounts. The President of the United States acknowledges that private accounts will do nothing to protect the solvency of the Social Security system. Our seniors will not remain solvent if their benefits are slashed by 40 percent in anticipation of reaping large, large profits from their private investment accounts, and their private investment accounts won't be solvent if there is a downturn in the stock market and their account loses its value. If this had been implemented and was in place in the year 2000 and you retired, you would have made out like a bandit. If you retired in 2002, your portfolio would have been down by 40 percent. Now, which one of us is going to gamble this nation's seniors' futures on something as uncertain as our stock market? Social Security is an American success story. It safeguards older Americans' independence and economic security. It is a safety net for millions of seniors. We should not destroy a program that is working. We should fix it. We should extend it. We should not dismantle it and we should not privatize it.

I voted against the President's budget and I am going to share with you why, because you need to know if this budget had been passed the way it was proposed, it would have hurt Nevada and it would have hurt the people we all represent. The Legislature, all of you, would have had, and will have, many additional problems to deal with if, in fact, this budget passes. I am going

to share some of those cuts with you now. There was \$12 million in cuts to Nevada's Homeland Security funding. The formula does not take into account the 40 million visitors we have every year in this state. If, God forbid, we experience a terrorist attack, not only would we be responsible for our residents, we are responsible for those visitors as well. \$1.2 million cuts in grant funding to help Nevada with bioterrorism prevention and medical response. Total elimination of the COPS program, which has put more than 400 police officers on Nevada streets. North Las Vegas is dependant on the COPS program and it has been zeroed out. \$3.7 million in cuts to WIC. \$12 million cuts to Head Start and to help abused kids in Nevada. Shortchanges to the Leave No Child Behind Act by \$9.4 billion, including \$7.2 billion for Title 1 programs, and it freezes funding for after-school programs. That hurts growth states like Nevada in a disproportionate way, because of our extraordinary growth. For the second year in a row, it eliminates all national dropout prevention program money. Nevada has one of the highest dropout rates in the nation. We need that dropout prevention money. We need it desperately. It eliminates Even Start, which is early child education, adult literacy, and parenting education, a program where roughly half of the participants are Latino. It eliminates GEAR UP, which helps high-risk students achieve success in high school and prepares them for college. For a woman like me, who comes from a family where her father has a ninth-grade education and her mother barely graduated high school, I don't think I am very much different from the kids who are dependant on this program to get out of high school successfully and get into college. It eliminates TRIO and Upward Bound, which has helped 2.2 million students in Nevada and nationwide transition from high school to college. The Bush budget eliminates all the Perkins Loans for college. It eliminates loan forgiveness for those who become teachers and law enforcement officials, or who serve in the military.

We have 172,000 Medicare recipients in the state of Nevada. The proposed reductions in Medicaid spending would put an extraordinary burden on our state's programs. We cannot afford to let this happen. Under the Bush budget, Nevada will see the loss of more than \$28 million in cuts for housing, employment counseling, and transition assistance in small business funding. Micro loans that help women-owned and minority small businesses have been zeroed out. For the third time in a row, the Bush administration has eliminated all funding for the SBA's Flagship 7 (a) loan program. We will fight, as we did in the last two sessions, to make sure that that funding goes back in. There are significant cuts to the Community Development Block Grant program, which provided more than \$24 million to Nevada last year, including funding for programs to help Nevadans cope with HIV/AIDS, and that stands to lose an additional \$3.5 million. Nevada faces a \$1.7 million cut in clean water funding. That impacts Lake Mead and Lake Tahoe, which get millions of dollars of grants from this program. Southern Nevada Public Land Management Act (SNPLMA), the Bush budget diverted \$700 million, or more, annually from the Nevada Land Sales to pay for other spending. \$300 million for Lake Tahoe restoration funded through the proceeds from this act, and it provides financial resources to pay parks and trails and to enhance recreational opportunities and conservation measures. This is a bad cut and we have fought as a united congressional delegation to stop it. We have dodged the bullet so far in the Congress. In the House of Representatives we are not done yet. In running a sea of red with deficit spending as far as the eye can see, I can bet my life on the fact that they are going to keep coming after that money, time and time again. This delegation is united in protecting the state of Nevada and protecting those funds that have done such an extraordinary job for our state.

The NCAA bill was recently introduced. When March Madness began, the NCAA bill came back to rear its ugly head. As you all know, that would hurt the state of Nevada. It singles out the state because we are the only state in the nation that has legal betting on collegiate sports. Rather than going after the illegal betting, which is a \$380 billion thriving business in this country, they are going after the legalized gaming in the state of Nevada where you have to be 21 to place a bet and you have to be present in order to place it. We have fought back this bill every session since I started in Congress and we will do the same again. Now I am co-chairing, with Congressman Gibbons, the Congressional Gaming Caucus. We will use that as a vehicle to rally the troops in Congress and protect the state of Nevada once again.

Now, while Congress has been fixated on steroids hearings and, unfortunately, the tragic, gut-wrenching, and what should be a private family medical decision in Florida, we actually have a

great deal of extraordinarily important issues to be tackling. We have Social Security, Medicare, affordable prescription medication, energy, war, burgeoning deficits, and huge trade imbalances. I am convinced that we must work together, in a bipartisan manner, to come up with real and lasting solutions to these problems before they envelop us and swallow us up. It is time for this nation to start thinking about what is in the long-term best interest for our great country, not what is polling well for the next election.

I want to thank all of you for, first, patiently listening to what I have to say. I appreciate being here and visiting with all of you. I have many very, very dear friends in this House, this Body, this Legislature. I appreciate the work that you do on behalf of the constituents we represent. I want you to know, Republican or Democrat, I have an open door in our nation's capital. You are welcome anytime, anyplace, anywhere, and let us work together on behalf of the people we represent, this great state of Nevada, this great country of ours. I thank you very much for being there, being here, and making this world a better place to live. Thank you all.

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able, and constructive message.

Seconded by Assemblywoman Gerhardt.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the Bar of the Assembly.

Senator Coffin moved that the Joint Session be dissolved.

Seconded by Assemblyman Hogan.

Motion carried.

Joint Session dissolved at 5:46 p.m.

ASSEMBLY IN SESSION

At 5:49 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Anderson:

Assembly Concurrent Resolution No. 11—Directing the Legislative Commission to conduct an interim study on the availability and inventory of affordable housing in Nevada.

Assemblyman Anderson moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman McCleary:

Assembly Bill No. 405—AN ACT making an appropriation to the Community College of Southern Nevada for construction of a building to house the Transportation Technology Center; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 406—AN ACT relating to transportation; requiring the Legislative Auditor to conduct an audit of the Las Vegas Monorail Company; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Carpenter, Goicoechea, McCleary, Sherer, and Grady:

Assembly Bill No. 407—AN ACT relating to livestock; establishing a judicial procedure for the determination of ownership of livestock seized by certain governmental agencies; requiring such a governmental agency that seizes livestock to notify the State Department of Agriculture and file a report of seizure with the district court; requiring the deposit of proceeds of certain sales of livestock into the Livestock Inspection Account; prohibiting the issuance of brand inspection clearance certificates and permits to remove animals under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Claborn (by request):

Assembly Bill No. 408—AN ACT relating to schools; providing that school police officers have concurrent power with other peace officers for the protection of children in school and on the way to and from school; requiring the board of county commissioners of certain counties to enact an ordinance regulating traffic in a school zone and on the property of a public school; requiring that money collected from fines for violations of such an ordinance must be deposited into a special account for use by the school district to support the services of school police officers; requiring the board of trustees

of a school district to supervise the chief of school police for the school district; requiring that if a board of trustees of certain school districts employs, appoints or contracts for the services of school police officers, a certain number of school police officers must serve at each middle school, junior high school and high school in the school district; making various other changes related to school police officers; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Claborn:

Assembly Bill No. 409—AN ACT relating to public works; clarifying the applicability of certain provisions requiring the payment of a prevailing wage; requiring that certain classifications of workers be used in connection with the surveying of contractors to establish a prevailing wage; revising certain definitions; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Seale (by request):

Assembly Bill No. 410—AN ACT relating to professions; providing for the exemption of certain practices from regulation by the State Board of Architecture, Interior Design and Residential Design; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 411—AN ACT relating to the transportation of pupils; requiring the Director of the Department of Motor Vehicles to prescribe the appropriate safety restraints for school buses that are operated for the transportation of pupils; requiring the board of trustees of each school district, the governing body of each charter school and each private school that provides transportation for pupils to ensure that pupils wear the appropriate safety restraint; requiring that school buses which are operated for the transportation of pupils be equipped with the safety restraints prescribed by the Director of the Department of Motor Vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 412—AN ACT making an appropriation to the Judicial Retirement Fund for the unfunded accrued liability for members of the Judicial Retirement System; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 413—AN ACT making an appropriation to the State Department of Agriculture for grants to counties to perform weed control; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman McClain:

Assembly Bill No. 414—AN ACT making an appropriation to the Department of Human Resources for expenses relating to the establishment of a Transitional Housing Task Force; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 415—AN ACT relating to the Legislature; requiring the disclosure of the name of each Legislator who requests the preparation of a legislative measure on the list of requests prepared by the Legislative Counsel; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 416—AN ACT relating to motor vehicles; transferring the Advisory Board on Automotive Affairs from the Division of Insurance of the Department of Business and Industry to the Department of Motor Vehicles; revising the membership and duties of the Board; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Kirkpatrick (by request):

Assembly Bill No. 417—AN ACT relating to cemeteries; allowing the burial of pets in the same cemeteries as their former owners; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 418—AN ACT relating to taxation; authorizing the Board of County Commissioners of Clark County to increase sales and use tax to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblyman Perkins:

Assembly Bill No. 419—AN ACT relating to government; prohibiting the disclosure of the identity of a public officer or employee who discloses information regarding improper governmental action during an investigation without his written consent; prohibiting public officers and employees from using governmental time, property, equipment or other facility for activities relating to political campaigns; increasing the civil penalties for willful violations of ethics laws; increasing the period of time in which a state officer or employee who disclosed information regarding improper governmental action may file a written appeal relating to any reprisal or retaliatory action; providing civil penalties for repeated violations of the Open Meeting Law; prohibiting an elected public officer from running for another elected public office unless he resigns from his current office or the term of his current office has expired; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Parks, Giunchigliani, Mortenson, Anderson, Buckley, Ocegüera, Perkins, and Smith:

Assembly Bill No. 420—AN ACT relating to the leasing of passenger cars; revising the provisions governing the imposition and collection of certain fees on the short-term lease of a passenger car; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Conklin, Anderson, Manendo, McCleary, Allen, Carpenter, Gerhardt, Horne, Mabey, Mortenson, Ocegüera, and Seale:

Assembly Bill No. 421—AN ACT relating to substances causing impairment; providing that once a person has been convicted of a felony for operating a vehicle or vessel while under the influence of alcohol or a controlled substance, any subsequent violation is treated as a felony; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman McCleary:

Assembly Bill No. 422—AN ACT relating to school districts; increasing the monthly salaries of members of boards of trustees of school districts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Sherer and Senator Rhoads:

Assembly Bill No. 423—AN ACT making an appropriation to the City of Caliente for repair of the access road into the Caliente Youth Center which will require the construction of a single-span bridge over the Clover Creek Wash; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Goicoechea and Senator Rhoads (by request):

Assembly Bill No. 424—AN ACT making an appropriation to the Nevada Northern Railway Museum in White Pine County for various improvements; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Giunchigliani, Parks, and Atkinson; Senator Titus:

Assembly Bill No. 425—AN ACT relating to development; requiring certain counties to restrict building heights in certain areas; requiring an impact analysis be conducted on certain buildings; requiring incentives for certain types of development; authorizing certain counties to develop an urban growth boundary in cooperation with incorporated cities within the county; establishing the Account for Smart Growth Development; requiring

zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment or variance in certain circumstances; requiring certain developments to conduct an analysis of the impact of the development on certain public resources; requiring a partial abatement from impact fees in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 6:01 p.m.

ASSEMBLY IN SESSION

At 6:04 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 311, just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 411 was referred to the Committee on Education be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Assembly Bill No. 421 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 23, 34, and 138; Senate Bill No. 114.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Uffelman.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Angle, T.J. Ott, and Fern Crotts.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Quyncee Horne, Jonah Vandever, and Toni Horne.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to John Lybbert, Scott McDaniel, and Steve Albertsen.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

Assemblywoman Buckley moved that the Assembly adjourn until March 25, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:05 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 25, 2005

Assembly called to order at 11:49 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Holcomb and Munford, who were excused.

Prayer by the Chaplain, Dr. Terry Arnold.

The psalmist declared in Psalm 118:24, "This is the day which the Lord has made; let us rejoice and be glad in it." Our Heavenly Father, on this holiest day of the year, please fill our hearts with Your worship, our heads with Your wisdom, and our hands with Your work. I pray in my Savior's name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 155.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 10—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this Constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the State ~~(six months)~~ and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The Legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this State for President and Vice President of the United States.

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

Motion carried.

By Assemblyman Perkins:

Assembly Joint Resolution No. 11—Proposing to amend the Nevada Constitution to effect a freeze on property taxes for senior citizens.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the

expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. *The annual property tax upon a residence owned and occupied by a senior citizen who has paid property taxes in this State during each of the previous 10 years must be limited to an amount not greater than the tax upon the assessed value of the property in the year in which the person:*

(a) Reaches the age of retirement, as defined by the Legislature; or

(b) Has paid property taxes in this State for each of the previous 10 years, whichever is later.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 12—Recognizing March 25, 2005, as Greek Independence Day in Nevada.

WHEREAS, Ancient Greece was the birthplace of the democratic principles and thought that fundamentally shaped the growth of democracy in world history, and our own democratic system of government traces its earliest roots back to the beliefs in freedom and representative government forged in classical Greece over 2500 years ago; and

WHEREAS, Greek literature, philosophy and theology form the foundation of western culture, and ancient Greece was the birthplace of the Olympic Games which today have become a celebration of international brotherhood, competition, sportsmanship, goodwill and peace, and demonstrate to all people of the world the unity of our common humanity; and

WHEREAS, After losing their independence in 1453, the Greeks bravely endured almost four centuries of foreign occupation, preserving their culture, language and religion in the face of oppression; and

WHEREAS, In 1821 at the monastery of Agia Lavras, Bishop Germanos of Patras chose the Feast of the Annunciation of Theotokos, one of the holiest days for Greek Orthodox Christians, to deliver the message that a new spirit was about to be born in Greece as he raised the banner of revolution to mark the beginning of the war of independence against the Ottoman Empire; and

WHEREAS, After a long, hard-fought struggle that lasted 8 years and involved countless sacrifices from the people of Greece for the cause of freedom, the independence of Greece was finally recognized with the signing of the Treaty of Andrianople on September 2, 1829; and

WHEREAS, In the late 19th Century, many Greek families sent their sons to the United States to earn wages and eventually return to Greece to buy land there, and in the pursuit of this dream, some of these immigrants made their way west to labor on the railroads and in the mines of Nevada; and

WHEREAS, Although, in the spirit of patriotism, many Greeks working in America returned to their motherland during the Balkan Wars to fight on behalf of their country, immigration to America resumed after World War I with the new dream of establishing homes and businesses, and these Greek Americans brought with them the cultural and social traditions of Greece which have helped create the diversity that gives strength to this Country; and

WHEREAS, The ideals of ancient Greece have influenced modern culture with important contributions in art, drama, literature, philosophy, government, mathematics, science and architecture, and the Greek Americans of today continue this legacy as they add their unique talents and traditions to the mosaic that is the United States of America; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize March 25, 2005, as Greek Independence Day in Nevada and join the entire Nation as it celebrates “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”; and be it further

RESOLVED, That all residents of Nevada are called upon to remember and cherish the democratic principles and love of freedom that are our heritage from ancient Greece and to show appreciation for the many contributions that Greek Americans have made to our Country and our State.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenschall.

Resolution adopted.

Resolution ordered transmitted to the Senate.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 13—Recognizing the contributions of the Hellenic Macedonian people to the creation, preservation and enhancement of the Hellenic culture of Greece throughout the world.

WHEREAS, Archeological evidence reveals that old European civilization flourished in Macedonia between 7000 and 3500 B.C. and the name "Macedonia" is the oldest surviving name of a country on the continent of Europe; and

WHEREAS, Through out its history, the present-day Greek territory of Macedonia has been a crossroads for both traders and conquerors moving between the European continent and Asia Minor and each of these transiting powers left its mark on the region, giving rise to a rich and varied cultural and historical tradition; and

WHEREAS, The first Greeks arrived in the area in approximately 2500 B.C. and, in conjunction with their settlements along the coastline of the Aegean Sea, settled the interior and influenced the art and politics of Macedonia; and

WHEREAS, Philip II raised Macedonia into a great European power and his ancient kingdom reached its height during the reign of Alexander the Great, who extended Macedonia's influence over most of Asia Minor, the Levant, Egypt, Mesopotamia, Persia, and even parts of India, and produced a lasting extension of Greek culture and thought across the ancient Near East; and

WHEREAS, During the centuries of occupation by the Romans and then the Turks, the Hellenic Macedonian people clung fiercely to their Hellenistic character and beliefs and carried them into their society today; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby recognize the contributions of the Hellenic Macedonian people to the creation, preservation and enhancement of the Hellenic culture of Greece throughout the world.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywoman Ohrenschall.

Resolution adopted.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 426—AN ACT relating to the Office of the Attorney General; revising provision governing the payment of litigation expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 427—AN ACT relating to housing; requiring each established place of business of a dealer, manufacturer, general serviceman or specialty serviceman to include name of the business and to conform to certain other requirements; authorizing the Administrator of the Manufactured Housing Division of the Department of Business and Industry to issue a cease and desist order against a licensee under certain circumstances; deleting the provisions that require a person to obtain a license before engaging in the business of a rebuilder, serviceman or installer of manufactured homes, mobile homes or commercial coaches; prohibiting a person from engaging in the business of a general serviceman or specialty serviceman without a license to engage in that business issued by the Division; subjecting a licensee to disciplinary action for failing to use certain forms for the sale and listing for sale of a manufactured home, mobile home

or commercial coach; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Gansert:

Assembly Bill No. 428—AN ACT relating to property; making various changes concerning property that is exempt from execution by creditors; revising the requirements for obtaining a homestead exemption; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne and Atkinson:

Assembly Bill No. 429—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to carry forward a person's excess credit for the payment of registration fees and governmental services taxes under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Sibley and Hardy:

Assembly Bill No. 430—AN ACT relating to taxation; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for medical goods and equipment; providing for such an exemption from certain analogous taxes if the voters approve the amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 431—AN ACT making an appropriation for a pilot project that will provide a free medical center for uninsured working residents of Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy and Gansert:

Assembly Bill No. 432—AN ACT relating to the Legislature; requiring a state agency or local government to include certain additional information in

a fiscal note for certain bills and joint resolutions; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy, Sibley, Gansert, Goicoechea, and Grady; Senators Hardy and Beers:

Assembly Bill No. 433—AN ACT relating to taxation of property; requiring the Department of Taxation to prepare a statewide property tax credit for owners and renters of certain property; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymen Leslie, Pierce, Carpenter, Goicoechea, Giunchigliani, Anderson, Arberry, Atkinson, Buckley, Conklin, Denis, Gerhardt, Grady, Hogan, Horne, Kirkpatrick, Koivisto, Manendo, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Sherer, and Smith:

Assembly Bill No. 434—AN ACT relating to environmental resources; providing for goals for water conservation in each county; creating a fund to be used to support the adjudication of existing water rights; requiring the State Engineer to conduct public hearings regarding interbasin transfers of water; conditioning and restricting the approval of certain applications for a permit to use water; providing for civil penalties and suspension or revocation of water permits for certain violations relating to water; revising the considerations and determinations the State Engineer must make before approving certain applications for a permit to use water; creating a fund to be used to protect existing water rights; revising the membership of the State Environmental Commission; providing for an inventory of water resources in this State; providing for a legislative study of water resources and management; providing a civil penalty; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 435—AN ACT relating to the Department of Motor Vehicles; requiring the Department to withhold a portion of certain fees imposed by the Department or a portion of the governmental services tax for use in paying the fees charged by certain issuers of credit cards or debit cards or operators of systems that provide electronic transfers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 436—AN ACT relating to manufacturers of tobacco products; providing additional procedures to aid in the enforcement of certain requirements for such manufacturers; revising the provisions governing the release from escrow of certain deposits by such manufacturers; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 437—AN ACT relating to manufactured home parks; revising provisions governing the rights and obligations of landlords and tenants of manufactured home parks; revising provisions governing the obligations of a landlord before the closure of a manufactured home park in certain situations; revising provisions governing regulations for the issuance and renewal of a limited dealer's license for mobile and manufactured homes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Koivisto, Parnell, McClain, Denis, Ocegüera, and Perkins:

Assembly Bill No. 438—AN ACT relating to programs for public personnel; revising the provisions governing the payment of a portion of the costs of coverage under the Public Employees' Benefits Program for certain retired public officers and employees who join or remain in the Program upon retirement; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 439—AN ACT making an appropriation to the Southern Nevada Workforce Investment Board for the establishment of a Job Corps Center in Southern Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Goicoechea; Senators Amodei and Washington (by request):

Assembly Bill No. 440—AN ACT relating to counties; revising the boundary line between Washoe County and Lyon County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Angle:

Assembly Bill No. 441—AN ACT relating to education; requiring all public schools to establish school community councils to prepare the plans to improve the achievement of pupils required of public schools; providing that certain required courses must be taught during 4 days of a regular school week and that elective classes and extracurricular activities must be taught on the remaining day; providing that certain teachers must not be required to work more than 4 days per week of school; requiring the State Board of Education to prescribe goals for the percentage of pupils that are reading at or above grade level for kindergarten through grade 3; requiring the development of a school literacy program at each elementary school; revising provisions governing the qualifications required of certain paraprofessionals for employment with a school district or charter school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Koivisto:

Assembly Bill No. 442—AN ACT relating to programs for public personnel; excluding health benefits provided pursuant to collective bargaining agreements from the provisions governing health benefits for officers and employees of local governments; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 443—AN ACT relating to municipal elections; amending certain city charters to revise the timing of municipal elections; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce, Leslie, Giunchigliani, Parks, Atkinson, Buckley, Denis, Gerhardt, Hogan, Kirkpatrick, Koivisto, McClain, Mortenson, and Ocegüera:

Assembly Bill No. 444—AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations establishing standards for the construction of liner systems for all classes of solid waste disposal sites and requiring the installation of a liner system at certain such sites; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 445—AN ACT relating to the administration of public agencies; transferring the Committee on Testing for Intoxication from the Department of Motor Vehicles to the Department of Public Safety; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 446—AN ACT relating to reporting; expanding the definition of “practice of court reporting” to include reporting by the use of voice writing; expanding the definition of “stenographic notes” to include certain records produced by voice writing; revising the circumstances under which a person who has received a passing grade on an examination for voice writing may be admitted for examination in this State for a certified court reporter's certificate; requiring an official reporter to make a record of certain proceedings; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Angle and Christensen; Senator Beers:

Assembly Bill No. 447—AN ACT relating to state financial administration; providing for a one-time credit against the basic governmental services tax that would otherwise be payable upon the registration of certain motor vehicles during the 2005–2006 Fiscal Year; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Angle and Christensen; Senator Beers:

Assembly Bill No. 448—AN ACT relating to taxation; repealing, in skeleton form, the basic governmental services tax and the supplemental governmental services tax; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Angle and Senator Beers:

Assembly Bill No. 449—AN ACT relating to taxation; repealing the business license fee, the business tax and the tax on financial institutions; re-enacting the business activity tax; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 450—AN ACT relating to elections; requiring the form adopted by the Secretary of State for the reporting of campaign contributions and expenses or expenditures to include a space to list cash on hand; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Munford:

Assembly Bill No. 451—AN ACT relating to education; requiring the Department of Education to prescribe a policy establishing a code of honor relating to cheating by pupils; requiring the policy to include appropriate punishments and consequences for violations, including ineligibility for receipt of a millennium scholarship for certain violations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Anderson:

Assembly Bill No. 452—AN ACT relating to convicted persons; expanding the immediate restoration of the civil right to vote to additional ex-felons; expanding the immediate and automatic restoration of certain civil rights to certain additional ex-felons; establishing requirements for employment applications that require disclosure of felony convictions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 453—AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to establish by regulation an additional drawing for game tags for certain persons; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 454—AN ACT relating to mental retardation; providing for the regulation of certain services provided to mentally retarded persons in their homes to maximize independence; requiring certification to provide such services; requiring the Legislative Committee on Health Care to review certain regulations concerning providers of supported living arrangement services; exempting certain persons who provide supported living arrangement services from the state certification and licensing requirements for practicing nursing in this State; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 426 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 426 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 429 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 429 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 438 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 438 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 443 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 443 be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 445 was referred to the Concurrent Committees on Transportation and Judiciary be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 445 be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 155.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time and ordered to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Armbrust, Daniel Armbrust, and Matthew Armbrust.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Denney, Susan Ansotegui, Mike Ansotegui, Celeste Cousins, Alissa Reavy, Roberta Clough, Josephina Middleton, Sue Smith-Ansotegui, Deborah Howard, Lynn Biggs, David Leasure, Monica Leasure, Maryann Homa, Dozi Grant, Maria Juana Barajas, Jesus Carrion,

Austin Chadwick, Nicholas Chapman, Cassie Copeland, Nathan Denney, Kayla Kinkade, Cedie Lewis, Wendy Lopez, Monty McCaffrey, Algenis Middleton, Shiam Ament, Clint Myers, Laura Nelson, Kayla Norcutt, Alyssa Hooper-Howe, Jared Pishion, Hailey Plumb, Daniel Pursley, Joshua Reavy, Michelle Grossell, Sue Homer, Timothy Raymie, Susan Bodega, Mike Esposito, Ame Martin, Julie Santos, Diane DeRose, Dan Lucas, Lisa Scheele, Santiago Robles, Allison Sherman, Taylor Steninger, Kayla Clough, Justin Domer, Joseph Baltazar, Jose Barrera, Jessica Callahan, Michael-Dee Ercia, Devin Farren, Juanita Gonzalez, Shelly Greenwood, Shantanna Irwin, Sonia Lopez, Colby Malone, Cynthia Martinez, Dulce Manchaca, Gloria Montes, Cristian Ortega, Jade Parkerson, Ian Pendarvis, Vanessa Perez-Garcia, Tiffany Sullivan, Tieler Tucker, Robert White, Caitlin Biggs, Christian Solis, Scotti Jenkins, Rosemary Homma, Silverio Montes, Angel Allsop, Demi Grant, Sierra Esposito, Lani Martin, Alysso Santos, Michael DeRose, Daniel Lucas, Khane Crooks, Alyssa Scheele, Renee Sandoval, Kylie Grossell, Briana Homer, Luis Vicencio, Nicolas Martinez, Aaron Raymie, Destry Thomas, Yoselina Carrion, Emedio Montes, Buster Kyte, and Carmen Fonseca.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Susannah Hooper-Howe and Cherry Williamson.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Mabey.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Manny Karvounidis.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, March 28, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:36 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 28, 2005

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. S. S. Rogers.

Dear Father, I come to You in the mighty name of Jesus, thanking You and praising You for our great nation. I thank You for the plans You have given our fathers, by which to govern our nation and for the divisions and the powers, so that we make sure destiny does not rest in the hands of one person. I pray for these in authority. I, therefore, lift up our Congress, our House of Representatives, our Senators and our Assemblymen. I pray that You will give power to the Legislative Body to be lawful and just. Father, I ask You to give them wisdom to make decisions that will strengthen the purpose of our nation. I desire that they would make right decisions concerning the policies, the social welfare, and the economics of our nation. I pray that You would cause Congress to be motivated more by the hands of You than by partisan or by personal concern. Remember that God is the hand of trust and our Creator.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 204.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

Monday, March 28, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 52, 177, 184, 186, 202, 209, 218, 253, 279, 302, 335, 336, 376, 382, 386, 398 and 434.

MARK STEVENS

Fiscal Analysis Division

Monday, March 28, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 147, 192, 242, 262, 300, 310, 311, 313, 349, 389, 391, 403, 405, 412, 413, 414, 423, 424, 431 and 439.

MARK STEVENS

Fiscal Analysis Division

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

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 455—AN ACT relating to elections; providing that a primary election must be conducted on the first Tuesday after the first Monday of June in even-numbered years; extending the period that a registered voter may absent himself from his place of employment for the purpose of casting a ballot; revising provision governing areas at public buildings for the use in gathering of signatures on a petition; revising provision governing the form for application to register to vote; providing that an out-of-state student enrolled in the University and Community College System of Nevada may serve as a member of an election board; revising the period of early voting by personal appearance; revising the provision governing registration to vote prior to an election; providing that a person who has failed to file campaign finance reports or financial disclosure reports or failed to pay certain civil penalties may not file a declaration of candidacy or petition for an initiative or referendum; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 456—AN ACT relating to county financing; authorizing the board of county commissioners in certain larger counties to transfer responsibility for the operation of the performing arts center in such a county to another governmental entity by cooperative agreement under certain circumstances; revising the provisions governing the planning, design and construction of a facility for vocational training for culinary skills in southern Nevada; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 457—AN ACT making an appropriation to the Urban Chamber of Commerce for the enhancement of its programs; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 458—AN ACT relating to the Lake Tahoe Basin; authorizing the issuance of general obligation bonds to carry out the Environmental Improvement Program; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 459—AN ACT making an appropriation to the City of Henderson for construction of a hospice and adult care facility in Henderson; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 460—AN ACT making an appropriation to the Clark County Public Education Foundation for continuation of current programs and expansion of outreach efforts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 461—AN ACT relating to education; making an appropriation to the Department of Education for distribution to school districts that adopt programs of performance pay and enhanced compensation for the recruitment, retention and mentoring of teachers; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 462—AN ACT relating to elected state officers; increasing the salaries of certain constitutional officers; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 463—AN ACT relating to correctional facilities; increasing the travel allowance for state employees who work at certain correctional centers or conservation camps; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 464—AN ACT relating to tobacco; making various changes regarding the sale, delivery and taxation of cigarettes; revising the duties, rights and licensing requirements of manufacturers, wholesale dealers and retail dealers of cigarettes; providing additional procedures for statutory enforcement; increasing certain criminal penalties and providing additional civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Commerce and Labor and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 465—AN ACT relating to controlled substances; prohibiting a person from allowing a child to be present within 1,000 feet of any conveyance or premises wherein certain crimes involving controlled substances other than marijuana are committed; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 466—AN ACT relating to the judiciary; requiring the Nevada Supreme Court to adopt rules and procedures for jury trials in certain civil actions in justices' courts that are designed to limit the length of such trials; reducing the maximum number of jurors who may serve on a jury in a civil action in a justice's court; reducing the number of peremptory challenges that each party is entitled to use in a civil action in a justice's

court; repealing provisions concerning the establishment of a mandatory short trial program for certain civil actions in justices' courts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 467—AN ACT relating to prisoners; providing that certain prisoners may not seek a waiver of fees to prosecute or defend a civil action; providing for the dismissal of certain actions and claims brought or maintained by prisoners under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 468—AN ACT relating to civil actions; revising the criteria for determining whether a case must be submitted to nonbinding arbitration; increasing the maximum number of jurors who may serve on the jury for a short trial; authorizing the Nevada Supreme Court to adopt rules and procedures for mandatory short trials in district courts under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 469—AN ACT relating to criminal procedure; revising certain provisions governing forfeiture of bail; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 470—AN ACT relating to criminal procedure; removing the provision which requires corroboration to prove certain crimes relating to prostitution; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 471—AN ACT relating to gaming; authorizing the Nevada Gaming Commission to adopt regulations governing the use of

mobile communication devices for gaming on the premises of licensed gaming establishments; providing that communications devices offered for play as part of a mobile gaming system are subject to the same fees and taxes applicable to slot machines; increasing the number of members of the Off-Track Pari-Mutuel Wagering Committee; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 472—AN ACT relating to juvenile justice; revising the provisions governing whether to deem a juvenile sex offender as an adult sex offender; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 473—AN ACT relating to child support; providing that a responsible parent who is delinquent in the payment of certain installments to pay support for a child is not required to pay a penalty if he will experience an undue hardship if required to pay the penalty; revising the manner in which the penalty is imposed; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 474—AN ACT relating to sporting events; revising the definitions of the crimes of assault and battery to include certain acts committed against sports officials at sporting events; revising provisions relating to the liability of certain medical professionals engaged in certain actions at sporting events; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 475—AN ACT relating to general improvement districts; revising the requirements for providing notice of certain matters relating to a district; authorizing a board of trustees of a district to increase the compensation of the trustees under certain circumstances; authorizing the board of trustees of a district to adopt and enforce regulations regarding the

date on which a charge for services provided by the district becomes delinquent; revising the provisions governing the merger, consolidation or dissolution of certain districts; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 476—AN ACT relating to public officers; providing for the imposition of certain penalties against a public officer who fails to carry out or enforce the provisions of a statute or regulation as required by law; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 477—AN ACT relating to public officers; revising provisions relating to the authority of deputies appointed by certain public officers; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 478—AN ACT relating to legal notice; providing in skeleton form for a legal notice or advertisement to be published on a website on the Internet; requiring a website on the Internet to register with the Secretary of State before accepting legal notices for publication; requiring the Secretary of State to provide a list of the websites on the Internet registered to publish legal notices; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 479—AN ACT relating to local governments; authorizing a county to sell, lease or exchange certain real property to or with a person who owns land located adjacent to the property; revising the provisions relating to the reconveyance of certain land; authorizing counties to sell, lease or exchange certain land without offering it for reconveyance; authorizing a municipality to sell, lease or exchange certain property that it acquired for the safe and efficient operation of an airport under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 480—AN ACT relating to programs for public employees; authorizing governing bodies of certain school districts, employee organizations, and governing bodies of certain school districts and employee organizations, to establish a plan of group life, accident or health insurance, or any combination thereof, for officers and employees of certain school districts and their dependents; establishing requirements for the administration of a plan; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT making a contingent appropriation to the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties for restoration of the railroad line from Virginia City to Carson City; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 482—AN ACT relating to county clerks; providing that certificates of marriage may be recorded with a county clerk under certain circumstances; providing for a county clerk who is authorized to record a certificate of marriage to charge a fee for such service; providing the requirements for county clerks to record certificates of marriage; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 483—AN ACT relating to local governments; revising provisions governing the timing of certain events for collective bargaining between local governmental employers and employee organizations; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 484—AN ACT relating to state employees; authorizing collective bargaining for certain state employees; changing the name of the Local Government Employee-Management Relations Board to the Public Employment Relations Board; expanding the duties of the Board to include collective bargaining for certain state employees; providing for bargaining units of state employees and for their representatives; establishing procedures for collective bargaining and for making, revising and amending collective bargaining agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 485—AN ACT relating to gaming; revising provisions governing the approval of a nonrestricted license for an establishment that is not a resort hotel in certain counties; revising provisions governing the moving of the location of an establishment and the transferring of its license to another location; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 486—AN ACT relating to civil litigation; making various changes to the provisions governing the provision of a bond in certain civil actions concerning manufacturers of tobacco products; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 487—AN ACT relating to cities; expanding the authority of the governing body of an incorporated city in a larger county to annex certain territory; authorizing the governing body of certain such cities to deannex territory in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 9 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Horne.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 86.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 3 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 219:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 488—AN ACT relating to energy; revising the requirements for certain facilities to qualify as renewable energy systems under the portfolio standard for renewable energy and energy from a qualified energy recovery process; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Assembly Committee on Growth and Infrastructure and the Senate Committee on Taxation:

Assembly Bill No. 489—AN ACT relating to the taxation of property; providing for the partial abatement of the ad valorem taxes imposed on property; directing the Legislative Commission to appoint a committee to study the taxation of real property; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 490—AN ACT relating to immigration; establishing provisions regulating providers of immigration assistance services; requiring written contracts between providers and clients; prohibiting certain practices by providers; requiring providers to deposit security with the Consumer Affairs Division of the Department of Business and Industry for the benefit of clients; providing civil remedies; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 491—AN ACT relating to regulated professions; revising provisions governing a private investigator, private patrolman, process server, reposessor, dog handler, security consultant, and polygraphic examiner or intern; increasing certain fees and fines; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 492—AN ACT relating to economic development; requiring the Commission on Economic Development to establish the qualifications of persons representing the State of Nevada in foreign countries to recruit businesses and industries to locate their offices and businesses in this State; requiring the Commission to appoint such persons and review their performances biennially; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 493—AN ACT relating to public welfare; requiring the Department of Human Resources to apply for a Medicaid waiver pursuant to the Health Insurance Flexibility and Accountability demonstration initiative; providing a mechanism for funding the benefits provided pursuant to the waiver; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 494—AN ACT relating to taxation; imposing, for 5 years, annual increases of 2 cents per gallon in the excise tax on motor vehicle fuels except aviation fuel; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 495—AN ACT relating to public health; establishing a program for the provision of prescription drugs and pharmaceutical services for certain persons with disabilities; making various changes concerning the allocation of the money in the Fund for a Healthy Nevada; repealing the requirement that the Department of Human Resources apply to the Federal Government to establish programs to extend coverage for prescription drugs and other related services for certain persons; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 496—AN ACT relating to cosmetology; requiring the State Board of Cosmetology to issue a license as a cosmetologist and massage therapist, or as an aesthetician and massage therapist, to a person who complies with certain requirements; providing for the issuance of a license to practice cosmetology on a temporary basis under certain circumstances; authorizing the Board to establish certain fees by regulation; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 497—AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; providing that a petition for initiative or referendum must embrace only one subject; providing for the review of the title of a petition for initiative or referendum by the Attorney General; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 498—AN ACT relating to the State Legislature; extending the date for expiration of the Legislative Committee for Local Government Taxes and Finance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 499—AN ACT relating to elections; requiring an election board to have a copy of a list of all registered voters in the county who are eligible to vote in an election; revising provisions relating to registering a person to vote; revising provisions relating to requesting and casting an absent ballot for an election; providing that an out-of-state student enrolled in the University and Community College System of Nevada may serve as a member of an election board; revising provisions relating to powers of a chairman of an election board; revising the provision requiring an employer to give an employee leave for the purpose of voting; revising the provisions relating to permanent polling places for early voting in person; revising the provisions relating to the casting of a provisional ballot; providing that a district attorney has concurrent jurisdiction with the Secretary of State to enforce the provisions of title 24 of NRS; directing the Legislative Commission to conduct an interim study of various matters

relating to the conduct of elections in this State; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 500—AN ACT relating to public office; revising various provisions relating to polling places; requiring a committee to select polling places for early voting by personal appearance; requiring the Secretary of State to maintain certain information on a website on the Internet; requiring that if a county clerk or city clerk maintains a website on the Internet, the county clerk or city clerk shall maintain certain information on the website; revising provisions relating to proof of residence for a person filing a declaration of candidacy; revising provisions relating to provisional ballots; revising provisions relating to public lists of registered voters; revising provisions relating to a person convicted of a felony and the right to vote; revising provisions relating to the filing of campaign finance reports; revising provisions relating to filing a statement of financial disclosure; requiring a chief administrative officer of certain districts to file a statement of financial disclosure; revising the number of requests for bill drafts made by newly elected Legislators; providing a civil penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 501—AN ACT relating to contractors; providing that certain managing officers, members, employees and other persons associated with licensed contractors are subject to disciplinary action by the State Contractors' Board; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of the administrative fines the Board may impose for certain violations; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 502—AN ACT relating to unemployment compensation; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to adopt certain regulations relating to unemployment insurance contributions; revising provisions relating to certain transfers of unemployment experience records; revising provisions relating to the timeliness of a request for review of or an appeal from certain actions of the Division; providing criminal and civil penalties; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 503—AN ACT relating to taxation; extending the period during which the Department of Taxation may issue a deficiency determination concerning the liability for taxes owed by a taxpayer who files a claim for a refund for the overpayment of taxes; and providing other matters properly relating thereto.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 504—AN ACT relating to motor carriers; exempting an owner or operator of a motor vehicle that is used for the transportation of passengers or property from the provisions governing fully regulated carriers under certain circumstances; requiring the Transportation Services Authority to issue a decal, sticker or other form of identification to the owner or operator of the motor vehicle under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 505—AN ACT relating to motor vehicles; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; revising the procedure pursuant to which vehicles are registered under the Interstate Highway User Fee Apportionment Act; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 506—AN ACT relating to motor vehicles; providing for the designation of a location to which a damaged or stolen motor vehicle must be towed; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 507—AN ACT relating to public safety; changing the designation of fireman to firefighter; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 508—AN ACT relating to notaries public; requiring certain persons who apply for appointments or reappointments as notaries public to complete a course of study approved, endorsed or provided by the Secretary of State; authorizing the Secretary of State to approve or endorse a course of study under certain circumstances; requiring the Secretary of State to charge a fee to determine whether to approve or endorse a course of study; prohibiting a notary public from notarizing the signature of certain persons; authorizing the Secretary of State to request that the Attorney General bring an action to enjoin a person who unlawfully represents himself as a notary public; increasing the fee for applying for appointment as a notary public; increasing the fee for duplicate or amended certificates of appointment; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 509—AN ACT relating to the City of North Las Vegas; revising the procedure for the enactment of ordinances; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Buckley moved that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, the Pack Paws, an organization promoting and advancing women's sports at the University of Nevada, the National Association for Girls and Women In Sports, and the Women's Sports Foundation join together to celebrate the 19th Annual National Girls and Women in Sports Day across the nation; and

WHEREAS, this day exists to acknowledge the past and recognize current sports achievements, the positive influence of sports participation, and the continuing struggle for equality and access for women in sports; and

WHEREAS, National Girls and Women In Sports Day began in 1987, as a day to remember Flo Hyman, for her athletic achievements and her commitment to assure equality for women's sports; and

WHEREAS, girls' and women's athletics at all levels, are one of the most effective avenues through which girls and women in Nevada can develop initiative, self-discipline, confidence, and leadership skills regardless of background; and

WHEREAS, girls' and women's sports is "More Than a Game," which is this year's theme, and the bonds built between girls and women through athletics help break down the social barriers of racism and prejudice, and the cooperation skills learned play a key role in their lives at home, work, and in society;

Dated this Twenty-Eighth Day of March, 2005

RICHARD D. PERKINS,
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Ciara McMillen and Caira Hane.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cailen Wachob.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Singleton.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Duana Heavel and Larry Mosley.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Jess Salmela, Kim Gervasoni, and Jessica Preslar.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Seevers and Debbie Fuetsch.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Venetia Horn and Jamie Martino.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cissy Rosenauer.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Glenn and Chandeni Gill.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Balkenbush and Janette Flowers.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Thomson.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Chrisine Tilley and Nawchali DeSilva.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Milton Schwartz.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Rollins and Tyler Hawler.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Montcalm, Jean Perry, Ashley Holt, Ashley Land, and Terri Patraw.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Glenn and Kerri Garcia.

Assemblywoman Buckley moved that the Assembly adjourn until March 29, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:35 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 29, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Kirkpatrick, who was excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Dear God, today it's still winter, though spring has begun. Today our hearts are wintry, grieving the death of Polly Gonzalez, though we trust Your promise of new life. Be with the family and friends of Polly during these days. Give them grace and strength sufficient for their journey ahead; give them bits of joy in the midst of their sadness; give them the assurance of Your ever abiding presence.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 12, 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 93, 120.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 14.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Gansert, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 14—Proclaims March 29, 2005, as Boys & Girls Club Day in Nevada.

WHEREAS, The future of the State of Nevada and its communities lies in its young people; and

WHEREAS, Today, in every community, many boys and girls are left to find their own recreation and companionship in the streets, and an increasing number of children are at home with no adult care or supervision; and

WHEREAS, With its humble beginnings in Hartford, Connecticut, in 1860, the Boys & Girls Clubs of America has grown to include a staff of 42,000 trained professionals and 168,000 adult volunteers who serve more than 4 million youth in approximately 3,400 locations in all 50 states, Puerto Rico and the Virgin Islands, plus domestic and international military bases; and

WHEREAS, The mission of the Boys & Girls Clubs of America is to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens by instilling in them a sense of competence, usefulness and belonging; and

WHEREAS, By providing an opportunity to learn and grow, to establish and maintain ongoing relationships with caring, adult professionals, and to participate in life-enhancing programs and experiences that promote character development, the Boys & Girls Clubs offer the important gifts of hope and opportunity to young people; and

WHEREAS, Through programs that emphasize character, leadership, education, career, health and life skills, the arts, sports, fitness and recreation, community mobilization and family involvement, the Boys & Girls Clubs of America have exposed members to new experiences, nurtured their undeveloped talents and inspired them to great achievements; and

WHEREAS, Although not all the members of Boys & Girls Clubs enjoy the celebrity status of alumni such as President Bill Clinton, Alex Rodriguez, Jackie Joyner-Kersey, Bill Cosby, Michael Jordan, Martin Sheen, Neil Diamond and Denzel Washington, many of the alumni of the Clubs have achieved the important successes in life, including gaining an education, raising a family, serving their country, pursuing a career and supporting the community; and

WHEREAS, Clubs active in Nevada include the Boys & Girls Clubs of Las Vegas, the Boys & Girls Clubs of Western Nevada, the Boys & Girls Club of Truckee Meadows, the Boys & Girls Clubs of Henderson, the Elko Boys & Girls Club, the Boys & Girls Club of Mason Valley, the Nellis Air Force Base Youth Center and the Boys & Girls Club of Fallon which recently opened on March 28, 2005; and

WHEREAS, April 3 to 9, 2005, has been proclaimed National Boys & Girls Club Week and will be celebrated by offering special events throughout the country that reach out to communities and illustrate the positive values and attitudes that the programs of the Boys & Girls Clubs deliver; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby proclaim March 29, 2005, as Boys & Girls Club Day in Nevada; and be it further

RESOLVED, That all Nevadans are called upon to recognize and commend the Boys & Girls Clubs in our State for providing comprehensive, effective services to the young people in our communities, and to join in any events being offered during National Boys & Girls Club Week; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Boys & Girls Clubs of Las Vegas, the Boys & Girls Clubs of Western Nevada, the Boys & Girls Club of Truckee Meadows, the Boys & Girls Clubs of Henderson, the Elko Boys & Girls Club, the Boys & Girls Club of Mason Valley, the Nellis Air Force Base Youth Center and the Boys & Girls Club of Fallon.

Assemblywoman Gansert moved the adoption of the resolution.

Remarks by Assemblywoman Gansert.

Resolution adopted.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 12—Urging the United States Department of Transportation to take action regarding federal cargo securement regulations.

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

Motion carried.

By Assemblywoman Parnell:

Assembly Concurrent Resolution No. 14—Directing the Legislative Commission to conduct an interim study regarding the effectiveness of financial incentives and enhanced compensation to attract and retain qualified teachers and regarding the expediency of test results on high school proficiency examination.

Assemblywoman Parnell moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 510—AN ACT relating to governmental publications; requiring state agencies and local governments to provide the State Publications Distribution Center of the State Library and Archives with notification of and access to certain electronic documents; revising provisions governing depository agreements; revising the manner in which the Center provides notice of the titles of publications received by the Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 511—AN ACT relating to tourism; authorizing the Executive Director of the Commission on Tourism to provide for the release and use of official publications of the Commission and certain information in the records and files of the Commission; authoring the Executive Director to charge and collect reasonable fees for the release and use of such publications and information; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 512—AN ACT relating to communications; authorizing the interception and recording of wire or oral communications in certain situations involving hostages and certain situations involving criminals or suspected criminals who are barricaded and resisting arrest; providing that wire or oral communications intercepted or recorded in such situations may be disclosed and introduced into evidence in judicial and administrative proceedings under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 513—AN ACT relating to education; requiring each public high school to prepare an annual report that includes certain information regarding teachers who provide instruction in the subject areas of mathematics and science and the results of pupils in those subject areas on the high school proficiency examination; requiring each school district and the Department of Education to compile and summarize the reports; revising

provisions governing the high school proficiency examination; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 514—AN ACT relating to education; making an appropriation to the Department of Education for distribution to schools to establish pilot programs that provide alternative educational settings for disruptive pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 515—AN ACT relating to education; requiring certain employers to grant leave to parents and guardians to participate in certain school conferences and activities at a child's school; prohibiting the termination, demotion, suspension or discrimination or threat of termination, demotion, suspension or discrimination against such a parent or guardian for taking the leave; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 516—AN ACT relating to employment; providing immunity from civil liability for employers who disclose certain information regarding a current or former employee to a school district or charter school; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 517—AN ACT relating to educational personnel; revising the definition of "immorality" as used in the provisions governing the grounds for suspension, demotion, dismissal and refusal to reemploy licensed educational personnel to include the acts of assault against a pupil and corporal punishment administered upon a pupil; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 518—AN ACT relating to education; authorizing the board of trustees of a school district to prescribe the minimum attendance requirements for pupils who are enrolled in kindergarten or the first grade and for pupils who are enrolled in certain programs of remedial education; revising related provisions governing the attendance and truancy of pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 519—AN ACT relating to the State Department of Agriculture; requiring the Department to immediately revoke the registry identification card of a participant in the State's medical marijuana program who has been convicted of knowingly or intentionally selling a controlled substance or who has provided to the Department or its designee certain falsified information; providing for the notification of a person whose registry identification card has been revoked; providing for the return to the Department of revoked registry identification cards; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 520—AN ACT relating to homeless persons; making an appropriation to Clark County for various services to assist homeless persons; making an appropriation to the Interim Finance Committee to provide the matching state money for the Shelter Plus Care federal program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 521—AN ACT relating to public health; exempting certain allocations of money from the Fund for a Healthy Nevada from the requirement that they be approved by the Interim Finance Committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 522—AN ACT relating to health insurance; prohibiting managed care organizations from requiring providers of health care to assume the financial risk for the costs of acquiring immunizations for children under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 523—AN ACT relating to sanitation; extending jurisdiction over agricultural programs administered by the University and Community College System of Nevada to local boards of health; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 524—AN ACT relating to public health; increasing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources; revising provisions concerning the program to provide prescription drugs and pharmaceutical services to certain senior citizens; requiring the Department to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance and certain Medicare pharmaceutical benefits; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 525—AN ACT relating to education; making an appropriation to the Department of Education for distribution to public schools to provide innovative educational programs; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Bill No. 525 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 525 be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 526—AN ACT relating to education; revises provisions governing the appropriation and apportionment of money for school districts that participate in the National School Lunch Program; eliminating the requirements for the reduction of pupil-teacher ratios for kindergarten; revising the pupil-teacher ratios for class-size reduction for grades 1, 2 and 3; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 527—AN ACT relating to education; renaming the University and Community College System of Nevada as the Nevada System of Higher Education; clarifying that the System includes state colleges; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 528—AN ACT relating to crimes; revising the crime of intimidating or threatening public officers and employees and certain other persons; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 529—AN ACT relating to the Public Employees' Retirement System; creating a Deferred Retirement Option Plan to allow certain public employees to obtain lump-sum payments with lower monthly retirement benefits; providing the requirements for the Deferred Retirement Option Plan; creating a Benefit Actuarially Calculated Deferred Retirement Option Plan to allow certain public employees to obtain lump-sum payments with lower monthly retirement benefits; providing the requirements for the Benefit Actuarially Calculated Deferred Retirement Option Plan; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 530—AN ACT relating to ethics in government; revising the definition of “willful violation”; authorizing the Commission on Ethics to investigate and take appropriate action under certain circumstances regarding certain alleged violations of ethical standards adopted by a county or city; prohibiting a public officer from accepting gifts under certain circumstances; revising the provisions governing abstention and disclosure relating to conflicts of interest; eliminating the circumstances under which a violation of the ethical provisions may be found not to be willful; revising the requirements relating to the reporting of gifts by a public officer on a statement of financial disclosure; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 531—AN ACT relating to controlled substances; providing an additional or alternative penalty if a first responder sustains substantial bodily harm or death during the discovery or cleanup of the premises wherein certain controlled substances were unlawfully manufactured or compounded; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 532—AN ACT relating to technology; extending the date for the reversion of a portion of the appropriation made by the 2003 Legislature to the Department of Administration for the digital microwave project; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 533—AN ACT relating to technology; extending the date for the reversion of the appropriation made by 2003 Legislature for state radio systems; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 534—AN ACT relating to the University and Community College System of Nevada; authorizing the Board of Regents of the University of Nevada to issue revenue bonds to finance a portion of the cost of constructing parking facilities at the Community College of Southern Nevada and a residence hall at Western Nevada Community College; increasing the total authorized amount of certain revenue bonds that the Board of Regents may issue for certain facilities at the University of Nevada, Reno, and the University of Nevada, Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 535—AN ACT relating to fire protection; authorizing a county fire protection district, under certain circumstances, to annex all or part of a fire protection district receiving federal aid; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 536—AN ACT relating to controlled substances; prohibiting the illegal use of a controlled substance by a pregnant woman who knows she is pregnant; authorizing a court to suspend proceedings for such an offense in certain circumstances and require the woman to undergo treatment and rehabilitation; providing that such an offense constitutes abuse or neglect of a child for certain purposes; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 537—AN ACT relating to property; clarifying that a claimant or any contractor, subcontractor, supplier or design professional may submit a question or dispute to the State Contractors' Board concerning any matter which may affect or relate to a constructional defect; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 93.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 120.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 86:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that the action whereby Assembly Joint Resolution No. 12 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblywoman Buckley moved that Assembly Joint Resolution No. 12 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ocegüera moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 5:27 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 489, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 103.

Amend sec. 2, page 3, line 2, by deleting “6,” and inserting “7,”.

Amend sec. 3, page 3, line 12, by deleting “*section 5*” by inserting: “*sections 5 and 7*”.

Amend sec. 3, page 3, line 13, by deleting “*occupied by*” and inserting: “*the primary residence of*”.

Amend sec. 3, page 3, line 18, by deleting “*apportioned to*” and inserting: “*which is taxable in*”.

Amend sec. 3, page 3, by deleting line 23 and inserting:

“(a) *The amount of all the*”.

Amend sec. 3, page 4, by deleting lines 17 through 26 and inserting:

“(b) *“Single-family residence” means a parcel or other unit of*”.

Amend sec. 3, page 4, line 30, by deleting “(e)” and inserting “(c)”.

Amend sec. 3, page 4, line 33, by deleting “(f)” and inserting “(d)”.

Amend sec. 3, page 4, line 43, by deleting “(g)” and inserting “(e)”.

Amend sec. 4, page 5, line 3, by deleting “2” and inserting “3”.

Amend sec. 4, page 5, line 4, by deleting “*section 5*” by inserting: “*sections 5 and 7*”.

Amend sec. 4, page 5, line 5, by deleting “*property*” and inserting: “*property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year*”.

Amend sec. 4, page 5, line 10, by deleting “*apportioned to*” and inserting: “*which is taxable in*”.

Amend sec. 4, page 5, by deleting line 15 and inserting:

“(a) *The amount of all the*”.

Amend sec. 4, page 5, by deleting lines 34 through 43 and inserting:

“2. Except as otherwise required to carry out the provisions of sections 5 and 7 of this act, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) *The amount of all the ad valorem taxes:*

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or

(2) Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year,
whichever is greater.

3. *The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of section 3 of this act provide a greater abatement from taxation.*

4. *The amount of any ad valorem taxes levied in a county which, if not for the provisions of subsections 1 and 2, would otherwise have been collected for any property for a fiscal year must, except as otherwise required to carry out the provisions of*.

Amend sec. 4, page 6, line 6, by deleting “paragraph” and inserting “subsection”.

Amend sec. 4, page 6, line 8, after “1” by inserting “or 2”.

Amend sec. 4, page 6, by deleting lines 10 through 23.

Amend sec. 4, page 6, line 24, by deleting “4.” and inserting “5.”.

Amend sec. 4, page 6, line 27, by deleting “5.” and inserting “6.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. 1. *In addition or as an alternative to increasing the rate of an ad valorem tax pursuant to section 6 of this act, a taxing entity may, if otherwise so authorized by law and upon the approval of a majority of the registered voters of the county in which the taxing entity is located, levy or require the levy on its behalf of an ad valorem tax at a rate that is exempt from each partial abatement from taxation provided pursuant to sections 3 and 4 of this act.*

2. *For the purposes of this section, “taxing entity” means any political subdivision or other legal entity, other than the State, which has the right to receive money from any ad valorem taxes levied in a county.”.*

Amend the bill as a whole by renumbering sections 8 through 11 as sections 10 through 13 and adding a new section designated sec. 9, following sec. 7, to read as follows:

“Sec. 9. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law to the contrary, a local government shall not increase the rate of any ad valorem tax levy over the amount of the levy in the immediately preceding year unless the increase is approved by the Nevada Tax Commission, upon recommendation of the Committee on Local Government Finance.”.

Amend sec. 9, page 8, by deleting line 39 and inserting:

“Sec. 11. 1. The provisions of sections 3 to 7, inclusive, of this act”.

Amend sec. 9, page 8, between lines 41 and 42, by inserting:

“2. *If the levy of an ad valorem tax has been approved by a majority of the registered voters of a county before the effective date of this act and no portion of that levy has commenced before the effective date of this act, that levy shall be deemed to be approved and levied pursuant to section 7 of this act and to be exempt from each partial abatement from taxation provided pursuant to sections 3 and 4 of this act.”.*

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel.

For: Assembly Bill No. 555.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees.)

Has been granted effective: March 29, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 13—Expressing support for the Healthy Forests Initiative and urging the Congress of the United States to make the necessary appropriations for full implementation of the Healthy Forests Restoration Act.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 14—Urging the Nevada Congressional Delegation to introduce and to support federal legislation mandating the reporting of results of all clinical trials and the collection and analysis of the data by the appropriate federal agencies.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 15—Urging the President and the Congress of the United States to support the participation of Taiwan in the World Health Organization.

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

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 16—Proposing to amend the Nevada Constitution to provide requirements for the enactment of property and sales tax exemptions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 6. 1. *The Legislature shall not enact an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail unless the Legislature finds that the exemption:*

(a) *Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and*

(b) *Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.*

2. *In enacting an exemption from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail, the Legislature shall:*

(a) *Ensure that the requirements for claiming the exemption are as similar as practicable for similar classes of taxpayers; and*

(b) *Provide a specific date on which the exemption will cease to be effective.*

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

Motion carried.

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

Assembly in recess at 5:33 p.m.

ASSEMBLY IN SESSION

At 5:41 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 538—AN ACT relating to ethics in government; revising the restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with a public utility; authorizing the Commission on Ethics to employ legal counsel in certain circumstances; revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a state agency; revising provisions governing abstention from voting for members of a county or city planning commission in larger counties; providing a time limitation for the submission of certain requests for opinions by the Commission on Ethics; revising the penalty for the acceptance or receipt of an honorarium; revising the requirements relating to the filing of statements of financial disclosure; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 539—AN ACT relating to trade practices; prohibiting certain persons from renting, leasing or selling consumer goods or services at unconscionable prices during an abnormal disruption of the market for those consumer goods or services; providing that such a rental, lease or sale constitutes a deceptive trade practice; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 540—AN ACT relating to cranes; requiring the Division of Industrial Relations of the Department of Business and Industry to include in its regulations provisions requiring an applicant for certification as a crane operator to be certified by certain organizations; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 541—AN ACT relating to elections; changing the date of the primary election; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 542—AN ACT relating to the Legislature; revising the provisions governing the transfer of employees from the Legislative Counsel Bureau to the Senate or the Assembly; and providing other matters properly relating thereto.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 543—AN ACT relating to the Legislature; providing for specified information to be confidential to assist legislative committees

and studies in obtaining information; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 544—AN ACT relating to children; revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain certain information concerning a person who is alleged or found to have committed abuse or neglect of a child in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 545—AN ACT relating to health care; requiring a medical facility to provide an estimate of the cost of a medical procedure to a patient before the procedure occurs; prohibiting a medical facility from charging more than 10 percent more than the amount estimated; providing certain exceptions; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 546—AN ACT relating to ethics in government; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; increasing the civil penalty for failing to file reports related to campaign contributions and expenditures; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 547—AN ACT relating to taxation; revising the formula for the distribution of revenue from a certain additional tax on certain motor vehicle fuel between a county and a city within that county; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT relating to state financial administration; providing funding for the Nevada Commission on Sports; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT making appropriations for support of mental health services in Clark County; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 550—AN ACT relating to crimes; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training or education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices for certain periods of time by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 551—AN ACT relating to guardianships; revising certain provisions relating to notice and notice by citation; providing that a guardian is a fiduciary; defining an “interested person” for purposes relating to guardianships; revising certain provisions relating to incompetent persons; revising provisions governing the powers of a guardian; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 552—AN ACT relating to public works; revising the provisions governing the determination of the prevailing wages by the Labor Commissioner; providing that the prevailing wages in effect at the time of opening bids for a contract for a public work to be the prevailing wages for the duration of the public work project; revising the provisions governing the maintenance of records relating to employees of contractors and subcontractors engaged on public works; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and that Assembly Bill No. 489, just returned from the printer, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblymen Buckley, Hettrick, Giunchigliani, Carpenter, Christensen, and Mr. Speaker.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal:

ASSEMBLYWOMAN BUCKLEY:

I rise today in support of Assembly Bill 489, which has frequently been referred to as the hybrid tax proposal. This bill has been nicknamed so because it is the product of many, many discussions about various tax relief proposals, about the impact of those proposals on property owners and on critical services, such as education and public safety. This is not an easy issue. There are over 300 taxing districts in Nevada and millions of parcels subject to the tax. Each county has totally different circumstances, and proposed solutions may have very different consequences for each county.

After sorting through all these factors, we are considering today Assembly Bill 489, which I believe makes sense for a number of reasons. First, it provides meaningful relief to homeowners. Under the severe economic hardship provision of our *Constitution*, the property tax bills of all owner-occupied, single-family residences will not increase more than 3 percent. It also provides meaningful relief for everyone else. All other property, including businesses, will not see their property tax increase more than twice the Consumer Price Index or the ten-year average of assessed valuation, whichever is larger. This will protect those rural counties who have not seen the growth in property tax value as has been seen by the urban counties. This measure looks to the future. There will be an interim study of the property tax structure in our state. It is anticipated there will be additional proposals introduced for changing the *Nevada Constitution*, to allow more leeway to deal with situations in different counties, and to meet the changing needs and circumstances in our state.

Looking to the different provisions in the bill, let us first look at severe economic hardship and the constitutional requirement that what we do must be uniform and equal. In 2002, the

people of the state of Nevada spoke and allowed relief for owner-occupied residences. The situation then was a foreshadowing, and similar to what is going on right now. When the people voted to amend the *Constitution*, the situation was that assessed valuations were beginning to rise. We began to see aberrant effects, such as those in the Lake Tahoe area forced to see incredible increases because of the beautiful area up there, but due to the restrictions on growth and building, as well. Clearly, it was the duty of the Legislature and is our duty now to give impact to the constitutional amendment passed by the voters. In 1867, the Nevada Supreme Court defined what they meant by uniform and equal. In a case at that time, they held that mining was not exempt from taxation. Today, our society is much different and much more complex than was ever considered in those days. The courts must recognize the difficulty of providing tax relief to the citizens that is uniform and equal. What we have been able to do, because of the constitutional amendment, is to develop a fair definition of severe economic hardship and help everyone else equally. Ultimately what we chose, since we are not bound by a mathematical precision, was what we found to be fair, after many, many hearings. We chose the 3 percent level because we believe that level, close to CPI, is a reasonable indication of hardship. It is roughly proportional to the usual annual increases in salaries for many employees and for social security recipients. Setting the property tax relief at 3 percent ensures that property tax increases will not outstrip increases in benefits, thereby avoiding the severe economic hardship that our voters feared.

The *Constitution* left the definition of severe economic hardship up to the Legislature, and the courts should defer to the very difficult decisions that we have to make. Surely, the courts will understand that our decision was not lightly undertaken or easily made and was reached after hours and hours of testimony, looking at a variety of possible solutions, along with pages and pages of financial data on the impact.

We cannot ignore the financial difficulties faced by many Nevadans, similar to many Americans, with personal savings at an all-time low, personal debt burdens being at an all-time high. In other words, our citizens demand and need our relief that we would adopt today. This same reasoning applies to the selection of the method of tax relief for all other properties. In reaching that, we were guided by many of the same principles that we used for owner-occupied residences. Again, we are balancing achievement of equality with taxation, with the costs and burdens of the administration of a property tax relief plan. We did not want to create a plan that was mean tested, which would require millions of dollars in administration costs. We right now provide exemptions for veterans, regardless of income. This allows relief to be immediate without costing millions of dollars in the cost of administration as well. Other states have instituted percentage caps as a reasonable means of providing tax relief, and many of those states also have a uniform and equal mandate in their constitutions. The Legislature is also mindful of the volatility of the real estate market and felt that subjecting tax payers to the whims of that market, especially with the market conditions we are experiencing, is not reasonable. Rather, by choosing a cap that represents the ten-year average growth in a county, we felt that number more fairly represented the actual growth in property values and would effectively smooth out the spikes and be a fair way of achieving property tax relief for those properties.

Over time, and in the end, the caps will balance out the growth and extraordinary market factors, and achieve uniformity and equality. When determining uniformity and equality, we will ask the courts to look at the big picture as we have done these many months. Finally, we had very difficult decisions on how to treat new growth; that is, properties that were not on the tax roll before, and just came on. And we chose that all of us with existing houses and businesses bought or built them knowing that we would be taxed on the full value of improvements and new growth would be subject to the same rules. Since owners of new properties have built or purchased their homes or businesses knowing what the initial tax burden will be, they have no expectation or immediate need for a leveling cap. After one short year, new properties are then old and able to take advantage of the same property tax relief granted for everyone else.

In summary, I would urge your support of Assembly Bill 489. We had a difficult, difficult time in the last several months trying to achieve equality and fairness statewide. I'm proud that our Body came together in a bipartisan journey, with representatives from every county in the state coming together for the good of our state, to give immediate relief so that the assessors

know what to do when these bills go out and do the right thing for Nevada. And with that, Mr. Speaker, I would urge the Body to support Assembly Bill 489.

ASSEMBLYMAN HETTRICK:

I would like to refer everyone here to the bill itself, Assembly Bill 489. I would urge you to look at the preamble. The preamble lays out the very reason why we are considering this bill and have been for the last two months. This issue has been on our minds for much longer than that because we all started hearing from our constituents some time ago. What I would like to do, Mr. Speaker, is purposely read into the record three of the paragraphs. I urge my colleagues to look at all of the preamble. I'm going to start with paragraph 9.

"A new property tax system must be considered which will allow relief to the residents whose property tax values have increased to such an extent as to jeopardize their ability to continue to live in their homes, while also accommodating the needs of rural communities where assessment values are decreasing and the burden on local governments in all counties that must provide for increased demands on services;

"It is critical that a solution to this property tax crisis is found which takes into consideration the disparities among the different counties in Nevada, and which is fair and equitable to all property owners in the state and to local governments, whether large or small, rural or urban; and

"The provisions of this act are necessary to ensure that the property owners of this state are protected from severely spiking property tax bills that will otherwise threaten their ability to continue living in their homes during the next two years while the Legislature studies our current property tax statutes to determine the appropriate remedy to the current property tax crisis."

I think that is absolutely the crux of what we are trying to do here today. We are saying that we have crafted the fairest, most equitable bill we can, that addresses every property owner in this state. We have done that in a fashion that still will support local government, schools, and the services that the citizens of Nevada expect us to provide. I urge my colleagues to support this bill. I think it is indeed a bipartisan effort. I appreciate the opportunity to work with my colleagues in this chamber on crafting this bill, and I believe it will receive bipartisan support. I urge everyone to vote for this bill.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I, too, rise in support of this Assembly Bill 489. I was one of those first people that said, "Oh, we have to have a means test." If we are going to deal with the value of property, I want to make sure that my older homes are protected. But I was convinced, even by my own mother at one point, that the issue comes down to the value of the home, the one most priceless that you are able to build, maybe even with your own hands. The value luckily goes up. But that is on a fixed income. And since my dad passed away, that is it. That is all she has. And if the taxes go up too high, she has no ability to maintain that property. I have to thank the Incline individuals for convincing me otherwise because I was not of that mindset at the time.

That is why I think this bill is the great equalizer, despite what you are going to hear in the halls or the debate that may take place after we leave this room, this piece of legislation levels the playing field. As the Majority Leader said, the voters put in "severe economic hardship." We have not been able to define it. Last session, there was an attempt to do so, but we did not get there. This bill finally does get there. It says if you are in your home, and you're an owner occupied home, no matter what your means may be, we recognize that too huge a price inflation should not be a reason that you could risk losing your home. So the 3 percent, to me, was far more valuable, to my constituents, and to your constituents as well. The Minority Leader pointed out the preamble. I wanted to read subsection 3 of section 1. "Increased land values translate into increased property tax bills, which is an unexpected financial burden to many property owners, a large number of whom are forced to live on fixed incomes, which typically only increase minimally each year."

There are actually studies now showing, maybe in the private and public sector, that salaries might go up 3 percent this year, or something along those lines. We actually have a personable debt burden that has grown accordingly. Unfortunately, that increase in debt leads to a housing debt. The American dream of being able to own your own home is in jeopardy. What we are trying to do, here in Nevada, is not overreact and not underreact, but try to bring something in that worked best for Nevadans. I think this legislation also helps us recognize that believe that

you do need services for government. You pay taxes for a reason. Education will see a little shortfall; thank God it was not as much as we thought it was going to be, but that is a state obligation by *Constitution* and we have an obligation this session to make up that potential shortfall. The very individuals who may complain about not wanting to pay government taxes may become the very individuals who need some of those services down the road, whether it be transportation, whether it be Senior Rx programs, whether it be local programs, whether it be our police and our fire, making sure that their homes are protected from fire and that they are protected from any kind of security issues. All of that takes money. What this does is it takes a reasonable approach, it slows that huge spike, as we called it, the spike buster, and makes sure that government can grow, but grow within its means; that it has to react as well as our constituents do. Three percent, considering the fact that they were looking at some cases of 20 and 30 percent, is a huge, huge decrease in capturing and reducing the amount of spending that they will be able to do, while still making sure that services are protected. And that has to be our obligation when we look to it. We can't just sit up here with blinders on and say, "It doesn't matter to me what happens at the local government level." It does, because those are closest to our constituents and that is what we need to make sure is at least protected and provided for.

Assembly Bill 489, again, is a piece of legislation that I commend my colleagues for working on as hard as they did. I called it the great healer, Mr. Speaker, because I think after the contentiousness of last session, this actually brought us together. It would be unusual to see a property tax debate bring us together, but I think it showed we were actually individuals who could step up to the plate and put aside our differences to see that no one person's idea was better than anyone else's. We had to sit down at the table and come up with a resolution. That is what this bill does. I hope that the individuals across the hall see it for what it is. It is a level playing field, it does give true tax relief, and it is permanent. There is a constitutional amendment that we still have to deal with. There are many other pieces, but this is the number one part of the puzzle and I urge your support.

ASSEMBLYMAN CARPENTER:

I rise in support of Assembly Bill 489. As a resident of rural Nevada, I was most concerned that what was going to happen was that the tax reform, if you want to call it that, was going to put a great burden on our local communities and the rural areas. We all know that those areas and local governments, for the most part, have been very conservative through the years and have had to be that way. If this legislation would have further eroded their ability to provide those services, it would have been a very detrimental thing to our rural communities. Although I was not in on the drafting of this, I must congratulate my two colleagues for doing a lot of work on this. I feel that we have arrived at a balance here. It may not be perfect. We all know that most things in this life are not perfect, so we have to work on it, but I am supporting this because I think that the means for providing those services will still be there. The rurals may have to cut a little more, but I think they can get by because they have been used to doing that. So, for those reasons, I urge my colleagues to support Assembly Bill 489.

ASSEMBLYMAN CHRISTENSEN:

I will be voting yes on this measure. I just wanted to share a couple of thoughts with my colleagues. It is obvious that Nevada is known worldwide as a great place to bring a family and to start or expand a business. I do want to share a thought, and that is that we are all stewards of this continuing trend. We can, through our actions here, keep that going. We can also bring it to a screeching halt as we have seen happen in other states. I do believe it is dangerous to bifurcate property taxes, as I see happening in this bill; primary residence versus everything else. I know that my homeowners will welcome this tax relief, while home and apartment renters, small business owners leasing apartment space, could be negatively affected by this, as time goes on, again, depending on our actions here. A 3 percent cap to residences is a big stride in the right direction. I do want to congratulate those who worked on that. I just wanted to share my concern that I do hope, as soon as we can, that we keep property tax together to where we do not have two different forms and we can quickly bring that back together and show the world that, whether someone is coming here for their primary residence or to bring their business here, we as a Legislature fully stand behind them, that the taxation environment here is predictable.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I just wanted to clarify, as I got caught up in this, that this bill does assist both businesses and primary residences. We do have to deal within the confines of uniform and equal to make sure that we do what the voters said, which was for severe economic hardship for owner-occupied residences. So we are keeping in line with what the *Constitution* calls for. In addition to that, we actually had some testimony today from many businesses. One particular chamber of commerce has 200,000 employees. Their employees are either mobile home owners or residential owners. In that capacity, they will receive the 3 percent benefit. So, at least they are being taken care of. In addition to that, if those businesses happen to have the type of spikes, we never heard any testimony they were encountering the same kinds of increases that the residential property owners were. If they were having a 20 or 30 percent, they are actually lowered, so we are not treating them differently. The amount might wind up being a little bit different. Right now, our property owners, our residents, do not have the ability to go in and make some argument before a board of equalization. I would say that we have some further work to do in trailer bills to take a look at whether or not we should define it so that maybe more small businesses could qualify for that same kind of abatement that the larger companies tend to be successful at getting.

There is much more to be done, including the constitutional amendment that allows us to create uniform and equal by counties, which is part of what we get stuck with. This causes some of the causes of the spike buster to have to occur so we could make sure the rural counties were not negatively impeded. We just did a quick analysis; only one business saw a 19 percent increase in Clark County. All the rest were at 1 to 3 percent. Our homeowners were seeing 10 to 40 percent. I do think this bill takes accommodation to the individuals who were the most egregiously hurt by the property tax increases.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

As Chair of the committee, let me offer my thanks to the Minority Leader, Majority Leader, the committee members, and others who worked on this. It truly has been a bipartisan effort. We have overcome great odds, I believe, in accomplishing this, and it is a breath of fresh air when you compare the work this session to last session. As the presiding officer here, I appreciate that a great deal.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 553—AN ACT relating to intoxicating liquors; requiring a license to engage in business as a rectifier of distilled spirits in this State; requiring a license to engage in business as a supplier of wines and liquors in this State; revising provisions governing the business of rectifying distilled spirits; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 554—AN ACT relating to taxation; clarifying the definition of “business” for the purpose of collecting the state business license fee; exempting certain community banks from the taxes imposed on branch offices of financial institutions; reducing the tax on financial institutions imposed on certain community banks located in smaller counties; expanding the exemption from the tax on live entertainment provided for nonprofit organizations; clarifying the provisions governing the administration of the use taxes on the receipt of personal property acquired free of charge at public events; expanding the exemptions from the taxes on the transfer of real property; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Mabey:

Assembly Bill No. 555—AN ACT relating to medical professionals; making various changes to the provisions governing certain medical professionals; providing for the imposition of certain civil penalties; and providing other matters properly relating thereto.

Assemblyman Mabey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

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

Assembly in recess at 6:18 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

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

ASSEMBLYMAN OCEGUERA:

Today, we remember a woman who was an inspiration to so many people. Most of us only knew Polly Gonzalez as a longtime news anchor on Channel 8 in Las Vegas. She was much more than that. First and foremost, Polly was a dedicated mother of two beautiful little girls. It was that love for those two little girls that took them to Death Valley yesterday so Polly could show them the rare sites of a normally dry, desolate desert blooming with life as it was blanketed with flowers. In addition to serving as a role model to her children, Polly was an inspiration to the entire community. As the first Hispanic anchor in Las Vegas, Polly took every opportunity to send a message to young girls and Latinos across southern Nevada: with education and hard work, they, too, could grow up and be as successful as she was. Today, we honor Polly's passion

for life, her children, her work, and her community. She will be sorely missed on the air in Las Vegas and the people whose lives she touched in her own special way.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 204.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Peterson, Jean-Paul DeChambeau, and Angela DeChambeau.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Tabitha McAndrews and Cindy Berg.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Elia Cobian and Alan Anspach.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Price.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Reyes and Alishia Reyes.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandro Mentado and Jackie Valdera.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron West-Guillen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Giorgi, Vernon Hanson, and Sherry Montero.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Fultz and Wendy Fultz.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Fernanado Vargas, Laura Flores, and Ricardo Bullon.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tawnya Cook and John Ponticello.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to John Rapanos.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Renaldo Davis and Charles Irvin.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Steve McCoy.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Christal Nachalle Rains, Taya Carlene Rains, Katelynn Creon, Stephanie Badders, and Terry Trout.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Quinn and Kevin McCartney.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Smith and Debbie Smith.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, March 30, 2005, at 4:45 p.m. and that it do so in the memory of Polly Gonzalez.

Motion carried.

Assembly adjourned at 6:19 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 30, 2005

Assembly called to order at 4:50 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Dear God, we pray for the people of Indonesia who once again have had their world shattered by earthquakes and aftershocks. Be with the family and friends of those who have died, and give them both strength and hope to pick up the pieces of their broken lives. Be with the aid workers who labor on our behalf. Give them energy and gracious spirit as they tend to the many kinds of wounds. We pray for ourselves as well, for times when we are shaken, things get turned upside down and our cages get rattled. In these times, give us laughter, keep us gracious and grant us the wisdom to take our work seriously and ourselves not too seriously.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill Nos. 16, 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman**Mr. Speaker:*

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman**Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 205, 227, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 5.

Resolution read.

The following amendment was proposed by Education:

Amendment No. 45.

Amend the preamble of the resolution, page 1, line 13, by deleting “46” and inserting “83”.

Amend the preamble of the resolution, page 2, line 1, by deleting “\$28,593,329” and inserting “\$14,108,618”.

Amend the preamble of the resolution, page 2, by deleting lines 40 through 45 and inserting: “benefit to all of Nevada’s school children; now, therefore, be it”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Resolution ordered reprinted and engrossed.

SECOND READING AND AMENDMENT

Assembly Bill No. 145.

Bill read second time and ordered to third reading.

Assembly Bill No. 404.

Bill read second time and ordered to third reading.

Mr. Speaker appointed Assemblyman Atkinson and Assemblyman Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Jon Porter.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker’s rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Care, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Hardy and Assemblyman Seale to wait upon Representative Porter and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Jon Porter, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Porter and invited him to deliver his message.

Jon Porter, United States Representative, delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-THIRD SESSION, 2005

Thank you very much. It is great to be home. I can remember a few years ago, I see some very familiar faces, sitting in the Senate. I think Randolph would say, "Jon, we really have to listen to that federal delegation. When there is a member here from Washington we really have to go." I would say, "Are you sure we have to go?" Randolph said, "No, we don't have to go listen to those guys from Washington." Randolph, thanks for being here today. It means a lot to me.

I know you have a lot of business to do, and I appreciate your hospitality, and I appreciate the honor of being here with all of you who are doing such a great job for the State of Nevada. It is like coming home, as I mentioned.

Let me tell you, every day, I am so proud of Nevada. I have the opportunity to sing the praises of everyone in this room to local governments, our constituents, to our business community, and to our families. We have a chance, here in Nevada, to set the stage for the rest of our country. I have, many times, visited some of our men and women in uniform, in Bethesda or in Walter Reed Army Hospital. I know that our prayers go out to all those individuals, their families and loved ones, and especially those who have paid the ultimate sacrifice by giving their life. I visited these folks in the hospital. One gentleman was run over by a tank; many have lost their arms and limbs. It is heartwarming to see how proud they are to serve their country.

I would traditionally say that I was a Congressman from the state of Nevada. They would say, "That is nice, Congressman. How are things in Nevada?" Of course I would talk a bit about their family and what was happening. Finally one individual said, "Have you ever been to Las Vegas?" He had a twinkle in his eye. I represent the state of Nevada, even though my district is in southern Nevada, I represent everyone. I am proud to say that I represent the whole state. But, I will tell you what I learned from that individual as he had a twinkle and said, "I want to come to Las Vegas sometime," and another gentleman down the hall said, "I was there before I went in the service and I got married there," or "I am going to go to Las Vegas and have a party." I now introduce myself as the Congressman from the state of Las Vegas. Please, to my friends in northern Nevada and my friends in Boulder City, Henderson, and North Las Vegas, I represent all of you, but I think it is interesting to note that there are so many people out there who are watching what is happening in Nevada, so I like to mention Las Vegas. If we can put one little sparkle in the eye, I think that is the way to do it because they all want to visit us and see what is happening.

I brag about Las Vegas, I brag about North Las Vegas and northern Nevada. But you know what? It is all real. Look what has happened in Nevada. We are the bellwether for the rest of the country. We have created close to 70,000 new jobs in the last year, another 10,000 new jobs are going online this month, or the end of April, at the Wynn Resort, the best housing starts in the country, and the unemployment rate is under 4 percent, which is unheard of. Look what we have done as a community with strength in our local government, our state government, a resilient business community, and families that have worked together. We have weathered so many storms, looking back at least the 30 years I have been here. I am very proud and will continue to be proud of Nevada and what we have accomplished.

You know what? There is also something else I would like to brag about. We have a delegation in Washington, five of us, who work very well together. We don't always agree, but we work well together, whether it be making sure that we can continue to receive our Southern Nevada Public Lands funds, fighting to make those funds stay here, making sure that Medicaid dollars keep coming to Nevada, education dollars, we work together. That is what it is all about here in Carson City. Your successes have been about working together as a team. I am so proud

to say that my colleagues are there for you all the time. I know I am the fifth member and you have probably heard a lot of things you do not want to hear about, but I want to spend a moment and explain to you how well we work together as a delegation. If we look at the history of Yucca Mountain, 20 years ago who would have guessed that we would have been able to stop it as we have today? That has come because of prior federal delegations that have been there, this Legislature, and business leaders. But you know what? Even Brian Sandoval, in the halls of justice, has been successful in setting back the Yucca Mountain project. Something is happening April 5. I was just appointed as chairman of a subcommittee. I am honored to be the chairman of the subcommittee, but I have jurisdiction over every federal agency, whether it be IRS—we love the IRS—whether it be DOE, BLM, any federal agency and the federal workforce. Just a few weeks ago there was a revelation: allegations that there were falsified documents having to do with the science, the data collected at Yucca Mountain. On April 5, our delegation, Senator Reid, Senator Ensign, Shelley Berkley, Jim Gibbons, the Governor, and Brian Sandoval will have another opportunity, as I chair the committee, to hear about the allegations against the Department of Energy and the U.S. geological survey. How there has been, supposedly, falsification of data regarding water, the seepage, and the safety at Yucca Mountain. We are going to have all sides of the story, but my jurisdiction is over federal employees. My jurisdiction is to make sure that we have the best federal employees and that they tell the truth. This issue, regarding the falsified documents, is the tip of the iceberg. We expect that there may well be additional information. One more opportunity for us as a state to work together to stop the Yucca Mountain project.

As we look at other serious challenges for the state of Nevada, and I touched on Medicaid funding, with the delegation we are fighting the reduction of funds into Nevada and education dollars, making sure we get our fair share. As you know, that has been a challenge, as we are one of the fastest-growing states in the country. We are one of the fastest-growing school districts in the country, with 2,000, statewide, new teachers. We need to make sure that we can retain these teachers. It has been a passion for me for many years to provide for our professional teachers, the training for our students, and our families. Right now, I will applaud George Ann Rice who is going to be retiring soon from the Clark County School District. George Ann Rice came to me with a program and we were able to allocate about \$1.5 million to help retain teachers. We need to hire 2,500 new ones, but we are also losing “X” amount of teachers a year. This program is in place. It has been in place for about a year, and I encourage, as it goes before the committees here in Carson City, that you continue funding it. It is about the retention of teachers and providing for mentors to help teachers. Especially those new teachers who have just moved here from Iowa, Minnesota, or California, as they get to know our state of Nevada and our school districts. It is working well and I would like to take a moment to applaud George Ann Rice, who has done really a tremendous job.

I have been reading with interest what is happening with all-day kindergarten. There is no question; in Nevada we need all-day kindergarten. I know there are substantial funding challenges, but I also know the importance of making sure that these kids get one extra chance, especially those kids who are low-income or have other cultural challenges. I know that funds right now are a challenge, so what I am doing as a member of the Education and Workforce Committee is working with our committee, twofold. One is to provide an additional tax incentive to these families for music, arts, and for all-day kindergarten, to try to help them get their kids into the schools. We are also working with the health grants to help the state of Nevada to possibly find some additional funding for all-day kindergarten. I encourage the program and I applaud you because I know it has been a major debate, especially in the last couple of weeks. Thank you.

As we talk about Nevada and where we have been, it is an honor for me and will continue to be an honor for me, to send the message that we have unique challenges in Nevada. I was speaking to a member of Congress the other day from Virginia, a friend of mine, and we were comparing notes about education. He said, “Jon, how many new kids in the school districts in Nevada last year?” I said, “About 17,000.” It was kind of a quick conversation, but he said, “Jon, you know, we had 1,700.” I said, “Do you understand, 1,700 compared to 17,000?” and he gave me this blank stare. He did not quite grasp the magnitude, but whether it is education, mental health, public land issues, funding social services, what we have to continue to do as

members of Congress is make sure that our colleagues, and you are a part of that message, understand the unique challenges for the state of Nevada, especially with our growth. Although we have so much to brag about, and we are so proud to be Nevadans, we need to make sure from a federal perspective that we continue to fund the programs and reduce the number of unfunded mandates that continue to come down to you from Washington, D.C.

You know, it is an evening filled with tax debate, and I know you want to get back to finish your meetings tonight. As I mentioned, giving Randolph a hard time, I remember I did not want to show up for these meetings. So know that I appreciate and I applaud all of you for taking the time to be here. I look forward to answering any questions that you might have after the meeting, but let us look back to where we have been as a state. In the '70s we had major strife with labor relations. Today, our relations with labor is a model for the rest of the country. We look at what we have done with Yucca Mountain for the last 20 years. We look at what we have done in setting a standard for an economy that is starting to move across this country because our rooms are full and we are getting people back to work. So many of my colleagues would love to have some of the challenges that we have here in Nevada.

Let me conclude by saying thank you all very much. As you enter your debates and you finish the next few weeks and the next month or so, keep in mind that in Washington we can learn from your ability to work together, because at the end of the day, you come together and do what is best for Nevada. Thank you all very much. I am honored to be here and I look forward to seeing you all again in the near future. May God bless America and bless the state of Nevada.

Senator Washington moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Porter for his timely, able, and constructive message.

Seconded by Assemblywoman Gerhardt.

Motion carried unanimously.

The Committee on Escort escorted Representative Porter to the Bar of the Assembly.

Senator Heck moved that the Joint Session be dissolved.

Seconded by Assemblywoman Smith.

Motion carried.

Joint Session dissolved at 5:28 p.m.

ASSEMBLY IN SESSION

At 5:29 p.m.

Mr. Speaker presiding.

Quorum present.

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

Assembly in recess at 5:29 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 12 and 13.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to John Rapanos and Rhonda McGlinn.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Peterson.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jenna Marie Geyer and Emily Mackenzie Allen.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, March 31, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 31, 2005

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, our times are in Your hand: seedtime and harvest, spring and fall, death and life, law-making and crazy-making. Taxed beyond measure, we struggle to discern Your will for the good of all. Give us the wisdom to know when to stick to our guns and when to change our minds, so that all Your people might share in the common good.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Government Affairs.

RICHARD PERKINS, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 253 be rereferred to the Committee on Government Affairs.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 404 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 30, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 96, 130, 131, 135; Senate Bill No. 202.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 89.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 2.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assembly Concurrent Resolution No. 5.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywomen Parnell and Leslie.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 89.

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

Motion carried.

Senate Bill No. 202.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 16.

Bill read second time and ordered to third reading.

Assembly Bill No. 50.

Bill read second time and ordered to third reading.

Assembly Bill No. 205.

Bill read second time and ordered to third reading.

Assembly Bill No. 227.

Bill read second time and ordered to third reading.

Assembly Bill No. 235.

Bill read second time and ordered to third reading.

Assembly Bill No. 243.

Bill read second time and ordered to third reading.

Assembly Bill No. 327.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 50 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 145

Bill read third time.

Remarks by Assemblyman Sibley.

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

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

Roll call on Assembly Bill No. 145:

YEAS—42.

NAYS—None.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 39 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Parks.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No.62.

Amend sec. 4, page 4, by deleting line 13 and inserting: "request for bids. The governing".

Amend sec. 4, page 4, by deleting lines 29 and 30 and inserting:

"5. As used in this section, "on-line bidding" means a process by which bidders submit".

Amend sec. 4, page 4, by deleting lines 34 through 37.

Amend the title of the bill by deleting the third through fifth lines and inserting: "certain contracts; expanding the criteria that may be used".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 5:39 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 489, Amendments Nos. 124, 129, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 489.

The following Senate amendment was read:

Amendment No. 124.

Amend sec. 3, page 3, by deleting lines 36 through 40 and inserting: *“for which no assessed valuation was separately established for the immediately preceding fiscal year.”*.

Amend sec. 3, page 4, line 13, after “5.” by inserting: *“The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:*

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.
6.”.

Amend sec. 4, page 5, by deleting lines 17 through 29 and inserting:

“(b) Eight percent of the amount determined pursuant to paragraph (a).

2. Except as otherwise required to carry out the provisions of sections 5 and 7 of this act, the owner of any remainder parcel of real property for which no assessed valuation was separately”.

Amend sec. 4, page 6, by deleting lines 16 through 24 and inserting:

“(b) Eight percent of the amount determined pursuant to paragraph (a).”.

Amend sec. 4, page 7, line 5, after “(b)” by inserting: *““Remainder parcel of real property” means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.*

(c)”.

Amend sec. 10, page 9, by deleting lines 5 through 9 and inserting:

“Sec. 10. 1. The Legislative Commission shall conduct an interim study of the taxation of real property in this State.

2. A subcommittee must be appointed for the study consisting of three members of the Senate appointed by the Majority Leader of the Senate and three members of the Assembly appointed by the Speaker of the Assembly.”.

Amend sec. 10, page 9, lines 23 and 26, by deleting “committee” and inserting “subcommittee”.

Amend sec. 10, page 9, by deleting line 29 and inserting “subcommittee.”.

Amend the title of the bill by deleting the third and fourth lines and inserting: *“property; directing the Legislative Commission to conduct an interim study of the taxation of real property; and”.*

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment No. 124 to Assembly Bill No. 489.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

The following Senate amendment was read:

Amendment No. 129.

Amend sec. 3, page 3, by deleting lines 36 and 37 and inserting: *“for which:*

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of section 4 of this act provide a greater abatement from taxation.”.

Amend sec. 4, page 5, by deleting lines 22 and 23 and inserting:

“(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The lesser of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or

(II) Eight percent; or

(2) Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year, whichever is greater.”.

Amend sec. 4, page 6, by deleting lines 13 and 14 and inserting:

“(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) *The lesser of:*

(I) *The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; or*

(II) *Eight percent; or*

(2) *Twice the percentage of increase in the Consumer Price Index (All Items) for the immediately preceding calendar year, whichever is greater.”.*

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment No. 129 to Assembly Bill No. 489.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 5:44 p.m.

ASSEMBLY IN SESSION

At 6:05 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 489, Senate Amendments Nos. 124, 129, and requests a conference, and appointed Senators McGinness, Townsend, and Lee as a first Conference Committee to meet with a like committee of the Assembly.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Giunchigliani, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 489.

REMARKS FROM THE FLOOR

Assemblywoman Leslie requested that the following proclamation be entered in the Journal:

PROCLAMATION OF THE NEVADA STATE ASSEMBLY

WHEREAS, Big Brothers Big Sisters of Nevada's mission is helping children in need reach their potential through professionally supported, one-to-one mentoring relationships with volunteers; and

WHEREAS, Big Brothers Big Sisters of Nevada is a non-profit human service agency governed by a Board of Directors composed of business and professional men and women bound together in pursuit of the organization's mission; and

WHEREAS, Big Brothers Big Sisters of Nevada matches children with volunteers who are called Big Brothers and Big Sisters; and

WHEREAS, Big Brothers Big Sisters of America is celebrating the beginning of its second one hundred years in 2005 and serves children all over the United States; and

WHEREAS, Big Brothers Big Sisters of Nevada serves children who could benefit from a caring adult presence in their lives,

THEREFORE, it is with great pleasure and pride that we do thereby proclaim March 31, 2005, as Big Brothers Big Sisters Day.

Dated this Thirty-First Day of March 2005

Richard D. Perkins,
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 86 and Senate Concurrent Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff and Kathy Cowan.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Conklin.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Quinn Rooker and Cecily Rooker.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Abdo, Kathy Alvarez, John Anderson, Samantha Anderson, Essence Belmont, Monica Castro, Kyann Chisum, Nicholas Clinton, Cheyenne Craig, Karrie Craig, Mark Craig, Dominick DiMarzio, Sam DiMarzio, Connie Eaton, Karia Escobar, Leann Farr, Patricia Fling, Stephani Foust, Heather Gorcey, Tyler Horton, Corey Kendrick, Ian Kendrick, Kevin Lance, Niki Lance, Marian Lanius, Gail Lee, Bradley Letlow, Chantal Liboz, Julius Miller, Demas Montes, Javier Montes, Ramiro Montes, Selena Montes, Joshua Moore, Rylie Nickerson, Andrew Norton, Ruben Olvera, Melissa Palacios, Gari Peterson, Rena Peterson, Sydnie Peterson, Osbaldo Reyes, Kylina Richer, Matias Robles, Suezanne Sevrance, John Sickler, Jonathan Smith, Lilia Torres, Marcia Williams, Kimberly Bowman, Karina Contreras, Julio Garcia, Trenton Gates, Curry Jameson, Holly Nickerson, Jake Nickerson, Zeb Nomura, Karina Reyes, Luis Reyes, Andrew Rodriguez, Justin Dean,

Viki Matica, Astrid Alvarez, Toni Sandler, Chase Heying, Carole Kendrick, Guadalupe Ulloa, and Maria Rosales.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 1, 2005, at 8:00 a.m.

Motion carried.

Assembly adjourned at 6:07 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), April 1, 2005

Assembly called to order at 11:33 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Dear God, we pray for all who work in this place: For majorities and minorities; for party-liners and independents; for men and for women; for lobbyists and legislators and laborers; for those who make coffee, those who make speeches, and those who make sense; for those who bring water, those who bring greetings, and for those who bring honor; for pages and guards and sergeants-at-arms; for clerks and clergy, reporters and recorders; for those who draft documents and for those who distribute them; for those who polish floors and those who polish words; for bill drafters and word crafters; for those who keep the gate and those who keep the peace; for those who are in a hurry and those who stand and wait; for those who light fires, those who put out fires, and for those who bring light to darkness; for those who keep the home fires burning, and for those who unceasingly remind us that we are loved. For all these we pray, O God. May they never weary in well doing. By Your grace, guide them, bless them, and sustain them.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Leslie moved that Assembly Bill No. 456 be rereferred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 107; Senate Bills Nos. 35, 192.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 35.

Assemblyman Oceguela moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 192.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 178.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 16, 39, 205, 227, 235, 243, and 327 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 489, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment Nos. 124 and 129 of the Senate be concurred in.

It has agreed to recommend that Assembly Bill No. 489 be further amended as set forth in Conference Amendment No. CA1, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY
CHRIS GIUNCHIGLIANI
LYNN HETTRICK

Assembly Conference Committee

MIKE MCGINNESS
RANDOLPH J. TOWNSEND
JOHN LEE

Senate Conference Committee

Conference Amendment No. CA1.

Amend sec. 2, page 3, line 2, by deleting “7,” and inserting “7.5,”.

Amend sec. 3, page 4, lines 38 and 44, by deleting: “time-share project,”.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. *The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:*

1. *Except as otherwise provided in subsection 2 or required to carry out the provisions of sections 5 and 7 of this act, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair*

market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year, whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of section 4 of this act provide a greater abatement from taxation.

3. The amount of any ad valorem taxes levied in a county which, if not for the provisions of subsection 1, would otherwise have been collected for any property for a fiscal year must, except as otherwise required to carry out the provisions of section 6 of this act, be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year. The provisions of this subsection and section 6 of this act must not be applied in any manner that reduces the amount of the partial abatement to which an owner of property is entitled pursuant to subsection 1 for any fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

5. For the purposes of this section:

(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.

(b) *“Taxing entity” means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.”.*

Amend sec. 4, page 6, line 37, after “3” by inserting: *“or subsection 1 of section 3.5”.*

Amend sec. 5, page 7, lines 24 and 33, by deleting “3” and inserting “3, 3.5”.

Amend sec. 6, page 8, line 20, by deleting “3” and inserting “3, 3.5”.

Amend sec. 7, page 8, line 34, by deleting “3” and inserting “3, 3.5”.

Amend sec. 7, page 8, line 36, after “2.” by inserting: *“The exemption set forth in subsection 1 from the partial abatements provided in sections 3, 3.5 and 4 of this act does not apply to any portion of a rate that was approved by the voters before the effective date of this act.*

3. *A question that is placed on the ballot pursuant to subsection 1 must clearly indicate that any amount which is approved by the voters will be outside of the caps on an individual’s liability for ad valorem taxes.*

4.”.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

“Sec. 7.5. The Nevada Tax Commission shall adopt regulations which:

1. *Provide a simple, easily understood form to be filled out by the owner or operator of a business to apply to the county assessor to request that the property of the business be valued pursuant to the income approach to measure any obsolescence of the property for tax assessment purposes.*

2. *Clearly set forth the methodology for applying the income approach to valuation for tax purposes of property used in a business when necessary to measure the obsolescence of the property in language that is likely to make the methodology easily understood by any business owner.*

3. *Provide a procedure for a business to use the form required by subsection 1 in the most efficient manner possible to supply the information necessary to enable the county assessor to apply the income approach to the property of the business.”.*

Amend sec. 8, page 9, by deleting line 9 and inserting: *“owner if not for the provisions of sections 3 to 5, inclusive, of this act.”.*

Amend sec. 9, page 9, by deleting lines 15 through 20 and inserting:

“1. A local government may not increase its total ad valorem tax rate for a fiscal year above its total ad valorem tax rate for the immediately preceding fiscal year without the approval of the Nevada Tax Commission, based upon the recommendation of the Committee on Local Government Finance. An application for such approval must be submitted to the Nevada Tax Commission.

2. *The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out the provisions of this section.”.*

Amend sec. 11, page 10, line 9, by deleting “If” and inserting: *“Notwithstanding any provision of section 7 of this act to the contrary, if”.*

Amend sec. 11, page 10, line 14, by deleting “3” and inserting “3, 3.5”.

Amend sec. 12, page 10, line 23, after “2.” by inserting: “It would have passed section 3.5 of this act irrespective of any other portion of this act which may be deemed unconstitutional or otherwise invalid.

3.”.

Assemblyman Perkins moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 489.

Remarks by Assemblymen Perkins and Hardy.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal:

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. For the benefit of the freshmen, this is our first conference committee report that we are dealing with, and it represents the same as final passage of a bill. When we adopt this conference committee report, it will be sent to the Senate, and it is anticipated that they will adopt it as well. The bill goes directly to the Governor, so this is really an important action that we are taking today.

Assembly Bill 489, as amended by the Senate, came back to us and we rejected those amendments. In this conference committee report, we are adopting those amendments and we have added some additional ones. An additional thing that happened in the conference committee last night was a deletion of the term “timeshare project.” The conference committee determined that the inclusion of timeshare projects was an error, so it is just cleanup language.

Another thing that was added was a piece for renters. We found out that, particularly in Clark County, from last year to this year, rental properties, for example, a one-bedroom apartment, went up \$150 per month, primarily due, we believe, to the increase in property taxes. This offers a rental piece too. The cap on rental properties is permitted within the charitable exemption portion of Subsection 8 of Section 1 of Article 10 of the *Nevada Constitution*. That was added last night as well.

The third major piece was to allow small business access to the appeal process, that some larger businesses already seem to have the ability to avail themselves of, for obsolescence or full cash value of their properties. That is put into the amendment so that the Tax Commission writes regulations to allow this to happen in an easier fashion, without a whole slew of staff lawyers and that sort of thing.

Assembly Bill 489, Madam Speaker pro Tempore, is Nevada’s solution for a Nevada problem. We all came here knowing we had to solve this crisis, and, quite frankly, we did it. I love this state and its diversity in culture, the economy, rural, urban, and the lifestyles. All of this diversity that Nevada has is part of its strength, but we also found in this debate that it became one of our biggest challenges. Trying to craft a solution that is not a one-size-fits-all, but instead a customized Nevada-style solution, was very difficult for us. But I can stand here today and tell you that we have accomplished that. It was not a quick fix. It guarantees real property tax relief for Nevadans. It is not a perfect bill, but I do not think there is such a thing as a perfect bill, particularly in as complex a situation as this.

I think of the senior citizens throughout this state who have followed this debate and were concerned about being driven out of their homes because their property taxes were going through the roof. Can you imagine those persons sitting at home worrying about this all the time, not knowing, when the tax bill comes into law, if they were going to be able to keep their homes? Ladies and gentlemen, they will be able to keep their homes. What you will do today is going to ensure that it happens.

The young family starting out, trying to live the American Dream and afford a home, this helps them, too. The property taxes will be capped in a fashion that allows them to afford their first home. It affects rural and urban in a very customized fashion. I have already mentioned we have received a great deal of input from our rural colleagues here, and we really worked together to make sure that we were not going to harm one part of the state. We know this is primarily a

Clark County issue with some pockets in Douglas, Carson City, and Washoe, but we couldn't adversely affect the rest of our state. I believe we have done a very good job of not doing that.

You might remember that our original discussion had a threshold as well, a cap below the threshold and a larger cap above. That does not exist in this bill. We are treating Nevadans alike. Originally, we had a 3 percent for severe economic hardship on owner-occupied residences and then a ten-year rolling average for everybody else to try to make sure we fell within our constitutional bounds, believing that the average was fair and necessary to protect things like public safety and our school construction bonds. This has now been capped so that it cannot exceed 8 percent. There was a concern raised that this might put our bonds in jeopardy, but I think that we have received a great deal of information since then that shows us that is not the case. I believe that we really do have a strong bill.

There may be a trailer bill that will follow this bill. That is not uncommon in a very complex piece of legislation. A trailer bill just follows up with technical changes and things that people like Carole Vilardo will find out when she reads through the bill, and I am sure she will be talking with us at great length, since we are still here we can get these things fixed before we leave. Hi, Carole. Thanks for your help.

From my perspective, we have acted thoughtfully and quickly enough to provide important relief before this year's tax bills arrive. With the passage of this conference committee report, we have just solved the most pressing crisis facing our state. You can all be proud that you have represented your constituents well. I guarantee you, if other states encounter a similar crisis, they will look to Nevada and our work as a model on how to accomplish a solution.

I want to also thank the Majority Leader, the Minority Leader, and you, Madam Speaker pro Tempore, for your hard work, not just in the conference committee last evening, but throughout the efforts with this. It has been a pleasure to work with all of you, and I am thankful for your brain power and your efforts to really make sure that the people's house was taking care of our constituents.

I want to thank the Growth and Infrastructure Committee and the others who contributed to this solution. I want very much to thank our staff, if they are still alive. The bags under their eyes were getting deeper. Brenda Erdoes and her Legal staff have done an amazing job. Russ Guindon, the Fiscal staff for the Growth and Infrastructure Committee, and his assistants kept grinding the numbers for us and delivering the charts that we have needed to make these decisions. Linda and Susan at Growth and Infrastructure, thank you. To our Front Desk folks and Sergeants-at-Arms, who have put up with the start/stop approach to this when we were trying to get this done, we thank you and our constituents thank you. This is going to be something that is very strong for our state.

I stand before you today with great pride because we did want to make this a different session. We wanted this to be a session of bipartisanship, of action, and that has culminated in what we are about to do today. As your elected leader, I have not experienced more pride in the position that I hold in front of you than I do today. In summary, this is thoughtful, meaningful relief that we have all looked for. I encourage your support.

ASSEMBLYMAN HARDY:

I will be supporting the conference committee report and their recommendations. I look forward to the ongoing discussion on property tax assessment vis-à-vis a constitutional amendment to protect individuals and the business environment of the state. We have, in effect, a consensus and a compromise, and I feel that the people of this great state deserve an opportunity, what I would call a reasonable constitutional amendment. I look forward to that discussion. I have appreciated working with all of you and I admire everybody who has had a role in this process. Constituents, people in the process in this building, we have done something that we can feel good about, and we have protected the people that need to be protected. Thank you all.

Motion carried by a constitutional majority, with Assemblywoman Angle voting no and Assemblyman Christensen absent.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that the first Conference Committee report concerning Assembly Bill No. 489 be immediately transmitted to the Senate.

Motion carried unanimously.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 96, 130, 131, and 135.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Ohl.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Turner and Logan Turner.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to William Brainard.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Rucker.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Cody James Sherer and Sarah Danielle Sherer.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 4, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 4, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stan Pesis.

Lord, our God, You have blessed this nation and this state with a variety of people, peoples who have shared their skills and gifts and passions with each other. Too often we have reacted quickly in fear of what is different. Too slowly have we appreciated the gifts we bring to one another. Teach us to see in one another the blessings others bring to our community.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 169, 180, 189, 270, 271, 278, 334.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 209.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 4, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 70, 211, 216, 222, 224, 226, 230, 249, 265, 267, 286, 289, 291, 303, 307, 343, and 525.

MARK STEVENS

Fiscal Analysis Division

April 4, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 367, 438, 457, 458, 459, 460, 461, 462, 463, 481, 514, 520, 548, and 549.

MARK STEVENS

Fiscal Analysis Division

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 169.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 180.

Assemblywoman Buckley moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 189.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

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

Motion carried.

Senate Bill No. 270.

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

Motion carried.

Senate Bill No. 271.

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

Motion carried.

Senate Bill No. 278.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 334.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 43.

Amend section 1, pages 1 and 2, by deleting lines 2 through 5 on page 1 and line 1 on page 2, and inserting:

“349.986 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada ~~[in the face amount of not more than \$90,000,000]~~ to support the purposes of the program ~~[.]~~ established by NRS 349.981. *The aggregate principal amount of such bonds outstanding at any one time may not exceed \$125,000,000.*

2. The net proceeds from the sale of the bonds must be deposited in the Fund.

3. The bonds must be redeemed through the”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to state obligations; revising the provisions governing the issuance of general obligation bonds of the State of Nevada to support the program to provide grants for”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing issuance of general obligation bonds of State of Nevada to support program to provide grants for water conservation and capital improvements to certain water systems. (BDR 30-753)”.

Assemblyman Grady moved the adoption of the amendment.

Remarks by Assemblyman Grady.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 20 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 46.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend sec. 4, page 5, line 32, by deleting “teachers” and inserting: “all licensed employees”.

Amend sec. 4, page 5, lines 34 and 35, by deleting “\$5,000,000” and inserting “\$5,400,000”.

Amend sec. 4, page 5, by deleting lines 36 through 39 and inserting:

“2. A licensed employee who is newly hired may not receive a signing bonus until he has worked for a school district in this State for at least 30 days. A licensed employee may not receive more than one signing bonus pursuant to this act. A licensed employee who is employed by a school district in this State”.

Amend sec. 4, page 5, line 42, by deleting “section.” and inserting “act.”.

Amend sec. 4, page 5, line 44, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, line 1, by deleting “teachers” and inserting “licensed employees”.

Amend sec. 4, page 6, line 2, by deleting “teach” and inserting “work”.

Amend sec. 4, page 6, line 4, by deleting “section.” and inserting “act.”.

Amend sec. 4, page 6, line 7, by deleting “teachers” and inserting “licensed employees”.

Amend sec. 4, page 6, line 9, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, lines 15 and 16, by deleting: “newly hired teachers” and inserting: “licensed employees who are newly hired”.

Amend sec. 4, page 6, line 17, by deleting “teacher” and inserting “licensed employee”.

Amend sec. 4, page 6, line 19, by deleting “teachers” and inserting “licensed employees”.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the Department of Education to transfer money from the State Distributive School Account to provide signing bonuses to licensed employees who are newly hired by school districts; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Department of Education to transfer money from State Distributive School Account to provide signing bonuses to newly hired licensed employees of school districts. (BDR 34-477)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 142.

Amend section 1, page 3, by deleting lines 10 through 15 and inserting: “plugged.

8. *The State Engineer may grant the owner of a well a waiver of the requirement that the well be plugged under circumstances other than those set forth in subsection 7. The State Engineer shall adopt regulations that provide a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well pursuant to this subsection.”.*

Amend sec. 2, page 3, by deleting lines 34 through 36 and inserting: “continuing education for well drillers.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill to read as follows:

“AN ACT relating to wells; providing a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well; requiring the State Engineer to adopt regulations relating to

continuing education for well drillers; and providing other matters properly relating thereto.”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 80 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 76.

Amend section 1, page 3, line 6, after “State” by inserting:

“, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 108 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 84.

Amend sec. 3, page 4, line 25, after “subdivision.” by inserting:

“If the Commission approves the final map for the subdivision, the Commission shall, for the purposes of NRS 278.377, submit written verification of its approval to the Health Division of the Department of Human Resources and the Division of Water Resources of the State Department of Conservation and Natural Resources.”.

Assemblyman Christensen moved the adoption of the amendment.

Remarks by Assemblyman Christensen.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 83.

Amend section 1, page 2, line 6, by deleting “wastewater, and” and inserting “wastewater, or”.

Amend sec. 6, page 3, line 21, by deleting “wastewater, and” and inserting “wastewater, or”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 47.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 487.220 is hereby amended to read as follows:

487.220 1. Every person who abandons a vehicle is responsible for the cost of removal and disposition of ~~such~~ the vehicle.

2. An abandoned vehicle is presumed to have been abandoned by the registered owner thereof. The registered owner may ~~not~~ rebut this presumption by showing that he transferred his interest in the abandoned vehicle ~~[unless he complied with the provisions set forth in NRS 482.399 to 482.420, inclusive.]~~ as indicated by a bill of sale for the vehicle that is signed by the registered owner.”.

Amend the title of the bill to read as follows:

“AN ACT relating to abandoned vehicles; revising the circumstances under which the registered owner of an abandoned vehicle may rebut the presumption that he abandoned the vehicle; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain presumptions relating to abandoned vehicles. (BDR 43-967)”.

Assemblyman Denis moved the adoption of the amendment.

Remarks by Assemblyman Denis.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 132.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 16:

YEAS—42.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 39 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 235 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblyman Ocegueda.

Roll call on Assembly Bill No. 178:

YEAS—42.

NAYS—None.

Assembly Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Denis and Buckley.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 243:

YEAS—42.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 327:

YEAS—42.

NAYS—None.

Assembly Bill No. 327 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 404 be taken
from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 97 be taken from the
Chief Clerk's desk and placed at the bottom of the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblymen Leslie, Conklin, Gerhardt, Hettrick, Sibley, Denis, Christensen, Ocegüera, Anderson, Claborn, and Atkinson.

Potential conflict of interest declared by Assemblymen Ocegüera, Claborn, Hettrick, Conklin, Christensen, Atkinson, Anderson, Gerhardt, Denis, and Sibley.

Roll call on Assembly Bill No. 404:

YEAS—41.

NAYS—None.

NOT VOTING—Claborn.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 97:

YEAS—42.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I have rather a large group introduction to do today. First of all, I want to introduce the individual guest sitting at my desk, Jim Bennett, the former chief of the clans here for the Society for Scottish Clans. He is also the gentleman who, when I did my student teaching, had to put up with me. I have a very careful and close kinship with him. He also taught across the hall from me for many years. Secondly, coming up on April 6 is Tartan Day. The current chief of the Nevada Society for Scottish Clans, Chester Buchanan, is sitting with Ms. Angle. Other dignitaries here from the Scottish American Military Society are Kevin Welsh, who some of you may recognize, Bill Glenn, and Chuck McCloud.

Tartan Day – April 6, Local, National, and International, By Chester Buchanan:

Tartan Day was conceived by the U.S. Senate in 1998 in recognition of the valuable contributions of Scots and Americans of Scottish descent to the foundation and development of the United States. The date was selected to commemorate April 6, 1320, when Scottish nobles and barons signed the *Declaration of Arbroath*, declaring to Pope John XXII that Scotland was a sovereign nation and not under the rule of England. Also, it was the first document to put forth the concept of a “contractual monarchy,” which meant that they would force Robert the Bruce out if he attempted to sell

Scotland to England. The declaration, like our *Declaration of Independence*, is seen by many as the founding document of the Scottish nation. The following extract from the declaration (translation from 14th century Latin) that is often quoted has great appeal not only to Americans, but to people throughout the world. "It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom – for that alone, which no honest man gives up but with life itself."

I would ask you to welcome the members of the Society for Scottish Clans in Nevada, and remember their Tartan Day, April 6.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 107 and 489.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Bennett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to William A. Glenn, Chester Buchanan, Arvilla Agerton, Kevin Welsh, and Patricia Puchert.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck MacLeod.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Howe, James Sherwood, Kristena Yanis, Sarai Miranda, Jonathan Clemmons, Yvonne Villa, Felicia Hulse, Champagnee Travis, Kristen Darnielle, Matthew Hernandez, Travis Leonard, Jonathan Arnold, Matt Pitts, Donald Hines, Devontay Thomas, Daniel Wheeler, Jeff Pierce, Juan Ramirez, Ryan Hite, Kenneth Humphrey, Jena Brown, and Larry Demming.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 6, 2005, at 11:00 a.m. and do so in honor of Douglas County Sheriff Deputy Robert Duffy.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 6, 2005

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Stan Pesis.

Lord, we are a pragmatic people who appreciate the effects of power. By Your presence among us remind us, for whom we have been called, to use that power granted to us.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 184, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 64 and 89; Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Commerce and Labor.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bills Nos. 372 and 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 256 and 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 72, 149, 197, 257; Senate Joint Resolution No. 1.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 15—Creating an interim study on the services provided to homeless persons.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 1.

Assemblywoman Buckley moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Ocegüera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 72.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 149.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 197.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 257.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Carpenter, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 16—Recognizing the unveiling of the statue of Sarah Winnemucca in the National Statuary Hall in the United States Capitol in Washington, D.C. and celebrating the unveiling of a replica of the statue at the Nevada State Capitol in Carson City.

WHEREAS, In 1864, Congress established the National Statuary Hall in the Old Hall of the House of Representatives in the United States Capitol and authorized each state to contribute two statues that represent important historical figures of that state to the National Statuary Hall; and

WHEREAS, In 2001, the Nevada Legislature approved a bill providing for the creation of a statue of Sarah Winnemucca for placement in the National Statuary Hall Collection located in the United States Capitol in Washington, D.C. and provided for the designation of a committee to select an artist to create the statue and approve its design; and

WHEREAS, Nevada's First Lady Dema Guinn served as Honorary Chair of the Sarah Winnemucca Selection Committee and also spearheaded efforts by the Nevada Women's History Project to raise the funds necessary for completing and placing the original statue in the United States Capitol and a full-size replica of the statue in the Nevada State Capitol in Carson City; and

WHEREAS, The Nevada Department of Cultural Affairs provided administrative support for the project, ensuring that all funds raised were spent on the creation, transportation, documentation and placement of the statues; and

WHEREAS, Sarah Winnemucca, born near Nevada's Humboldt River in about 1844, was the daughter of Chief Winnemucca and the granddaughter of the formidable Chief Truckee of the Northern Paiute Tribe, who led John C. Fremont and his men across the Great Basin to California; and

WHEREAS, Sarah Winnemucca's life was filled with remarkable achievements, including serving as an interpreter for the United States Army and the Bureau of Indian Affairs, serving as a scout, peacemaker and interpreter during the Bannock War of 1878, becoming the first Native American woman to write and publish a book, and establishing a nongovernmental school for Paiute children that became a model for future educational facilities for Native American youth; and

WHEREAS, As a tireless spokeswoman for Native Americans, Sarah Winnemucca was an advocate for the rights of her people throughout the United States and even brought her message before President Rutherford B. Hayes and the Congress of the United States; and

WHEREAS, In fighting for justice, peace and equality for all persons, Sarah Winnemucca represented the highest ideals of America; and

WHEREAS, Sarah Winnemucca's wisdom, activism and determination made an invaluable and enduring contribution to the political and cultural history of Nevada; and

WHEREAS, On March 9, 2005, a 6-foot-4-inch bronze statue of Sarah Winnemucca, sculpted by artist Benjamin Victor, was unveiled in the rotunda of the United States Capitol before a delegation of state and national officials and hundreds of Nevadans; and

WHEREAS, Today, April 6, 2005, a full-size replica of the Sarah Winnemucca statue representing Nevada in the United States Capitol is being unveiled at the Nevada State Capitol in Carson City; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature is hereby proud to recognize the unveiling of the statue of Sarah Winnemucca and its inclusion in the National Statuary Hall Collection at the United States Capitol in Washington, D.C.; and be it further

RESOLVED, That the Nevada Legislature is honored to celebrate the unveiling of a full-size replica of the Sarah Winnemucca statue at the Nevada State Capitol in Carson City which will serve to memorialize her lifetime of accomplishments and signify her position as a distinguished citizen of this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Governor Kenny Guinn and Nevada's First Lady Dema Guinn, to each member of the Nevada Congressional Delegation, to Scott K. Sisco, Interim Director of the Department of Cultural Affairs, to Joan M. LeMere, State President of Nevada Women's History Project, and to artist and sculptor Benjamin Victor.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblymen Carpenter and Anderson.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I think that we all need to strive for the ideals of Sarah Winnemucca—to not have anything in our hearts that would not be proper. We need to have the ideal that we are all created equal. We need to always treat everyone with respect and do the best we can for our fellow man.

Living and growing up in rural Nevada, Native Americans have always been my friends. In school they were my classmates. We played together in basketball and football. Later on, in my adult life, Native Americans have always been my friends, my employees, and officials whom I have worked with in day-to-day life as we try to improve things for all of us. I would like to mention three or four who have had a great influence on my life. There was J.V. Walker, one of the greatest high school athletes during the 1940s. J.V. Walker paid the ultimate sacrifice in the Korean War. George Adams worked for my uncles. He was a world champion bronco rider. Then there is Annette Cavanaugh, who was raised in poverty on the reservation in Owyhee, but went on to be, and is now, our superintendent of schools in Elko. I think we all have to recognize the great work of Sarah Winnemucca and the great understanding she had and all of the things she had to put up with to try to better her people.

Before I present the resolution to Benjamin Victor, I would like to recite to the people in this Assembly a few of his accomplishments. Mr. Victor is the artist who sculpted the Sarah Winnemucca statue. I must say that he beat out our Elko native, Sarah Sweetwater, and we were disappointed with that, but after seeing Mr. Victor and his family here, and seeing the statue, I think it was a good choice. We always need to remember that if it hadn't been for Sarah Sweetwater there to give him a little push and make him do better, he might not have won. Benjamin won the commission to sculpt the Sarah Winnemucca statue, a monumental representation of the state of Nevada's addition to the national statutory hall in Washington, D.C. last month. He is the youngest artist to have ever received such an honor. Benjamin resides in Aberdeen, South Dakota, where he is now on the staff of Northern State University. He has been commissioned to complete fourteen assignments during his young life of twenty-five years.

Benjamin is married and has two children who are with us today: his wife Julie, and children Caleb and Audrey. Please give them an Assembly welcome.

The unveiling of the statue will be at the Capitol at 5:30 p.m. tonight. You are all welcome to be there and I think it would be a nice gesture on our part if we could be there.

One of the people who has been a great influence in my life is one of our own, Cindy Benjamin, of the Front Desk. Cindy, please stand and we will recognize you. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I wish to rise in support of the resolution. I think this is a resolution and recognition that has long been wanting. While we have taken up the cause of Ms. Winnemucca in proposing this in the past, I think it is most fitting that the statue graced the nation's capital as a representative of the spirit and the long indebtedness this state owes to the native people of our state. These first Americans, as they should recognize, are the people who have allowed our society to infringe upon them. Ms. Winnemucca's contribution at a critical time period in our history is emblematic of the way this particular native group has helped us survive in this otherwise desolate state. It is their caring and understanding that has really made it possible for us to survive, again and again. For that contribution, by recognizing Ms. Winnemucca and the native inhabitants of our state, I think this is an honor long overdue.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 106.

Bill read second time and ordered to third reading.

Assembly Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 71.

Amend section 1, page 2, line 11, after "board." by inserting: "*A personal flotation device required by this subsection is readily accessible for use in an emergency if:*

- (a) *It is being worn; or*
- (b) *It is stowed where it is quickly reachable and is:*
 - (1) *Ready to wear;*
 - (2) *Out of its original packaging; and*
 - (3) *Not under lock and key."*

Amend section 1, page 2, by deleting lines 13 through 19 and inserting: "*unless exempted by the United States Coast Guard or the regulations of the Commission:*

(a) *Every vessel which is 16 feet or more in length but less than 26 feet in length, regardless of its method of propulsion, must carry, so placed as to be readily accessible for use in an emergency, a safety device capable of being thrown, such as a ring life buoy or buoyant cushion. A safety device required by this paragraph is readily accessible for use in an emergency if it is stowed in close proximity to the operator of the vessel and in a position to be thrown to a person overboard by either the operator or a passenger.*

(b) *Except as otherwise provided in this paragraph, every vessel which is 26 feet or more in length, regardless of its method of propulsion, must carry,*

so placed as to be readily accessible for use in an emergency, a safety device capable of being thrown, such as a ring life buoy or buoyant cushion, with not less than 30 feet of throwing line attached. If the vessel is 40 feet or more in length, such a safety device must be carried on both the port side and the starboard side of the vessel. A safety device required by this paragraph is readily accessible for use in an emergency if it is prominently displayed on a bulkhead, railing or gunwale, and in a position to be thrown to a person overboard by either the operator or a passenger.”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 89.

Amend section 1, page 2, between lines 20 and 21, by inserting: “*is less than 17 years of age or who*”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 116 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 82.

Amend sec. 2, page 2, by deleting lines 15 through 19 and inserting:

“4. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend sec. 7, page 4, line 2, by deleting “Services:” and inserting: “Services for the support of a community triage center:”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 116.

Amend section 1, page 3, by deleting lines 15 through 22 and inserting:

“3. The purchase of personal safety equipment for use by a ~~{local fire department or local law enforcement}~~ response agency or any other local governmental agency is not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative, if:

(a) The personal safety equipment will be used by personnel of the ~~{fire department or law enforcement}~~ response agency or other local governmental agency in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters in”.

Amend section 1, pages 3 and 4, by deleting lines 43 and 44 on page 3 and lines 1 through 6 on page 4, and inserting:

“6. As used in this section ~~{, “personal”}~~ :

(a) “Act of terrorism” has the meaning ascribed to it in NRS 239C.030.

(b) “Personal safety equipment” means safety equipment that ~~{is worn or otherwise carried on a regular basis by}~~ personnel of a ~~{fire department or law enforcement agency}~~ response agency or other local governmental agency:

(1) Use in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters; or

(2) Wear or otherwise carry on a regular basis.

The term includes, ~~{but is not limited to,}~~ without limitation, firearms, boots, bulletproof vests or other types of body armor, protective garments, protective eyewear, gloves ~~{and helmets}~~, helmets, and any specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.

(c) “Response agency” means an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety.”.

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill by deleting the second through fourth lines and inserting: “personal safety equipment for use by local governmental agencies from requirements of competitive bidding;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Exempts certain local governmental purchases of personal safety equipment from requirements for competitive bidding. (BDR 27-355)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 117.

Amend section 1, page 2, by deleting lines 18 and 19 and inserting:

“(b) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 131.

Amend section 1, page 2, line 26, after “*regulations*” by inserting: “*based on nationally recognized standards*”.

Assemblyman Grady moved the adoption of the amendment.

Remarks by Assemblyman Grady.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Denis moved that Assembly Bill No. 169 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Denis.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 85 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 167 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblymen Conklin, Hardy, and Christensen.

Potential conflict of interest declared by Assemblyman Christensen.

Roll call on Senate Bill No. 85:

YEAS—34.

NAYS—Angle, Carpenter, Christensen, Hardy, Holcomb, Mabey, Marvel, Weber—8.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 507 and Senate Bills Nos. 73 and 132 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Victor, Julie Victor, Caleb Victor, and Audrey Victor.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Card and Lindsay Carey.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Hardy, Daria McFadden, Rachelle Wenger, and Gary Cordes.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Billie Brinkman and David Humke.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Odom, Jordyn Dunn, and Shawn Fitzpatrick.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 8, 2005, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 8, 2005

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Horne, Mabey, and Seale, who were excused.

Prayer by the Chaplain, Pastor Stan Pesis.

Friday, sweet beckoning Friday, filled with the promise of respite. When our duties and responsibilities prevent us from enjoying the day or days of rest for which we yearn, we ask this of You, O Lord: Help us see in the face of those around us, others who also looked forward to refreshment. Let us find ways to encourage one another and to appreciate one another, legislators, staffers, clerks, secretaries, guards, lobbyists, attachés, and all whose responsibilities keep them from enjoying the gift of family and rest this weekend.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bills Nos. 118 and 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 94, 95.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 23, 33.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 8, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 274, 293, 299, 301, 321, 328, 342, 350, 388, 397, 407, 411, 435, 441, 484, 504, and 515.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF EXEMPTION

April 8, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 20, 108, 116, 266, 283, 309, 361, 373, 400, 429, 447, 448, 532, and 533.

MARK STEVENS

Fiscal Analysis Division

Senate Concurrent Resolution No. 3.

Assemblyman Ocegura moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 23.

Assemblyman Ocegura moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 33.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

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

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Senate Concurrent Resolution No. 3 was referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Mortenson moved that Assembly Bill No. 289 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 235 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Remarks by Assemblyman Parks.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 65.

Amend section 1, page 2, line 10, by deleting "~~Riotously~~" and inserting "~~Riotously~~".

Amend section 1, page 2, line 11, by deleting "~~With,]~~" and inserting "~~With]~~".

Amend section 1, page 2, line 14, by deleting "*Constitutes*" and inserting: "*Is a battery that constitutes*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 210

Amend section 1, page 2, by deleting lines 9 through 15 and inserting:

“2. All proprietary information concerning:

(a) Numbers of animals;

(b) The quantity of production;

(c) Fiscal or tax matters; or

(d) The security of any facility,

which specifically relates to a natural person, company, corporation or other entity, and which is collected by the Department pursuant to the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS is confidential.”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 86.

Amend section 1, page 3, by deleting lines 6 through 16 and inserting:

“8. The State Land Registrar may require any person requesting”.

Amend the title of the bill by deleting the third and fourth lines and inserting: *“owned by the State of Nevada; and”.*

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 40.

Amend sec. 2, page 2, by deleting lines 3 through 7 and inserting:

“Sec. 2. 1. Except as otherwise provided in subsection 2, a youth who is in foster care may enter into an agreement with an agency which provides

child welfare services to continue to receive maintenance and special services if the youth:

(a) Is enrolled as a full-time student at a university, college, trade school or technical school; and

(b) Maintains at least a 2.0 grade point average on a 4.0 grading scale.

2. The Division shall establish criteria with respect to youth who have a documented physical or mental disability to exempt those youth from the requirement to be enrolled full time to enter into an agreement pursuant to subsection 1.”.

Amend sec. 2, page 2, line 8, by deleting “2.” and inserting “3.”.

Amend sec. 2, page 2, line 9, by deleting “child must” and inserting “youth must”.

Amend sec. 2, page 2, by deleting lines 11 and 12 and inserting:
“*evidencing his satisfaction of the requirements of subsection 1 to the extent that he is not exempt pursuant to subsection 2.”.*

Amend sec. 2, page 2, line 13, by deleting “3.” and inserting “4.”.

Amend sec. 2, page 2, by deleting lines 15 through 24 and inserting:
“youth.

5. The agreement may be terminated by:

(a) Mutual agreement;

(b) The agency which provides child welfare services if the youth fails to comply with any term or condition in the agreement; or

(c) The youth if the youth no longer wishes to receive maintenance and special services pursuant to the agreement.

6. As used in this section, “youth” means a person who is 18 years of age or older but less than 22 years of age and who was in foster care when he reached 18 years of age.”.

Amend sec. 6, page 4, line 35, after “child ” by inserting:
“is a youth who”.

Amend sec. 7, page 6, line 1, by deleting “child” and inserting “youth”.

Amend sec. 7, page 6, line 5, by deleting “child.” and inserting “youth.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 123.

Amend sec. 4, page 15, by deleting lines 18 through 20 and inserting:

“(b) Obtain approval for the pupil”.

Amend sec. 4, page 15, line 28, by deleting “must” and inserting “may”.

Amend sec. 4, page 15, line 36, by deleting: “the sequence or” and inserting: “a sequence or combination of”.

Amend sec. 8, page 17, by deleting lines 34 through 36, and inserting: “board of trustees of a school district ~~[in a county whose population is 100,000 or more shall and any other board of trustees of a school district]~~ and the governing body of a charter school may:”.

Amend sec. 8, page 18, by deleting lines 1 through 15.

Amend sec. 8, page 18, line 16, by deleting “4.” and inserting “2.”.

Amend the title of the bill by deleting the seventh through eleventh lines and inserting: “program of career and technical education; authorizing school districts and”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 87.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 14 and 15 and adding new sections designated sections 1 through 13, following the enacting clause, to read as follows:

“Section 1. Chapter 428 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of county commissioners of each county shall pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid each quarter in an amount not to exceed the tax levied for such purpose pursuant to subsection 2.*

2. *In addition to the taxes levied pursuant to NRS 428.050, 428.185 and 428.285 and any tax levied pursuant to NRS 450.425, the board of county commissioners of each county shall levy an ad valorem tax at a rate which must not exceed 8 cents on each \$100 of assessed valuation of all taxable property in the county to pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid.*

3. *The tax levied pursuant to subsection 2 and its proceeds must be:*

(a) *Excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes; and*

(b) *Remitted in the manner provided for in NRS 361.745 to the State Controller for payment of the nonfederal share of the expenses of the county for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid.*

4. *The State of Nevada, through the Department of Human Resources, shall pay for any nonfederal share of expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid which exceeds the amount remitted pursuant to subsection 3.*

Sec. 2. NRS 428.010 is hereby amended to read as follows:

428.010 1. Except as otherwise provided in NRS 422.382, to the extent that money may be lawfully appropriated by the board of county commissioners for this purpose pursuant to NRS 428.050, 428.285 and 450.425, *and section 1 of this act*, every county shall provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease or accident, lawfully resident therein, when those persons are not supported or relieved by their relatives or guardians, by their own means, or by state hospitals, or other state, federal or private institutions or agencies.

2. Except as otherwise provided in NRS 439B.330, the boards of county commissioners of the several counties shall establish and approve policies and standards, prescribe a uniform standard of eligibility, appropriate money for this purpose and appoint agents who will develop regulations and administer these programs to provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease or accident.

Sec. 3. NRS 428.020 is hereby amended to read as follows:

428.020 For the purposes of NRS 428.010 to 428.110, inclusive ~~{,}~~, *and section 1 of this act*:

1. The county of residence of a person is the county in which he is physically present with the intent to reside, at least for an indefinite period.

2. The county of residence of a person placed in institutional care is the county of residence of that person before he was placed in institutional care.

Sec. 4. NRS 428.030 is hereby amended to read as follows:

428.030 1. When any person meets the uniform standards of eligibility established by the board of county commissioners or by NRS 439B.310, if applicable, and complies with any requirements imposed pursuant to NRS 428.040, he is entitled to receive such relief as is in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of the money which may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 *and section 1 of this act* for this purpose.

2. The board of county commissioners of the county of residence of indigent inpatients shall pay hospitals for the costs of treating those indigent inpatients and any nonresident indigent inpatients who fall sick in the county an amount which is not less than the payment required for providing the same treatment to patients pursuant to the State Plan for Medicaid within the limits of money which may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 *and section 1 of this act* for this purpose.

3. The board of county commissioners may:

(a) Make contracts for the necessary maintenance of indigent persons;

(b) Appoint such agents as the board deems necessary to oversee and provide the necessary maintenance of indigent persons;

(c) Authorize the payment of cash grants directly to indigent persons for their necessary maintenance; or

(d) Provide for the necessary maintenance of indigent persons by the exercise of the combination of one or more of the powers specified in paragraphs (a), (b) and (c).

4. A hospital may contract with the Department of Human Resources to obtain the services of a state employee to be assigned to the hospital to evaluate the eligibility of patients applying for indigent status. Payment for those services must be made by the hospital.

Sec. 5. NRS 428.050 is hereby amended to read as follows:

428.050 1. In addition to the tax levied pursuant to NRS 428.185 and 428.285 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners of a county shall, at the time provided for the adoption of its final budget, levy an ad valorem tax to provide aid and relief to those persons coming within the purview of this chapter. In a county whose population is 400,000 or more, this levy must not exceed that adopted for the purposes of this chapter for the fiscal year ending June 30, 1971, diminished by 12.3 cents for each \$100 of assessed valuation. In a county whose population is less than 400,000 the rate of the tax must be calculated to produce not more than the amount of money allocated pursuant to NRS 428.295.

2. The board of county commissioners of any county in which there was no levy adopted for the purposes of this chapter for the fiscal year ending June 30, 1971, may request that the Nevada Tax Commission establish a maximum rate for the levy of taxes ad valorem by the county to provide aid and relief pursuant to this chapter.

3. No county may expend or contract to expend for that aid and relief a sum in excess of that provided by the maximum ad valorem levy set forth in subsection 1 of this section and NRS 428.185, 428.285 and 450.425, *and section 1 of this act*, or established pursuant to subsection 2, together with such outside resources as it may receive from third persons, including, but not limited to, expense reimbursements, grants-in-aid or donations lawfully attributable to the county indigent fund.

4. Except as otherwise provided in this subsection, no interfund transfer, medium-term obligation procedure or contingency transfer may be made by the board of county commissioners to provide resources or appropriations to a county indigent fund in excess of those which may be otherwise lawfully provided pursuant to subsections 1, 2 and 3 of this section and NRS 428.185, 428.285 and 450.425 ~~and~~ *and section 1 of this act*. If the health of indigent persons in the county is placed in jeopardy and there is a lack of money to provide necessary medical care under this chapter, the board of county commissioners may declare an emergency and provide additional money for medical care from whatever sources may be available.

Sec. 6. NRS 428.060 is hereby amended to read as follows:

428.060 1. If it appears to the satisfaction of the board of county commissioners that the county of residence of an indigent person applying for relief is another county in this State, the board shall provide temporary relief for the indigent in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of money which may be lawfully appropriated thereby for this purpose pursuant to NRS 428.050, 428.285 and 450.425, *and section 1 of this act*, and shall notify immediately the board of county commissioners of the county of residence of the indigent person.

2. The notice must be in writing, attested by the clerk of the board of county commissioners, and deposited in the post office, addressed to the board of county commissioners of the other county.

3. The board of county commissioners receiving the notice may cause the indigent person to be removed immediately to that county, and shall pay a reasonable compensation for the temporary relief afforded. If the board of county commissioners chooses not to remove the indigent person, the county affording relief has a legal claim against any money lawfully available in that county for the relief necessarily furnished, and may recover it in a suit at law.

Sec. 7. NRS 428.090 is hereby amended to read as follows:

428.090 1. When a nonresident or any other person who meets the uniform standards of eligibility prescribed by the board of county commissioners or by NRS 439B.310, if applicable, falls sick in the county, not having money or property to pay his board, nursing or medical aid, the board of county commissioners of the proper county shall, on complaint being made, give or order to be given such assistance to the poor person as is in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of money which may be lawfully appropriated for this purpose pursuant to NRS 428.050, 428.285 and 450.425 ~~and~~ *and section 1 of this act*.

2. If the sick person dies, the board of county commissioners shall give or order to be given to the person a decent burial or cremation.

3. Except as otherwise provided in NRS 422.382, the board of county commissioners shall make such allowance for the person's board, nursing, medical aid, burial or cremation as the board deems just and equitable, and order it paid out of the county treasury.

4. The responsibility of the board of county commissioners to provide medical aid or any other type of remedial aid under this section is relieved to the extent provided in NRS 422.382 and to the extent of the amount of money or the value of services provided by:

(a) The Department of Human Resources to or for such persons for medical care or any type of remedial care under the State Plan for Medicaid; and

(b) The Fund for Hospital Care to Indigent Persons under the provisions of NRS 428.115 to 428.255, inclusive.

Sec. 8. NRS 428.185 is hereby amended to read as follows:

428.185 1. In addition to the taxes levied pursuant to NRS 428.050 and 428.285 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners of each county shall levy an ad valorem tax at a rate which must be calculated by:

(a) First multiplying the tax rate of 1.5 cents on each \$100 of assessed valuation by the assessed valuation of all taxable property in this State, including new real property, possessory interests and mobile homes, during the next fiscal year.

(b) Then subtracting the amount of unencumbered money in the Fund on May 1 of the current fiscal year.

(c) Then setting the rate so that the revenue from the tax does not exceed the amount resulting from the calculations made in paragraphs (a) and (b).

2. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

3. The proceeds of this tax must be remitted in the manner provided for in NRS 361.745 to the State Controller for credit to the Fund.

Sec. 9. NRS 428.285 is hereby amended to read as follows:

428.285 1. The board of county commissioners of each county shall establish a tax rate of at least 6 cents on each \$100 of assessed valuation for the purposes of the tax imposed pursuant to subsection 2. A board of county commissioners may increase the rate to not more than 10 cents on each \$100 of assessed valuation.

2. In addition to the levies provided in NRS 428.050 and 428.185 *and section 1 of this act* and any tax levied pursuant to NRS 450.425, the board of county commissioners shall levy a tax ad valorem at a rate necessary to produce revenue in an amount equal to an amount calculated by multiplying the assessed valuation of all taxable property in the county by the tax rate established pursuant to subsection 1, and subtracting from the product the amount of unencumbered money remaining in the fund on May 1 of the current fiscal year.

3. For each fiscal year beginning on or after July 1, 1989, the board of county commissioners of each county shall remit to the State Controller from the money in the fund an amount of money equivalent to 1 cent on each \$100 of assessed valuation of all taxable property in the county for credit to the supplemental fund.

4. The tax so levied and its proceeds must be excluded in computing the maximum amount of money which the county is permitted to receive from taxes ad valorem and the highest permissible rate of such taxes.

Sec. 10. NRS 439B.330 is hereby amended to read as follows:

439B.330 1. Except as otherwise provided in NRS 439B.300 and subsection 2, ~~[of this section,]~~ each county shall use the definition of “indigent” in NRS 439B.310 to determine a person’s eligibility for medical

assistance pursuant to chapter 428 of NRS, other than assistance provided pursuant to NRS 428.115 to 428.255, inclusive.

2. A board of county commissioners may, if it determines that a hospital within the county is serving a disproportionately large share of low-income patients:

- (a) Pay a higher rate to the hospital for treatment of indigent inpatients;
- (b) Pay the hospital for treatment of indigent inpatients whom the hospital would otherwise be required to treat without receiving compensation from the county; or
- (c) Both pay at a higher rate and pay for inpatients for whom the hospital would otherwise be uncompensated.

3. Each hospital which treats an indigent inpatient shall submit to the board of county commissioners of the county of residence of the patient a discharge form identifying the patient as a possible indigent and containing the information required by the Department and the county to be included in all such forms.

4. The county which receives a discharge form from a hospital for an indigent inpatient shall verify the status of the patient and the amount which the hospital is entitled to receive. A hospital aggrieved by a determination of a county regarding the indigent status of an inpatient may appeal the determination to the Director or a person designated by the Director to hear such an appeal. The decision of the Director or the person he designates must be mailed by registered or certified mail to the county and the hospital. The decision of the Director or the person he designates may be appealed to a court having general jurisdiction in the county within 15 days after the date of the postmark on the envelope in which the decision was mailed.

5. Except as otherwise provided in subsection 2 of this section and subsection 3 of NRS 439B.320, if the county is the county of residence of the patient and the patient is indigent, the county shall pay to the hospital the amount required, within the limits of money which may lawfully be appropriated for this purpose pursuant to NRS 428.050, 428.285 and 450.425 ~~[-]~~ and section 1 of this act.

6. For the purposes of this section, the county of residence of the patient is the county of residence of that person before he was admitted to the hospital.

Sec. 11. NRS 439B.340 is hereby amended to read as follows:

439B.340 1. Before September 30 of each year, each county in which hospitals subject to the provisions of NRS 439B.300 to 439B.340, inclusive, are located shall provide to the Department a report showing:

- (a) The total number of inpatients treated by each such hospital who are claimed by the hospital to be indigent;
- (b) The number of such patients for whom no reimbursement was provided by the county because of the limitation imposed by subsection 3 of NRS 439B.320;

(c) The total amount paid to each such hospital for treatment of such patients; and

(d) The amount the hospital would have received for patients for whom no reimbursement was provided.

2. The Director shall verify the amount of treatment provided to indigent inpatients by each hospital to which no reimbursement was provided by:

(a) Determining the number of indigent inpatients who received treatment. For a hospital that has contracted with the Department of Human Resources pursuant to subsection 4 of NRS 428.030, the Director shall determine the number based upon the evaluations of eligibility made by the employee assigned to the hospital pursuant to the contract. For all other hospitals, the Director shall determine the number based upon the report submitted pursuant to subsection 1 of this section.

(b) Multiplying the number of indigent inpatients who received each type of treatment by the highest amount paid by the county for that treatment.

(c) Adding the products of the calculations made pursuant to paragraphs (a) and (b) for all treatment provided.

If the total amount of treatment provided to indigent inpatients in the previous fiscal year by the hospital was less than its minimum obligation for the year, the Director shall assess the hospital for the amount of the difference between the minimum obligation and the actual amount of treatment provided by the hospital to indigent inpatients. If a decision of a county regarding the indigent status of one or more inpatients is pending appeal before the Director or upon receiving satisfactory proof from a hospital that the decision is pending appeal before a court having general jurisdiction in the county pursuant to subsection 4 of NRS 439B.330, the Director shall defer assessing the hospital the amount that may be offset by the determination on appeal until a final determination of the matter is made.

3. If the Director determines that a hospital has met its obligation to provide treatment to indigent inpatients, he shall certify to the county in which the hospital is located that the hospital has met its obligation. The county is not required to pay the hospital for the costs of treating indigent inpatients until the certification is received from the Director. The county shall pay the hospital for such treatment within 30 days after receipt of the certification to the extent that money was available for payment pursuant to NRS 428.050, 428.285 and 450.425 *and section 1 of this act* at the time the treatment was provided.

4. The Director shall determine the amount of the assessment which a hospital must pay pursuant to this section and shall notify the hospital in writing of that amount on or before November 1 of each year. The notice must include, but is not limited to, a written statement for each claim which is denied indicating why the claim was denied. Payment is due 30 days after receipt of the notice, except for assessments deferred pursuant to subsection 2 which, if required, must be paid within 30 days after the court hearing the

appeal renders its decision. If a hospital fails to pay the assessment when it is due the hospital shall pay, in addition to the assessment:

(a) Interest at a rate of 1 percent per month for each month after the assessment is due in which it remains unpaid; and

(b) Any court costs and fees required by the Director to obtain payment of the assessment and interest from the hospital.

5. Any money collected pursuant to this section must be paid to the county in which the hospital paying the assessment is located for use in paying other hospitals in the county for the treatment of indigent inpatients by those hospitals. The money received by a county from assessments made pursuant to this section does not constitute revenue from taxes ad valorem for the purposes of NRS 354.59811, 428.050, 428.285 and 450.425, *and section 1 of this act*, and must be excluded in determining the maximum rate of tax authorized by those sections.

Sec. 12. NRS 439B.410 is hereby amended to read as follows:

439B.410 1. Except as otherwise provided in subsection 4, each hospital in this State has an obligation to provide emergency services and care, including care provided by physicians and nurses, and to admit a patient where appropriate, regardless of the financial status of the patient.

2. Except as otherwise provided in subsection 4, it is unlawful for a hospital or a physician working in a hospital emergency room to:

(a) Refuse to accept or treat a patient in need of emergency services and care; or

(b) Except when medically necessary in the judgment of the attending physician:

(1) Transfer a patient to another hospital or health facility unless, as documented in the patient's records:

(I) A determination has been made that the patient is medically fit for transfer;

(II) Consent to the transfer has been given by the receiving physician, hospital or health facility;

(III) The patient has been provided with an explanation of the need for the transfer; and

(IV) Consent to the transfer has been given by the patient or his legal representative; or

(2) Provide a patient with orders for testing at another hospital or health facility when the hospital from which the orders are issued is capable of providing that testing.

3. A physician, hospital or other health facility which treats a patient as a result of a violation of subsection 2 by a hospital or a physician working in the hospital is entitled to recover from that hospital an amount equal to three times the charges for the treatment provided that was billed by the physician, hospital or other health facility which provided the treatment, plus reasonable attorney's fees and costs.

4. This section does not prohibit the transfer of a patient from one hospital to another:

(a) When the patient is covered by an insurance policy or other contractual arrangement which provides for payment at the receiving hospital;

(b) After the county responsible for payment for the care of an indigent patient has exhausted the money which may be appropriated for that purpose pursuant to NRS 428.050, 428.285 and 450.425 ~~and~~ *and section 1 of this act*;
or

(c) When the hospital cannot provide the services needed by the patient.

No transfer may be made pursuant to this subsection until the patient's condition has been stabilized to a degree that allows the transfer without an additional risk to the patient.

5. As used in this section:

(a) "Emergency services and care" means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital. As used in this paragraph:

(1) "Active labor" means, in relation to childbirth, labor that occurs when:

(I) There is inadequate time before delivery to transfer the patient safely to another hospital; or

(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.

(2) "Emergency medical condition" means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(I) Placing the health of the patient in serious jeopardy;

(II) Serious impairment of bodily functions; or

(III) Serious dysfunction of any bodily organ or part.

(b) "Medically fit" means that the condition of the patient has been sufficiently stabilized so that he may be safely transported to another hospital, or is such that, in the determination of the attending physician, the transfer of the patient constitutes an acceptable risk. Such a determination must be based upon the condition of the patient, the expected benefits, if any, to the patient resulting from the transfer and whether the risks to the patient's health are outweighed by the expected benefits, and must be documented in the patient's records before the transfer.

6. If an allegation of a violation of the provisions of subsection 2 is made against a hospital licensed pursuant to the provisions of chapter 449 of NRS, the Health Division of the Department of Human Resources shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for the denial,

suspension or revocation of such a license, or for the imposition of any sanction prescribed by NRS 449.163.

7. If an allegation of a violation of the provisions of subsection 2 is made against:

(a) A physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action or denying licensure pursuant to the provisions of subsection 3 of NRS 630.3065.

(b) An osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action pursuant to the provisions of subsection 1 of NRS 633.131.

Sec. 13. NRS 450.425 is hereby amended to read as follows:

450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each \$100 of assessed valuation upon all taxable property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection 3 of NRS 450.420. The approval required by this subsection may be requested at any primary or general election.

2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285 ~~[-]~~ *and section 1 of this act*. The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 354.59811, 428.050 and 428.285 *and section 1 of this act* and must be excluded in determining the maximum rate of tax authorized by those sections.”.

Amend the title of the bill, first line, after “welfare;” by inserting: “requiring the board of county commissioners of each county to levy certain taxes to pay for the nonfederal share of its expenses for the institutional care of medically indigent persons pursuant to the State Plan for Medicaid;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning nonfederal share of expenses for institutional care of medically indigent persons pursuant to State Plan for Medicaid. (BDR 38-175)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 120.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 281.4645 is hereby amended to read as follows:

281.4645 1. The Commission Counsel is the legal adviser to the Commission. For each opinion of the Commission, the Commission Counsel shall prepare, at the direction of the Commission, the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct within the time set forth in subsection 4 of NRS 281.511. The Commission Counsel shall not issue written opinions concerning the applicability of the statutory ethical standards to a given set of facts and circumstances except as directed by the Commission.

2. The Commission may rely upon the legal advice of the Commission Counsel in conducting its daily operations.

3. If the Commission Counsel is prohibited from acting on a particular matter ~~[pursuant to NRS 281.501, he shall disclose the reasons therefor to the Chairman and]~~ or is otherwise unable to act on a particular matter, the Commission may:

(a) *Request that the Attorney General ~~[shall]~~ appoint a deputy to act in the place of the Commission Counsel ~~[for that particular matter.]~~ ; or*

(b) *Employ outside legal counsel.”.*

Amend section 1, page 2, line 3, by deleting: “annual compensation of \$6,000 or more” and inserting: “~~[annual compensation of \$6,000 or more]~~ compensation other than travel and per diem expenses”.

Amend sec. 3, page 3, by deleting line 8 and inserting: “and the amendatory provisions of subsection 2 of section 2 of this act apply retroactively to January 1, 2004.”.

Amend the title of the bill, first line, after “government;” by inserting: “authorizing the Commission on Ethics to use legal counsel other than the Commission Counsel under certain circumstances; providing that candidates for public office must file a statement of financial disclosure with the Secretary of State if they will be entitled to receive any amount of compensation, other than travel and per diem expenses, for serving in the office sought;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to ethics in government. (BDR 23-1079)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 118.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The county clerk may designate any building owned or leased by the county, or any portion of such a building, as a county facility at which electors may register to vote.*

2. *A county facility designated pursuant to subsection 1 must be operated as an auxiliary county facility at which voter registration is carried out in addition to being carried out at the office of the county clerk.*

3. *If the county clerk designates a county facility pursuant to subsection 1, the county clerk shall determine the hours of operation for the facility and shall, in cooperation with the Secretary of State, ensure that the facility is operated, staffed and equipped in compliance with all applicable provisions of title 24 of NRS and all other applicable provisions of state and federal law relating to the registration of electors in this State.”.*

Amend section 1, page 2, by deleting lines 10 and 11 and inserting:

“(e) *Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to section 1 or 4 of this act, as applicable; and”.*

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, registration must close at 9 p.m. on the third Tuesday preceding any primary or general election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close at 9 p.m. on the third Tuesday preceding the day of the elections.

2. The office of the county clerk must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open during the last day before registration closes.

(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating ~~the~~ :

(1) *The day that registration will be closed* ~~{ }~~ ; and

(2) *If the county clerk has designated a county facility pursuant to section 1 of this act, the location of that facility.*

If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk , *a county facility designated pursuant to section 1 of this act* and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk ~~{ }~~ or, if open, *a county facility designated pursuant to section 1 of this act.*

6. *A county facility designated pursuant to section 1 of this act may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of section 1 of this act.”.*

Amend sec. 2, page 3, by deleting lines 7 through 11 and inserting: “*must be operated as an auxiliary municipal facility at which voter registration*”.

Amend sec. 2, page 3, line 15, after “clerk” by inserting: “*shall determine the hours of operation for the facility and*”.

Amend sec. 3, page 3, by deleting lines 28 through 30 and inserting:

“2. The office of the city clerk must be open from 9 a.m. to 5 p.m. and from 7 p.m. to”.

Amend sec. 3, page 3, by deleting lines 35 and 36 and inserting: “the city clerk must be open during the last”.

Amend sec. 3, page 3, by deleting lines 39 and 40 and inserting: “the city clerk must be open during the last”.

Amend sec. 3, page 4, line 6, by deleting “2” and inserting “4”.

Amend sec. 3, page 4, by deleting lines 17 and 18 and inserting: “at the office of the city clerk ~~{ }~~ or, if open, *a municipal facility designated pursuant to section 4 of this act.*

5. *A municipal facility designated pursuant to section 4 of this act may be open during the periods described in this section for such hours of*

operation as the city clerk may determine, as set forth in subsection 3 of section 4 of this act.”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to elections; authorizing county clerks and city clerks to designate additional facilities at which”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes county clerks and city clerks to designate additional facilities at which electors may register to vote. (BDR 24-508)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

Amend section 1, page 1, line 5, by deleting “3” and inserting “2”.

Amend sec. 2, page 3, line 1, by deleting “3” and inserting “2”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 102.

Amend the bill as a whole by renumbering sections 1 through 8 as sections 5 through 12 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

- (1) Representatives of institutions of higher education;
- (2) Representatives of regional educational laboratories;
- (3) Representatives of outside consultant groups;
- (4) Representatives of the regional training programs for the professional development of teachers and administrators ~~established pursuant to~~ *created by* NRS 391.512;
- (5) The Bureau; and
- (6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;
- (3) Integrate technology into the instructional and administrative programs of the school districts;
- (4) Manage effectively the discipline of pupils; and
- (5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

- (1) The requirements for admission to an institution of higher education and the opportunities for financial aid;
- (2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and
- (3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

- (a) Governor;
- (b) Committee;
- (c) Bureau;
- (d) Board of Regents of the University of Nevada;
- (e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;
- (f) Board of trustees of each school district; and
- (g) Governing body of each charter school.

Sec. 2. NRS 385.354 is hereby amended to read as follows:

385.354 1. If the board of trustees of a school district in a county whose population is 400,000 or more, or the superintendent of schools of such a school district, creates regional subdistricts within the school district, each regional subdistrict shall, on or before August 15 of each year, prepare

an annual report. The annual report must include, without limitation, for the immediately preceding school year:

- (a) A description of the geographic area that comprises the subdistrict.
- (b) A list of the administrative leadership of the subdistrict.
- (c) The number of public meetings, if any, held by the subdistrict.
- (d) The information required by subsection 2 of NRS 385.347, reported for the subdistrict as a whole and for each school within the subdistrict.

(e) The total number of administrators employed to provide services within the subdistrict, and the total amount of money paid to those administrators for salaries and benefits.

(f) The total number of teachers and other educational personnel employed to provide instruction and other educational services in schools within the subdistrict, and the total amount of money paid to those teachers and personnel for salaries and benefits.

(g) The number of substitute teachers who were employed to provide instruction in schools within the subdistrict for a period of 30 consecutive days or more and the subject areas taught by those substitute teachers.

(h) The number of administrators, teachers and other educational personnel identified in paragraphs (e) and (f) that attended a regional training program for the professional development of teachers and administrators ~~[established pursuant to]~~ created by NRS 391.512, including, without limitation:

- (1) The type of training received; and
- (2) A summary of the evaluation of the training by the teachers and administrators who participated.

(i) Demographic information concerning the pupils enrolled in schools within the subdistrict, including, without limitation:

- (1) Race;
- (2) Ethnicity;
- (3) Gender;
- (4) The percentage of pupils with disabilities who received special education pursuant to NRS 388.440 to 388.520, inclusive;
- (5) The percentage of gifted and talented pupils who received special education pursuant to NRS 388.440 to 388.520, inclusive;

(6) The percentage of pupils who participated in the program for free or reduced-price school lunches pursuant to 42 U.S.C. §§ 1751 et seq.; and

(7) The percentage of pupils who participated in educational programs for migratory children provided pursuant to 20 U.S.C. §§ 6391 et seq.

(j) The number of schools, if any, within the subdistrict that were designated as demonstrating need for improvement.

(k) A summary of each program for remediation, if any, purchased for the schools within the subdistrict, including, without limitation:

- (1) The name of the program; and
- (2) The costs of the program.

(l) The number of preschool children who participated in early childhood education programs provided by the school district, the subdistrict or schools within the subdistrict.

(m) The budget for the subdistrict, including, without limitation, the:

(1) Amount of money from the school district's total budget that was allocated to the subdistrict or for use to operate the schools within the subdistrict; and

(2) Actual expenditures of the subdistrict or school district, as applicable, expressed on a per pupil basis, to operate the schools within the subdistrict.

(n) The establishment of zones of attendance, if any, or changes made to the existing zones of attendance, if any, that affected the subdistrict and the number of pupils within the subdistrict who were affected by each change.

(o) The number of schools within the subdistrict, if any, that converted to a year-round schedule.

(p) A description of the procedure of the subdistrict for hearing grievances and complaints of parents and legal guardians of pupils enrolled in schools within the subdistrict.

2. On or before August 15 of each year, each regional subdistrict shall submit to the board of trustees of the school district in which the subdistrict is located, the written report prepared pursuant to subsection 1. On or before December 15 of each year, the board of trustees shall submit a written compilation of the reports to the:

(a) Legislative Commission;

(b) Committee; and

(c) Department.

The written compilation must include, without limitation, an analysis and evaluation of the equity among the regional subdistricts based upon the information reported.

3. The board of trustees of a school district that includes regional subdistricts which are required to submit reports pursuant to this section shall prescribe forms for the reports.

Sec. 3. NRS 385.374 is hereby amended to read as follows:

385.374 The membership of each support team established pursuant to NRS 385.3721:

1. Must consist of, without limitation:

(a) Teachers and principals who are considered highly qualified and who are not employees of the public school for which the support team is established;

(b) At least one representative of the Department;

(c) Except for a charter school, at least one administrator at the district level who is employed by the board of trustees of the school district;

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

(1) At least one member of the governing body of the charter school, regardless of the sponsor of the charter school; and

(2) If the charter school is sponsored by the board of trustees of a school district, at least one employee of the school district, which may include an administrator.

2. May consist of, without limitation:

(a) Except for a charter school, one or more members of the board of trustees of the school district in which the school is located;

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

(e) Representatives of the regional training program for the professional development of teachers and administrators ~~[established pursuant to]~~ *created* by NRS 391.512 that provides services to the school district in which the school is located;

(f) The Bureau; and

(g) Other persons who the Department determines are appropriate.

Sec. 4. NRS 391.512 is hereby amended to read as follows:

391.512 1. ~~{The Clark County School District, Douglas County School District, Elko County School District and Washoe County School District shall each}~~ *There are hereby created the Southern Nevada Regional Training Program, the Western Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program. The governing body of each regional training program shall establish and operate a:*

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 6, the ~~[regional training program established by the Clark County School District]~~ *Southern Nevada Regional Training Program* must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Clark County;

(b) Esmeralda County;

(c) Lincoln County; and

(d) Nye County.

3. Except as otherwise provided in subsection 6, the ~~[regional training program established by the Douglas County School District]~~ *Western Nevada Regional Training Program* must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Carson City;

(b) Churchill County;

- (c) Douglas County;
- (d) Lyon County; and
- (e) Mineral County.

4. Except as otherwise provided in subsection 6, the ~~[regional training program established by the Elko County School District]~~ *Northeastern Nevada Regional Training Program* must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Elko County;
- (b) Eureka County;
- (c) Lander County;
- (d) Humboldt County; and
- (e) White Pine County.

5. Except as otherwise provided in subsection 6, the ~~[regional training program established by the Washoe County School District]~~ *Northwestern Nevada Regional Training Program* must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Pershing County;
- (b) Storey County; and
- (c) Washoe County.

6. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

7. *The board of trustees of the:*

(a) *Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.*

(b) *Douglas County School District shall serve as the fiscal agent for the Western Nevada Regional Training Program.*

(c) *Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.*

(d) *Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.*

As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Intervention Program established and operated by the applicable governing body.”.

Amend sec. 5, page 6, line 28, by deleting “shall:” and inserting: “shall use the money to:”.

Amend sec. 5, page 6, by deleting lines 29 through 35 and inserting:

“(a) Serve as the fiscal agent for the regional training program created pursuant to NRS 391.512, as prescribed in subsection 7 of NRS 391.512; and

(b) Serve as the fiscal agent for the Nevada Early Literacy Intervention Program established by the regional training program created pursuant to NRS 391.512, as prescribed in subsection 7 of NRS 391.512.”.

Amend sec. 6, page 7, line 6, by deleting “established” and inserting “created.”.

Amend sec. 8, page 8, line 12, by deleting “2” and inserting “6”.

Amend sec. 8, page 8, line 16, by deleting: “1 and 3 to 7” and inserting: “1 to 5, inclusive, and 7 to 11”.

Amend the title of the bill, first line, after “education;” by inserting: “redesignating the four regional training programs for the professional development of teachers and administrators based upon the geographic regions served by those programs; designating the board of trustees of certain school districts as the fiscal agent for the programs;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing regional training programs for professional development of teachers and administrators and makes appropriations. (BDR 34-479)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

Amend section 1, page 2, line 3, by deleting “4,” and inserting “5.”.

Amend section 1, page 2, line 4, by deleting “lesser” and inserting “lessee”.

Amend section 1, page 2, line 5, by deleting “the” and inserting “an”.

Amend section 1, page 2, by deleting line 7 and inserting: “*with the intent to record a motion picture that is being exhibited in that theater.*”.

Amend section 1, page 2, by deleting lines 13 through 28 and inserting:

“3. *An owner or lessee of a motion picture theater and an authorized agent or employee of an owner or lessee of a motion picture theater who has reason to believe that a person has operated an audiovisual recording function of any device in the motion picture theater in violation of subsection 1 may take the person into custody and detain him, on the premises of the motion picture theater, in a reasonable manner and for a reasonable length of time, for the purpose of informing a peace officer of the circumstances of such detention. The owner, lessee, agent or employee is presumed to have reason to believe that a person has operated an audiovisual recording function of any device in violation of subsection 1 if the owner, lessee, agent or employee observed the person aiming the device at a screen or other surface while a motion picture was being exhibited on the screen or other surface. Such taking into custody and detention by an owner, lessee, agent or employee does not render the owner, lessee, agent or employee criminally or*

civilly liable for false arrest, false imprisonment, slander or unlawful detention unless the taking into custody and detention are unreasonable under all the circumstances.

4. An owner, lessee, agent or employee is not entitled to the immunity from liability provided for in this section unless there is displayed in a conspicuous place on the premises of the motion picture theater a notice in boldface type clearly legible and in substantially the following form:

It is a crime to record a movie in this theater. If the owner or lessee of the theater or his employee or agent has reason to believe that a person is recording a movie in this theater, he may detain the person on the premises of the theater for the purpose of notifying a peace officer. Violators of this crime are subject to arrest and prosecution. Section 1 of this act."

Amend section 1, page 2, line 29, by deleting "4." and inserting "5."

Amend section 1, page 2, line 35, by deleting "5." and inserting "6."

Amend the title of the bill, fourth line, after "from" by inserting "criminal and".

Amend the summary of the bill to read as follows:

"SUMMARY—Prohibits operation of audiovisual recording function of device in motion picture theater under certain circumstances. (BDR 15-644)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 139.

Amend section 1, page 2, by deleting line 9 and inserting: "*person who claims the applicant as a dependent.*".

Amend section 1, page 2, line 14, by deleting "*all*" and inserting "*the 25*".

Amend section 1, page 2, line 16, by deleting: "*25 or more*" and inserting: "*the greatest number of*".

Amend section 1, page 2, line 17, by deleting "*person*" and inserting "*dependent*".

Amend section 1, page 2, by deleting lines 22 and 23 and inserting:

"(b) *The total number of its employees and dependents of its employees who received assistance*".

Amend the title of the bill, fourth and fifth lines, by deleting: "provides financial support for the applicant;" and inserting: "claims the applicant as a dependent;"

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 41.

Amend section 1, page 2, line 3, by deleting “three.”

Amend the title of the bill, first line, by deleting “expanding” and inserting “revising”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises number of members who may be appointed to county advisory board to manage wildlife in larger counties. (BDR 45-333)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 90.

Amend the bill as a whole by deleting sections 1 through 12 and renumbering sections 13 and 14 as sections 1 and 2.

Amend sec. 14, page 15, line 28, by deleting “13” and inserting “1”.

Amend the bill as a whole by deleting sections 15 through 17 and renumbering sections 18 through 20 as sections 3 through 5.

Amend sec. 18, page 20, line 2, by deleting “, ~~for~~” and inserting “or”.

Amend sec. 18, page 20, by deleting line 3 and inserting “school district”.

Amend sec. 18, page 20, line 5, by deleting “, ~~for~~” and inserting “or”.

Amend sec. 18, page 20, by deleting line 6 and inserting “trustees, as”.

Amend sec. 18, page 20, by deleting lines 18 through 25 and inserting:

“~~2.~~ 3. *Upon the initial renewal of a written charter and each renewal thereafter, the governing body of a charter school may request a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt objective criteria for the conditions under which such a request may be granted.*”.

Amend sec. 18, page 21, line 8, by deleting “13” and inserting “1”.

Amend sec. 20, page 24, by deleting lines 8 through 28 and inserting:

“2. ~~Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms~~

~~and conditions of employment of employees of the charter school who are on a leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years that the employee is on a leave of absence:~~

~~(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.~~

~~(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.~~

~~3. Except as otherwise provided in subsection 2, the~~ *The governing*”.

Amend sec. 20, page 24, line 29, after “school” by inserting:

“may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body”.

Amend sec. 20, page 24, line 35, by deleting “4.” and inserting “[4.] 3.”.

Amend sec. 20, page 24, line 43, by deleting “5;” and inserting “[5.] 4;”.

Amend sec. 20, page 25, line 3, by deleting “5.” and inserting “[5.] 4.”.

Amend sec. 20, page 25, line 4, by deleting “5.” and inserting “[5.] 4.”.

Amend sec. 20, page 25, by deleting lines 23 through 30 and inserting:

~~“[6.] 5.~~ An employee who is on a leave of absence from a school district pursuant to this section ~~{shall}~~ :

(a) Shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees’ Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while he is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his status or employment with the district.

The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.”.

Amend sec. 20, page 25, line 31, by deleting “7.” and inserting “[7.] 6.”.

Amend sec. 20, page 25, line 35, by deleting “8.” and inserting “[8.] 7.”.

Amend sec. 20, page 25, line 40, by deleting “9.” and inserting “[9.] 8.”.

Amend sec. 20, page 26, line 6, by deleting “10.” and inserting “[10.] 9.”.

Amend the bill as a whole by deleting sec. 21 and renumbering sections 22 and 23 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 24 and renumbering sec. 25 as sec. 8.

Amend sec. 25, page 32, by deleting lines 11 through 25 and inserting:

“A person who is licensed pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019:”.

Amend sec. 25, page 32, line 26, by deleting “(a)” and inserting “1.”.

Amend sec. 25, page 32, line 27, by deleting “(b)” and inserting “2.”.

Amend sec. 25, page 32, line 30, by deleting “(c)” and inserting “3.”.

Amend the bill as a whole by renumbering sections 26 and 27 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 25, to read as follows:

“Sec. 9. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) *Providing for the issuance of a license to teach to a person who:*

(I) *Holds a graduate degree from an accredited college or university in the field for which he will be providing instruction;*

(II) *Is not licensed to teach public school in another state;*

(III) *Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and*

(IV) *Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of his employment as a teacher with a school district or charter school.*

An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.”.

Amend sec. 26, page 32, by deleting lines 37 and 38, and inserting:

“391.021 Except as otherwise provided in ~~[NRS]~~ subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019 and 391.027, the Commission shall adopt regulations”.

Amend sec. 27, page 33, by deleting lines 18 and 19 and inserting:

“application for the issuance of a license pursuant to subparagraph (7) of paragraph (a) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to”.

Amend the bill as a whole by renumbering sec. 28 as sec. 13 and adding a new section designated sec. 12, following sec. 27, to read as follows:

“Sec. 12. The amendatory provisions of section 5 of this act do not apply to a person who is, before July 1, 2005, employed by a charter school and on a leave of absence from a school district.”.

Amend sec. 28, page 33, line 25, by deleting “section 20” and inserting: “sections 4 and 12”.

Amend sec. 28, page 33, by deleting line 27 and inserting:

“2. Sections 1, 2, 3 and 5 to 11, inclusive, of this”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising provisions governing the operation of charter schools, the employees of charter schools and the enrollment of pupils in charter schools; providing for the issuance of a license to teach to certain persons with graduate degrees and work experience; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 140.

Amend section 1, page 3, by deleting lines 16 and 17 and inserting: “court must compare *the amount of the offer* with the principal amount of the judgment, ~~[with the amount of the offer,]~~ without inclusion of costs.”.

Amend section 1, page 3, by deleting lines 22 and 23 and inserting:

“(2) The amount of taxable costs that the ~~[party to whom the offer was made]~~ *claimant who obtained the judgment* incurred before the date of service of the offer.

As used in this subsection, “claimant” means a plaintiff, counterclaimant, cross-claimant or third-party plaintiff.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 12:25 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 138.

Amend sec. 2, page 5, by deleting lines 1 through 4.

Amend sec. 3, page 7, line 12, by deleting: “July 1, 2005.” and inserting: “October 1, 2006.”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 181.

Bill read second time and ordered to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 73.

Amend section 1, page 3, lines 11 and 12, by deleting: “*board of trustees of the school district*” and inserting: “*principal or if applicable, the school nurse of the public school*”.

Amend section 1, page 3, line 36, by deleting “*subsection 3.*” and inserting: “*subsections 3 and 4.*”.

Amend section 1, page 3, lines 37 and 38, by deleting: “*not:*
(a) *Create*” and inserting “*not create*”.

Amend section 1, page 3, line 41, by deleting “*employment; or*” and inserting “*employment.*”.

Amend section 1, pages 3 and 4, by deleting lines 42 through 44 on page 3 and lines 1 and 2 on page 4, and inserting:

“4. If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of the pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication.”.

Amend section 1, page 4, line 3, by deleting “4.” and inserting “5.”.

Amend section 1, page 4, line 4, by deleting: “*board of trustees of a school district*” and inserting: “*principal or if applicable, the school nurse of the public school in which a pupil is enrolled*”.

Amend section 1, page 4, line 9, after “*principal*” by inserting: “*or if applicable, the school nurse*”.

Amend section 1, page 4, line 21, by deleting “5.” and inserting “6.”.

Amend section 1, page 4, line 22, by deleting “4” and inserting “5”.

Amend section 1, page 4, lines 23 and 24, by deleting: “*board of trustees of a school district*” and inserting: “*principal or if applicable, the school nurse of the public school in which the pupil is enrolled*”.

Amend section 1, page 4, line 26, by deleting “6.” and inserting “7.”.

Amend section 1, page 4, line 28, after “*principal*” by inserting: “*or if applicable, the school nurse*”.

Amend section 1, page 4, line 30, after “*principal*” by inserting: “*or if applicable, the school nurse*”.

Amend section 1, page 4, line 36, by deleting “7.” and inserting “8.”.

Amend the title of the bill to read as follows:

“AN ACT relating to pupils; requiring a principal or a school nurse of a public school to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires principals and school nurses to allow pupils to self-administer prescribed medications for asthma and anaphylaxis under certain circumstances. (BDR 34-1000)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 93.

Amend section 1, page 2, line 3, by deleting “shall” and inserting:

“shall, in consultation with representatives of school districts and parents and guardians of pupils enrolled in public schools in this State,”.

Amend section 1, page 2, line 9, by deleting “include,” and inserting: “be accompanied by,”.

Amend section 1, page 2, line 14, after “or” by inserting: “standards for the”.

Amend section 1, page 2, line 16, before “examinations” by inserting “major”.

Amend section 1, page 2, line 17, by deleting “projects;” and inserting: “projects, if those dates are known by the teacher at the time that the information is distributed;”.

Amend section 1, page 2, line 18, by deleting “policy” and inserting: “and grading policies”.

Amend section 1, page 2, line 29, by deleting “and”.

Amend section 1, page 2, line 31, by deleting “language.” and inserting: “language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs; and

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class.”.

Amend section 1, page 2, by deleting lines 40 and 41 and inserting:

“(b) Provide the parent or legal guardian with a reasonable opportunity to sign the parental involvement compact.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 121.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 5, between lines 18 and 19, by inserting:

“6. If any words and terms used in this section are defined in NRS 616A.030 to 616A.360, inclusive, or 617.030 to 617.150, inclusive, the words and terms must be given the meanings ascribed to them in NRS 616A.030 to 616A.360, inclusive, or 617.030 to 617.150, inclusive, as applicable. The provisions of this section must be interpreted and enforced by the Administrator as if those provisions were part of chapters 616A to 617, inclusive, of NRS.”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; providing for a one-time payment of additional compensation to certain claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability under industrial insurance; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to impose an assessment to be used to make such payments; and providing other matters property relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes one-time payment of additional compensation for a permanent total disability to certain injured employees and their dependents. (BDR S-251)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 186 be rereferred to the Committee on Commerce and Labor.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Commerce and Labor.

Assembly Bill No. 256.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 176.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon the request of a patient, a registered pharmacist shall transfer a prescription for the patient to another registered pharmacist.*

2. *A registered pharmacist who transfers a prescription pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.*

3. *The provisions of this section do not authorize or require a pharmacist to transfer a prescription in violation of:*

- (a) Any law or regulation of this State;*
- (b) Federal law or regulation; or*
- (c) A contract for payment by a third party if the patient is a party to that contract.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to pharmacists; requiring a registered pharmacist, upon request by a patient, to transfer a prescription for the patient to another registered pharmacist; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires registered pharmacist, upon request by patient, to transfer prescription for patient to another registered pharmacist. (BDR 54-1266)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblymen Smith and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 110.

Amend sec. 2, page 3, by deleting lines 27 through 31 and inserting: “*subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 350.

Bill read second time and ordered to third reading.

Assembly Bill No. 372.

Bill read second time and ordered to third reading.

Assembly Bill No. 377.

Bill read second time and ordered to third reading.

Assembly Bill No. 402.

Bill read second time and ordered to third reading.

Assembly Bill No. 421.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 80.

Amend the preamble of the resolution, page 1, line 10, by deleting “nations” and inserting “nation’s only”.

Amend the preamble of the resolution, page 2, line 1, by deleting: “interim nuclear waste repository” and inserting: “repository for high-level radioactive waste and spent nuclear fuel”.

Amend the preamble of the resolution, page 3, line 25, by deleting “The Caliente” and inserting: “An area identified as the Caliente rail”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 6.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 12.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 26.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 58.

Amend sec. 2, pages 3 and 4, by deleting lines 38 through 45 on page 3 and lines 1 through 9 on page 4, and inserting:

“2. With the advice of the Nevada Veterans’ Services Commission, the Executive Director shall, on or before April 1 of each calendar year, recommend to the State Board of Examiners a schedule of rates to be charged for occupancy of rooms at each veterans’ home in this State during the following fiscal year. The State Board of Examiners shall establish the schedule of rates. In setting the rates, the State Board of Examiners shall consider the recommendations of the Executive Director, but is not bound to follow the recommendations of the Executive Director.”.

Amend the title of the bill to read as follows:

“AN ACT relating to veterans; requiring the Executive Director for Veterans’ Services to establish and implement rules, policies and procedures for the management, maintenance and operation of veterans’ homes; requiring the State Board of Examiners to establish a schedule of rates to be charged for occupancy of rooms at veterans’ homes; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that upon return from the printer, Assembly Bill No. 35 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bills Nos. 106, 112, 179, 187, 235, 346, 470, 507; Senate Bills Nos. 73, 132, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 85 and Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothea Jones, Maggie Benz, Kathy Kubly, Nancy Dallas, and Lona White.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Dolores Fairbairn and Marian Bond.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Benson and Sally C. Miller.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to June Rigsby and Bill Wagner.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Bing.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Elena Brady.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Ishbel Butler.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kris Munn.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Neubert.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Ann Olson and Amelia Tomaschek.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 12, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:55 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 12, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Myra Soifer.

As this busy day in the Nevada Assembly is about to begin, let us pause, take a deep breath, and prepare. Jewish tradition teaches that in the far-off, longed-for time when our world will finally and ultimately be perfected, there will still be one kind of prayer required of us, and that is prayers of thanksgiving. Even in an ideal world, it will be incumbent upon us to give thanks.

As you begin your work for the people and the state of Nevada, may gratitude be the foundation of your efforts—gratitude for our country and state, gratitude for your privilege to serve, and gratitude to the people who have trusted you with that task.

When a Jew arises each morning, there is a prayer of thanksgiving that he or she traditionally speaks. Though you here have been awake and hard at work for many hours already, perhaps this moment can be a reawakening to the challenges and good work before you. May you begin today's session with the kind of grateful wonder that ought to arise within each one of us as a new day dawns. And so I share with you a prayer from our morning liturgy, adapted for this chamber:

Modim Anachnu Lach . . .

You enter these chambers to voice and enact the commitments of your heads, hearts, and souls. In this august company, with these, your colleagues, may you offer your best to one another and all the citizens of this state. While the pressures of life and schedule may stifle your nobler impulses, may your sense of all that is holy in your work here lift you beyond those stresses and nurture your ideals and best intentions. May you devote yourselves this morning to details grand and mundane. May your hearts be lifted, your thoughts deepened, and your souls like the eagle soar. In gratitude, may you begin your work and end your day. As you promote blessing, may you, too, be blessed.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 163 and 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Joint Resolutions Nos. 8, 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 347; Assembly Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and rerefer to the Committee on Ways and Means.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chairman*

COMMUNICATIONS

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

April 8, 2005

DIANE KEETCH, *Assistant Chief Clerk Of The Assembly*, State Assembly, Nevada State Legislature

DEAR MS. KEETCH:

This letter is in acknowledgment of the transfer of Assembly Bill No. 135 of the 73rd Legislative Session, which was vetoed by the Governor on April 7th, 2005. The enclosed engrossed copy of Assembly Bill No. 135 is being returned to the 73rd Legislative Session for action pursuant to NRS 218.420.

If you have any further questions in this regard, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
DEAN HELLER
Secretary of State

By: ELLICK C. HSU, ESQ.
Deputy Secretary for Elections

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 218, 301, 321, 449, and 483.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 76, 118, 152, 170, 186, 194, 210, 417, and 442.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 37, 248, 270, 369, 392, 433, 464, 480, 500, and 540.

MARK STEVENS

Fiscal Analysis Division

April 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 80, 117, 170, 175, 176, 198, 289, 336, 398, 526, and 534.

MARK STEVENS

Fiscal Analysis Division

By Assemblymen Conklin, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Heck, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 16—Designating April 12, 2005, as Homeless Youth Awareness Day in Nevada.

WHEREAS, Thousands of children in this State are reported as runaways each year and often join the homeless population on the streets; and

WHEREAS, Many of these runaway children prefer to chance the dangers of life on the street to remaining in their homes where they often experience abuse, violence and other dysfunction; and

WHEREAS, Although the “Right to Shelter Law,” which provided for separate shelters for certain runaway children was passed by the Nevada Legislature in 2001, there are no long-term residential facilities which allow children to seek assistance on a voluntary basis in this State; and

WHEREAS, There is a lack of available statistics concerning the number of homeless children that reside in this State and their need for such long-term residential facilities and other services; and

WHEREAS, Children who are homeless are unable to support themselves financially, causing them to become desperate, hungry and vulnerable; and

WHEREAS, Homeless children often become sexually active, are at risk of becoming pregnant, engaging in prostitution and contracting sexually transmitted diseases, suffer from

poor nutrition and dehydration, become suicidal and suffer various other harms which affect their overall health, well-being and ability to become productive members of society; and

WHEREAS, To properly address the needs of this often forgotten population, it is important to raise public awareness of the serious issues concerning homeless children in this State and to encourage public support for programs designed to assist those children; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the state and local governmental agencies and nonprofit entities dedicated to fighting the problem of homeless children in the State of Nevada; now, therefore be it

RESOLVED, BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 12, 2005, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homelessness of children in Nevada and to continue to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Michael Hillerby, Chief of Staff to Governor Kenny C. Guinn, and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

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

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 41.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 76.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 118.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

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

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 152.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 170.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

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

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ocegüera withdrew the motion that Senate Bill No. 170 be referred to the Committee on Government Affairs.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 186.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 194.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 210.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 218.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 301.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 321.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 417.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 442.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 449.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 483.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 39.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 218.53723 is hereby amended to read as follows:

218.53723 1. There is hereby established a Legislative Committee on Children, Youth and Families consisting of:

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom were members of the Committee on Finance during the immediately preceding legislative session; and

(b) Five members appointed by the Speaker of the Assembly, at least two of whom were members of the Committee on Ways and Means during the immediately preceding legislative session.

2. The members of the Committee shall elect a Chairman and Vice Chairman from among their members. The Chairman must be elected from one house of the Legislature and the Vice Chairman from the other house. After the initial election of a Chairman and Vice Chairman, each of those

officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the members of the Committee shall elect a replacement for the remainder of the unexpired term.

3. *The Chairman may appoint additional nonvoting advisory members as he deems necessary to facilitate the work of the Committee.*

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the Legislature.

~~[4.]~~ 5. Vacancies on the Committee must be filled in the same manner as the original appointments.

Sec. 2. NRS 218.53725 is hereby amended to read as follows:

218.53725 1. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee.

2. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary.

3. The Committee shall prescribe regulations for its own management and government.

4. Except as otherwise provided in subsection 5, six voting members of the Committee constitute a quorum.

5. Any recommended legislation proposed by the Committee must be approved by a majority of the members of the Senate and by a majority of the members of the Assembly appointed to the Committee.

6. Except during a regular or special session of the Legislature, the *voting* members of the Committee are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the Committee and while engaged in the business of the Committee. The salaries and expenses paid pursuant to this subsection and the expenses of the Committee must be paid from the Legislative Fund.

Sec. 3. NRS 218.53727 is hereby amended to read as follows:

218.53727 The Committee ~~shall~~ may:

1. Study and comment upon issues ~~related to the~~ relating to:

(a) *Youth and families within this State, including, without limitation:*

(1) *Programs for the provision of services to youth and families in this State;*

(2) *Methods to enhance such programs and to ensure that youth and families are receiving services in the most appropriate setting;*

(3) *Federal and state laws concerning youth and families;*

(4) *The availability of useful information and data as needed for the State of Nevada effectively to make decisions, plan budgets and monitor costs and outcomes of services provided to youth and families;*

(5) *Methods to increase the availability of such information and data;*

(6) *Compliance with federal requirements which affect youth and families; and*

(7) *Any other matters that, in the determination of the Committee, affect youth and families.*

(b) *The provision of child welfare services within this State, including, without limitation:*

~~[(a)]~~ (1) *Programs for the provision of child welfare services;*

~~[(b)]~~ (2) *Licensing and reimbursement of providers of foster care;*

~~[(c)]~~ (3) *Mental health services; and*

~~[(d)]~~ (4) *Compliance with federal requirements.*

2. Receive progress reports and testimony from the Division of Child and Family Services of the Department of Human Resources on the activities of each mental health consortium established pursuant to NRS 433B.333.

3. Conduct investigations and hold hearings in connection with its powers pursuant to this section.

4. Request that the Legislative Counsel Bureau assist in the study of issues related to *youth and families* and the provision of child welfare services within this State.

5. Make recommendations to the Legislature concerning ~~the~~ :

(a) *Issues involving youth and families within this State; and*

(b) *The manner in which the provision of child welfare services within this State may be improved.”*

Amend the bill as a whole by renumbering sections 2 and 3 as sections 6 and 7 and adding a new section designated sec. 5, following section 1, to read as follows:

“Sec. 5. Section 3 of Chapter 24, Statutes of Nevada 2003, at page 359, is hereby amended to read as follows:

Sec. 3. 1. This section and section 1 of this act become effective on October 1, 2003.

2. Section 1 of this act expires by limitation on June 30, ~~[2005.]~~ 2007.

3. Section 2 of this act becomes effective ~~[at 12:01 a.m.]~~ on July 1, ~~[2005.]~~ 2007.”.

Amend sec. 3, page 3, line 11, before “This” by inserting “1.”.

Amend sec. 3, page 3, after line 11, by inserting:

“2. Sections 1 and 2 of this act expire by limitation on June 30, 2007.”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to the protection of children; revising the provisions governing the Legislative Committee on Children, Youth and Families; extending the prospective expiration of the Committee; requiring the Division of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of child welfare services. (BDR 17-666)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 67.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Committee shall conduct a study of the child support collection process in this State. The study must include, without limitation:*

(a) *An evaluation of the current structure, method and processes used to enforce child support obligations in this State.*

(b) *Federal and state laws concerning the enforcement of child support obligations.*

(c) *Any other matters that, in the determination of the Committee, affect child support in this State.*

2. *The Committee may conduct investigations and hold hearings in connection with its powers pursuant to this section.*

3. *The Committee may request that the Legislative Counsel Bureau assist in the study.*

4. *The Committee shall make recommendations to the Legislature concerning the manner in which the child support collection process in this State may be improved.*

Sec. 2. NRS 218.5372 is hereby amended to read as follows:

218.5372 As used in NRS 218.5372 to 218.53727, inclusive, and section 1 of this act, “Committee” means the Legislative Committee on Children, Youth and Families.”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 5 and 6 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. Section 3 of Chapter 24, Statutes of Nevada 2003, at page 359, is hereby amended to read as follows:

Sec. 3. 1. This section and section 1 of this act become effective on October 1, 2003.

2. Section 1 of this act expires by limitation on June 30, ~~[2005.]~~ 2007.

3. Section 2 of this act becomes effective ~~[at 12:01 a.m.]~~ on July 1, ~~[2005.]~~ 2007.”.

Amend sec. 3, page 3, line 11, before “This” by inserting “1.”.

Amend sec. 3, page 3, after line 11, by inserting:

“2. Sections 1 and 2 of this act expire by limitation on June 30, 2007.”.

Amend the title of the bill, third line, after “Families;” by inserting: “requiring the Committee to conduct a study of the child support collection process in this State;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of child welfare services. (BDR 17-666)”.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 168.

Amend section 1, page 3, by deleting lines 1 through 4.

Amend section 1, page 3, line 5, by deleting “(c)” and inserting “(a)”.

Amend section 1, page 3, line 8, by deleting “(d)” and inserting “(b)”.

Amend section 1, page 3, line 11, by deleting “(e)” and inserting “(c)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 118.

Bill read second time and ordered to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

Amend section 1, page 2, by deleting lines 15 through 27 and inserting:

“(c) *Has been adjudicated as mentally ill or has been committed to any mental health facility; or*

(d) *Is illegally or unlawfully in the United States.*

3. *Except as otherwise provided in this subsection, a child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device. A child who is 14 years of age or older may have in his possession or under his custody or control any electronic stun device if the child:*

(a) *Has the permission of his parent or guardian to have in his possession or under his custody or control the electronic stun device; and*

(b) *Is not otherwise prohibited by law from having in his possession or under his custody or control the electronic stun device.*

4. *A person who violates the provisions of:*

(a) *Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

(b) Paragraph (c) or (d) of subsection 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 57.

Amend section 1, page 2, by deleting line 27 and inserting: “*purchasing prescription drugs , pharmaceutical services and, to the extent money is available, other services, including, without limitation, dental and vision services, and*”.

Amend sec. 2, page 3, by deleting line 13 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend sec. 2, page 3, by deleting line 20 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend sec. 2, page 5, by deleting lines 36 and 37 and inserting: “for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to”.

Amend sec. 3, page 6, by deleting line 8 and inserting: “*drugs , ~~and~~ pharmaceutical services ~~and~~ and, to the extent money is available, other benefits, including, without limitation, dental*”.

Amend sec. 3, page 7, by deleting lines 6 through 8 and inserting:

“6. If the Federal Government provides any coverage ~~[of prescription]~~ for:

(a) *Prescription drugs and pharmaceutical services ; or*

(b) *Other benefits, including, without limitation, dental or vision benefits, for senior citizens who are eligible for a*”.

Amend sec. 3, page 7, by deleting line 14 and inserting: “*pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision*”.

Amend the title of the bill by deleting the second and third lines and inserting: “Fund for a Healthy Nevada for the coverage of certain additional benefits, including dental and vision benefits, within the program of”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides subsidies from Fund for a Healthy Nevada for coverage of certain additional benefits, including dental and vision benefits, for certain senior citizens. (BDR 40-714)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Assemblyman Arberry moved that upon return from the printer Assembly Bill No. 127 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 200.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

~~[The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.]~~

Sec. 2. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall ~~[provide]~~ :

(a) On or before the first Monday in October, post on his Internet website the full text of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with a copy of each of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218.443, 293.250 and 293.252; and

(b) Provide each county clerk with copies of the full text of any proposed constitution, constitutional amendment or statewide measure which will

appear on the general election ballot, together with ~~the copies~~ *a copy of each of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218.443, 293.250 and 293.252.*

~~{2.}~~ Whenever feasible, ~~he~~ *the Secretary of State* shall provide ~~those~~ *the copies* on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

~~{3.}~~ 2. Each county clerk ~~shall cause~~ *may post on his Internet website or publish in any other manner* a copy of the full text of any such constitution, amendment or measure and its condensation, explanation, arguments, rebuttals and fiscal note . ~~{to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~4. If a copy is furnished by the Secretary of State too late to be published at 7 day intervals, it must be published three times at the longest intervals feasible in each county.~~

~~5. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]”.~~

Amend the title of the bill by deleting the second through fourth lines and inserting: “post on his Internet website certain information related to any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot in lieu of causing such information to be published in a newspaper; and providing other matters”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Secretary of State to post on his Internet website certain information related to proposed constitution, constitutional amendment or statewide measure in lieu of causing publication of such information. (BDR 24-418)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 166.

Amend section 1, page 2, by deleting line 8 and inserting: “*building or structure that is used as a*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 201.

Amend sec. 2, page 2, line 36, by deleting: “an employee of the Health Division;” and inserting: “a member of the Governor’s Youth Advisory Council;”.

Assemblywoman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 212 be rereferred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 216.

Bill read second time and ordered to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 181.

Amend section 1, page 1, line 3, by deleting “*eight*” and inserting “*nine*”.

Amend section 1, page 1, line 9, by deleting “Two” and inserting “[Two] Three”.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 3, page 3, line 7, by deleting “member” and inserting “members”.

Amend sec. 3, page 3, line 9, by deleting: “an initial term” and inserting “initial terms”.

Amend the title of the bill, third and fourth lines, by deleting: “providing that the Chairman of the Commission may only vote to break ties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expands membership of Peace Officers’ Standards and Training Commission. (BDR 23-1326)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 368.

Bill read second time and ordered to third reading.

Assembly Bill No. 383.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 167.

Amend sec. 3, page 2, by deleting line 26 and inserting “388.380, the”.

Amend sec. 3, page 2, line 28, by deleting: “*for each career area*”.

Amend sec. 3, page 2, by deleting line 39 and inserting “*education; and*”.

Amend sec. 3, page 2, lines 44 and 45, by deleting: “*for the specific career area*”.

Amend sec. 3, page 3, by deleting line 9 and inserting “*technical education*.”.

Amend sec. 3, page 3, lines 12 and 13, by deleting: “*education for the specific career area*.” and inserting “*education*.”.

Amend sec. 3, page 3, line 16, by deleting “*internships*” and inserting: “*work-based experiences*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 524.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 524 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Koivisto moved that Assembly Joint Resolution No. 3 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 39 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Parks.

Motion carried.

Assemblywoman Gansert moved that Assembly Bill No. 184 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Gansert.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 32 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 33 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 372 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 295 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 295

Bill read third time.

Remarks by Assemblymen Leslie, Smith, Hettrick, Anderson, and Buckley.

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

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 295 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 136.

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. NRS 218.605 is hereby amended to read as follows:

218.605 1. Except as otherwise provided in subsection 2, it is unlawful for any member of the Legislature to:

(a) Become a named contractor or named subcontractor under any contract or order for supplies or any other kind of contract paid for in whole or in part by money appropriated by the Legislature of which he is a member for the State or any of its departments, or the Legislature or either of its houses, or to be interested, directly or indirectly, as principal, in any kind of contract so paid.

(b) Be interested in any contract made by the Legislature of which he is a member, or be a purchaser or interested in any purchase or sale made by the Legislature of which he is a member.

2. Any member of the Legislature may:

(a) Sell or enter into a contract to sell, to the State or any of its departments any item, commodity, service or capital improvement, if:

(1) The sources of supply for the item, commodity, service or capital improvement are limited;

(2) The contracting process is controlled by rules of open competitive bidding;

(3) He has not taken part in developing the plans or specifications for the sale or contract; and

(4) He will not be personally involved in opening, considering or accepting any bids for the sale or contract.

If the sale or contract is exempt from the requirements of open competitive bidding, the member must not sell or enter into the contract to sell the item, commodity, service or capital improvement.

(b) If he is not named in a contract, receive, as direct salary or wages, compensation for which the original source was a legislative appropriation to

any governmental entity or a private entity not owned or controlled by the Legislator.

(c) Receive, for services as an instructor or teacher from any county school district or the University and Community College System of Nevada, compensation for which the original source was a legislative appropriation to any governmental entity or a private entity not owned or controlled by the Legislator.

3. Any contract made in violation of subsection 1 may be declared void at the instance of the State or of any other person interested in the contract except the member of the Legislature prohibited in subsection 1 from making or being interested in the contract.

4. Any person violating subsection 1 is guilty of a gross misdemeanor and forfeits his office.

Sec. 11. NRS 281.505 is hereby amended to read as follows:

281.505 1. Except as otherwise provided in this section and NRS 281.555 and 332.800, a public officer or employee shall not bid on or enter into a contract between a governmental agency and any private business in which he has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board or commission, may, in the ordinary course of his business, bid on or enter into a contract with any governmental agency, except the board, commission or body of which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the University and Community College System of Nevada may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers. *If the contract is exempt from the requirements of open competitive bidding, the public officer or employee must not bid on or enter into the contract.* If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281.501, shall disclose his interest in the contract and shall not vote on or advocate the approval of the contract.”.

Amend the title of the bill to read as follows:

“AN ACT relating to purchasing; providing a procedure for a bidder to file a notice of protest regarding certain contracts; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; clarifying the requirements concerning contracting by public officers and employees; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing purchasing by state and local governments. (BDR 27-560)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblymen Gerhardt, Carpenter, and Ohrenschall.

Roll call on Assembly Bill No. 21:

YEAS—42.

NAYS—None.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 64:

YEAS—42.

NAYS—None.

Assembly Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 89:

YEAS—42.

NAYS—None.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 92:

YEAS—42.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 295 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 295:

YEAS—41.

NAYS—Giunchigliani.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 106:

YEAS—41.

NAYS—Giunchigliani.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 124:

YEAS—42.

NAYS—None.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Pierce moved that Assembly Bill No. 139 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 159:

YEAS—42.

NAYS—None.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 166, 179, 181, 182, 187, 235, 256, 276, 346, 350, 377, 402, 421, 445, 470, 507; Assembly Joint Resolutions Nos. 4, 6, 12; Senate Bills Nos. 73, 132 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 94 and 95.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Brill.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Aric Brill, Karen Brill, Casandra Reid, Vern Kessinger, Michael Tiboni, Ashlyn Andrews, Desiree Buchanan, David Price, and Kathy Erickson.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Williams.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Adrienne Grimes.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Bake, Ellen Beckman, Gretchen Byers, Brittany Krukenberg, Kayla Luiz, Aubree McGiboney, Adam Perazzo, Jacob Perazzo, Ashley Sloan, John Stern, Steven Stern, Rebecca Winder, Kelly Frost, and Michelle Russell.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Giles-Reid.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Granger, Bruce Granger, and Mike Mullin.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Cowan and Matthew Wayerski.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb K. Cooper, Adam Carlton, Sarah Kessinger, and Justin Kelley.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Kylie Barth and Michael Sease.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Joey Megniot.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Briana Lloyd and Edith Robinson.

On request of Assemblyman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Delores Petrilena.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Sasha Oullett and Lindsay Whitney.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Joni Reid.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 14, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 14, 2005

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Christensen, who was excused.

Prayer by the Chaplain, Rabbi Jonathan Freirich.

Three times each day, Jews are directed to spend a few moments communing with our concept of the infinite, whatever that may be for each individual, to center ourselves, and remind us of the values that are at the core of our potential success as people and citizens. The vehicle for this process is in the form of 19 fixed meditations or groups of praise and supplication. This text is adapted from one of those meditations, the one focused on understanding.

“The infinite graced us, finite beings that we are, with the power to know; our lives teach us understanding. May creation continue to provide us now with knowledge, understanding, and intelligence. Praised is the miracle of the universe, that has graced us with knowledge.”

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 67 and 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass, as amended, and rerefer to the Committee on Ways and Means.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 509 and 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 221 and 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 416, 420 and 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Ways and Means.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 12, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 75, 235, 303, 328, 496; Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 90, 129, 175, 205, 261, 401.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 13, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 302, 413.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 52, 137, 147, 251, 287, 354, 424.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 383 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

NOTICE OF EXEMPTION

April 14, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 385, 387, 449, 493, and 554.

MARK STEVENS
Fiscal Analysis Division

April 14, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 110, 127, 209, 212, 222, 293, 307, and 338.

MARK STEVENS
Fiscal Analysis Division

By Assemblyman Parks:

Assembly Concurrent Resolution No. 17—Directing the Legislative Commission to conduct an interim study of pardons, parole and probation in this State.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Concurrent Resolution No. 15.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Ocegüera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 52.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 60.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 75.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 90.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 129.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 137.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 147.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 175.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 205.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 235.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 251.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 261.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 287.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 302.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 303.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 328.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 354.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

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

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 401.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 413.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 424.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 496.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 9 be taken from the Chief Clerk's desk and rereferred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 74.

Amend sec. 2, page 3, by deleting lines 9 through 15 and inserting:

"2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1."

Amend sec. 3, page 3, by deleting lines 18 through 32 and inserting: *"this act shall not operate a motor vehicle in which more than one person who is under 18 years of age is a passenger."*

2. A person to whom a driver's license is issued pursuant to section 2 of this act may operate a motor vehicle in which two or more persons who are under 18 years of age are passengers if:

(a) Each of those passengers are members of the immediate family of the person; or

(b) The parent or legal guardian of the person has provided to the person a written statement signed by the parent or legal guardian evidencing the approval of the parent or legal guardian for the person to operate a motor vehicle in which two or more persons who are under 18 years of age are passengers.”.

Amend sec. 4, page 3, line 35, by deleting “A” and inserting: “Except as otherwise provided in subsection 2, a”.

Amend sec. 4, page 3, line 39, after “2.” by inserting: “A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides to the peace officer a written statement signed by the parent or legal guardian of the person evidencing the approval of the parent or legal guardian for the person to operate a motor vehicle in which two or more persons who are under 18 years of age are passengers.

3.”.

Amend sec. 10, pages 6 and 7, by deleting lines 41 through 45 on page 6 and lines 1 through 6 on page 7, and inserting:

“484.466 1. A person ~~{shall not operate a motor vehicle in a jurisdiction during any time when he is in violation of a curfew in the jurisdiction.}~~ to whom a driver's license has been issued pursuant to section 2 of this act shall not operate a motor vehicle between the hours of 10 p.m. and 5 a.m. unless he is operating the vehicle to drive to or from a scheduled event. A peace officer shall not issue a citation to a person for operating a vehicle in violation of this section if the person provides evidence satisfactory to the peace officer that the reason that the person is operating the vehicle between the hours of 10 p.m. and 5 a.m. is because he is driving to or from a scheduled event.

2. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver of the vehicle is violating subsection 1. A citation may be issued for a violation of subsection 1 only if the violation is discovered when the vehicle is halted or its driver is arrested for another violation or offense.”.

Amend the title of the bill by deleting the sixth through eleventh lines and inserting: “revising provisions governing automobile”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 169.

Amend section 1, page 2, line 3, by deleting "An" and inserting:

"1. Except as otherwise provided in subsection 2, an".

Amend section 1, page 2, line 4, by deleting "1." and inserting "(a)".

Amend section 1, page 2, line 8, by deleting "2." and inserting "(b)".

Amend section 1, page 2, line 12, by deleting "3." and inserting "(c)".

Amend section 1, page 2, between lines 15 and 16, by inserting:

"2. The provisions of this section do not prohibit an insurer from enforcing a provision included in a policy of health insurance pursuant to NRS 689A.270 to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel a policy of health insurance solely because of such a claim; or

(c) Refuse to issue a policy of health insurance to an eligible applicant solely because of such a claim."

Amend sec. 3, page 2, line 32, by deleting "An" and inserting:

"1. Except as otherwise provided in subsection 2, an".

Amend sec. 3, page 2, line 33, by deleting "1." and inserting "(a)".

Amend sec. 3, page 2, line 37, by deleting "2." and inserting "(b)".

Amend sec. 3, page 3, line 3, by deleting "3." and inserting "(c)".

Amend sec. 3, page 3, between lines 6 and 7, by inserting:

"2. The provisions of this section do not prohibit an insurer from enforcing a provision included in a policy of group health insurance to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel a policy of group health insurance solely because of such a claim; or

(c) Refuse to issue a policy of group health insurance to an eligible applicant solely because of such a claim."

Amend sec. 4, page 3, line 9, by deleting "A" and inserting:

"1. Except as otherwise provided in subsection 2, a".

Amend sec. 4, page 3, line 10, by deleting "1." and inserting "(a)".

Amend sec. 4, page 3, line 14, by deleting "2." and inserting "(b)".

Amend sec. 4, page 3, line 18, by deleting "3." and inserting "(c)".

Amend sec. 4, page 3, between lines 21 and 22, by inserting:

"2. The provisions of this section do not prohibit a carrier from enforcing a provision included in a health benefit plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel participation in a health benefit plan solely because of such a claim; or

(c) Refuse participation in a health benefit plan to an eligible applicant solely because of such a claim.”.

Amend sec. 5, page 3, line 24, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 5, page 3, line 25, by deleting “1.” and inserting “(a)”.

Amend sec. 5, page 3, line 29, by deleting “2.” and inserting “(b)”.

Amend sec. 5, page 3, line 33, by deleting “3.” and inserting “(c)”.

Amend sec. 5, page 3, between lines 36 and 37, by inserting:

“2. The provisions of this section do not prohibit a society from enforcing a provision included in a benefit contract to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel a benefit contract solely because of such a claim; or

(c) Refuse to issue a benefit contract to an eligible applicant solely because of such a claim.”.

Amend sec. 6, page 3, line 39, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 6, page 3, line 41, by deleting “1.” and inserting “(a)”.

Amend sec. 6, page 4, line 1, by deleting “2.” and inserting “(b)”.

Amend sec. 6, page 4, line 5, by deleting “3.” and inserting “(c)”.

Amend sec. 6, page 4, between lines 8 and 9, by inserting:

“2. The provisions of this section do not prohibit a medical services corporation from enforcing a provision included in a contract for hospital, medical or dental services to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel such a contract solely because of such a claim; or

(c) Refuse to issue such a contract to an eligible applicant solely because of such a claim.”.

Amend sec. 7, page 4, line 11, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 7, page 4, line 12, by deleting “1.” and inserting “(a)”.

Amend sec. 7, page 4, line 16, by deleting “2.” and inserting “(b)”.

Amend sec. 7, page 4, line 20, by deleting “3.” and inserting “(c)”.

Amend sec. 7, page 4, between lines 23 and 24, by inserting:

“2. The provisions of this section do not prohibit a health maintenance organization from enforcing a provision included in a health care plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel participation under a health care plan solely because of such a claim; or

(c) Refuse participation under a health care plan to an eligible applicant solely because of such a claim.”.

Amend sec. 8, page 4, line 26, by deleting “An” and inserting:

“1. Except as otherwise provided in subsection 2, an”.

Amend sec. 8, page 4, line 27, by deleting "1." and inserting "(a)".

Amend sec. 8, page 4, line 31, by deleting "2." and inserting "(b)".

Amend sec. 8, page 4, line 35, by deleting "3." and inserting "(c)".

Amend sec. 8, page 4, between lines 38 and 39, by inserting:

"2. The provisions of this section do not prohibit an organization for dental care from enforcing a provision included in a plan for dental care to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel participation under a plan for dental care solely because of such a claim; or

(c) Refuse participation under a plan for dental care to an eligible applicant solely because of such a claim."

Amend sec. 10, page 5, line 24, by deleting "A" and inserting:

"1. Except as otherwise provided in subsection 2, a".

Amend sec. 10, page 5, line 25, by deleting "1." and inserting "(a)".

Amend sec. 10, page 5, line 29, by deleting "2." and inserting "(b)".

Amend sec. 10, page 5, line 33, by deleting "3." and inserting "(c)".

Amend sec. 10, page 5, between lines 36 and 37, by inserting:

"2. The provisions of this section do not prohibit a managed care organization from enforcing a provision included in a health care plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel participation under a health care plan solely because of such a claim; or

(c) Refuse participation under a health care plan to an eligible applicant solely because of such a claim."

Amend sec. 13, page 7, line 19, by deleting: "October 1, 2005" and inserting: "July 1, 2006".

Amend the bill as a whole by renumbering sec. 14 as sec. 15 and adding a new section designated sec. 14, following sec. 13, to read as follows:

"Sec. 14. This act becomes effective on July 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to insurance; prohibiting certain health insurers from denying certain claims solely because the claims involve an insured who was injured while intoxicated or under the influence of a controlled substance; prohibiting certain health insurers from cancelling or refusing to issue a policy or contract of health insurance solely because an insured or applicant has made such a claim in certain circumstances; repealing a section in the Uniform Health Policy Provision Law which allows certain health insurers to deny claims involving losses sustained by an insured while intoxicated or under the influence of a narcotic; providing penalties; and providing other matters properly relating thereto."

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 75.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. NRS 389.090 is hereby amended to read as follows:

389.090 1. The State Board shall adopt regulations governing the establishment, conduct and scope of automobile drivers’ education in the public schools of this State. The regulations must set forth, without limitation:

(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile drivers’ education;

(b) That a course in automobile drivers’ education ~~{may be}~~ *must include a component of training conducted in a classroom ~~{or}~~ and a component of training conducted in a motor vehicle ; ~~{, or both; and}~~*

(c) That ~~{if}~~ *, with respect to a course in automobile drivers’ education , ~~{is conducted both in a classroom and in a motor vehicle,}~~ 1 hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom ~~{,}; and~~*

(d) *Reasonable accommodations for a school district or charter school in a county whose population is less than 50,000, including, without limitation, waiving the requirement for the board of trustees of the school district or the governing body of the charter school to establish and maintain courses in automobile drivers’ education if the board of trustees or governing body provides for the pupils of such a school district or charter school, as applicable, to take a course in automobile drivers’ education at a college, community college or other institution of higher education.*

2. The aims and purposes of automobile drivers’ education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. ~~{The}~~ *Except as otherwise provided in this section, the board of trustees of ~~{a}~~ each school district ~~{may}~~ and the governing body of each charter school providing instruction to pupils enrolled in grades 9 to 12, inclusive, shall establish and maintain elective courses in automobile drivers’ education during the regular school day during regular semesters ~~{and}~~ for pupils enrolled full time in high schools in the school district or the charter school, as applicable. In addition, the board of trustees of each school district and the governing body of each charter school providing instruction to pupils enrolled in grades 9 to 12, inclusive, may establish and maintain*

elective courses in automobile drivers' education during summer sessions and ~~and during the regular school day and~~ at times other than during the regular school day, including, without limitation, on Saturdays, for {

(a) ~~Pupils enrolled in the regular full-time day high schools in the school district.~~

~~(b) Pupils}~~ pupils enrolled in summer classes conducted in high schools in the school district {

~~A}~~ or the charter school, as applicable, and for pupils who are otherwise unable to attend a course in automobile drivers' education during the regular school day during regular semesters.

4. A pupil who completes an elective course in automobile drivers' education must be allowed to apply the credit toward the credits required for graduation from high school.

5. Except as otherwise provided in this section, the board of trustees ~~{maintaining courses in automobile drivers' education}~~ of each school district and the governing body of each charter school providing instruction to pupils enrolled in grades 9 to 12, inclusive, shall insure against any liability arising out of the use of motor vehicles in connection with ~~{those courses.}~~ courses in automobile drivers' education that the board of trustees or governing body maintains pursuant to this section. The cost of the insurance must be paid from available money of the school district {

~~4. A governing body of a charter school may establish and maintain courses in automobile drivers' education if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.~~

~~5.}~~ or charter school, as applicable.

6. Automobile drivers' education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the State Board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

~~{6.}~~7. Each course in automobile drivers' education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

~~{7.}~~8. Each course in automobile drivers' education provided by ~~{a}~~ the board of trustees of a school district or ~~{a}~~ the governing body of a charter school must be restricted to pupils who are at least ~~{15}~~ :

(a) Fifteen years of age ~~{,}~~, for the component of training conducted in a classroom; and

(b) Fifteen and one-half years of age, for the component of training conducted in a motor vehicle.

9. Except as otherwise provided in this subsection, the board of trustees of a school district or the governing body of a charter school may establish and maintain a contract with a school for training drivers pursuant to which

the school for training drivers provides a course in automobile drivers' education to the pupils of the school district or charter school, as applicable. A board of trustees or governing body shall not establish or maintain such a contract unless the school for training drivers:

(a) Is licensed pursuant to the provisions of NRS 483.700 to 483.780, inclusive; and

(b) Complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the State Board pursuant to subsection 1.

If a board of trustees or governing body enters into a contract with a school for training drivers that satisfies the requirements of paragraphs (a) and (b), the duty of the board of trustees or governing body to establish and maintain courses in automobile drivers' education is satisfied and it is the responsibility of the school for training drivers to insure against liability.

Sec. 2. NRS 483.785 is hereby amended to read as follows:

483.785 ~~[1.—The Department may accept gifts and grants of money to provide grants of money to pupils who are less than 18 years of age and who need financial assistance to pay:~~

~~(a) If a pupil is enrolled in a public school that provides instruction in automobile education,] If the board of trustees of a school district or the governing body of a charter school establishes a laboratory fee [required] pursuant to NRS 389.100 [;~~

~~(b) If a pupil is enrolled in a public school that does not provide instruction in automobile education, the costs and fees of a course provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and that complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the State Board of Education pursuant to NRS 389.090.~~

~~2.—The Department may, in consultation with the State Board of Education, adopt regulations to carry out the provisions of this section, including, without limitation, the:~~

~~(a) Procedure by which a person may apply for a grant of money from the Department;~~

~~(b) Criteria that the Department will consider in determining whether to award a grant of money; and~~

~~(c) Procedure by which the Department will distribute the money it receives pursuant to subsection 1.] to be charged each pupil enrolling in an automobile driver education course, the school district or charter school, as applicable, shall pay the cost of the laboratory fee for any such pupil who needs financial assistance to pay the fee.~~

Sec. 3. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who has

completed a course in drivers' education pursuant to NRS 389.090 or a course provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, must contain a provision for a reduction in the premium if:

- (a) The course was taken by the principal operator of the motor vehicle;*
- (b) The course was taken within the immediately preceding 3 years;*
- (c) A grade of B or higher was achieved or, if no grade is given for the course, a certificate of completion was issued by the instructor of the course; and*
- (d) The motor vehicle to which the policy pertains is not classified for underwriting purposes as used for business.*

2. The reduction in premium otherwise required pursuant to subsection 1 must be:

- (a) Approved by the Commissioner; and*
- (b) Based on the actuarial and loss experience data available to each insurer.*

3. The reduction in premium otherwise required pursuant to subsection 1:

(a) Does not apply if the principal operator of the motor vehicle to which the policy pertains has been convicted of or entered a plea of guilty or nolo contendere to a moving traffic violation or has been involved in a motor vehicle accident for which he was primarily at fault.

(b) Applies only to one motor vehicle of which a person is the principal operator, regardless of whether the person is the principal operator of multiple motor vehicles.

Sec. 4. The provisions of section 3 of this act apply to any policy of insurance for liability of a motor vehicle which is issued or renewed on or after July 1, 2005.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; requiring the boards of trustees of certain school districts and the governing bodies of certain charter schools to establish and maintain courses in automobile drivers' education; authorizing pupils of certain rural school districts and charter schools to take such a course at an institution of higher education; authorizing a school district or charter school to contract with a school for training drivers to provide a course in automobile drivers' education to the pupils of the school district or charter school; requiring certain policies of liability insurance covering a motor vehicle to provide for reduced premiums for certain persons who have completed a course in automobile drivers' education; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions regarding courses in automobile drivers’ education and requires reduction in insurance premiums for certain insureds. (BDR 34-474)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 185.

Amend section 1, page 2, by deleting lines 17 through 20 and inserting:

“3. ~~3.~~ ~~Except as otherwise provided in subsection 4, the commission~~ must not exceed ~~10~~ 25 percent of the proceeds from the sale of any personal property pursuant to this section ~~unless, before the sale of the personal property, the court approves a commission that exceeds 25 percent of the proceeds from the sale.~~

4. *If a manufactured home or motor vehicle is sold pursuant to the provisions of this section, the commission for the sale of the manufactured home or motor vehicle must not exceed 10 percent of the proceeds from the sale.*”.

Amend section 1, page 2, line 21, by deleting “4.” and inserting “5.”.

Amend sec. 2, page 2, line 26, by deleting:

“, without charge,”.

Amend sec. 2, page 2, line 29, after “appears.” by inserting: “A financial institution may charge a reasonable fee, not to exceed \$2, to provide a public administrator with a statement pursuant to the provisions of this section.”.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) *Any trustee of a living trust created by a deceased patient;*

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

~~((d))~~ (e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

~~((e))~~ (f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C,

616D or 617 of NRS or in the provision of benefits for industrial insurance; or

~~[(f)]~~ (g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. If the records are located outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within 10 working days after the request.

2. Except as otherwise provided in subsection 3, the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

3. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the provider of health care for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The provider of health care shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the provider of health care shall not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

4. Each person who owns or operates an ambulance in this State shall make his records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) *Any trustee of a living trust created by a deceased patient;*

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

~~[(d)]~~ (e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

5. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

6. Subsection 5 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and his attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

7. A provider of health care or owner or operator of an ambulance, his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

8. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) *"Living trust" means an inter vivos trust created by a natural person:*

(1) *Which was revocable by the person during the lifetime of the person;*
and

(2) *Who was one of the beneficiaries of the trust during the lifetime of the person.*

(c) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

~~{(e)}~~ (d) "Personal representative" has the meaning ascribed to it in NRS 132.265."

Amend the title of the bill, fourth line, after "estate;" by inserting: "providing that the trustee of a living trust established by a deceased person may obtain the health care records of that person;"

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 137.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall ~~remit~~ :

(a) *Not charge a fee for issuing a certified or official copy of a certificate of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.*

(b) *Remit to the State Registrar:*

~~((a))~~ (1) For each registration of a birth or death in its district, \$2.

~~((b))~~ (2) For each copy issued of a certificate of birth in its district, *other than a copy issued pursuant to paragraph (a) of this subsection*, \$7.

~~((c))~~ (3) For each copy issued of a certificate of death in its district, \$1.".

Amend the bill as a whole by deleting sec. 4.

Amend the bill as a whole by deleting the preamble.

Amend the title of the bill to read as follows:

"AN ACT relating to public welfare; exempting homeless persons from paying certain fees to obtain replacements of certain forms of identifying information; creating an exception to the duty to remit certain fees to the State Registrar of Vital Statistics for a person or governmental organization that issues a certified or official copy of a certificate of birth to a homeless person under certain circumstances; and providing other matters properly relating thereto."

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

Amend section 1, page 2, by deleting line 14 and inserting:

“(c) For transcription:”.

Amend section 1, page 2, line 17, by deleting “\$8.20” and inserting “\$7.50”.

Amend section 1, page 2, line 20, by deleting “\$6.15” and inserting “\$5.62”.

Amend section 1, page 2, line 23, by deleting “\$5.13” and inserting “\$4.68”.

Amend section 1, page 2, line 26, by deleting “\$4.10” and inserting “\$3.75”.

Amend section 1, page 3, by deleting lines 7 through 21 and inserting:

“(d) For reporting all civil matters, in addition to the fees”.

Amend section 1, page 3, line 25, by deleting “~~{(e)}~~ (f)” and inserting “(e)”.

Amend section 1, page 3, line 40, by deleting “~~{(d)}~~ (e),” and inserting “(d),”.

Amend section 1, page 3, line 42, by deleting “~~{(f)}~~ (g)” and inserting “(f)”.

Amend section 1, page 3, line 43, by deleting “~~{(e)}~~ (f):” and inserting “(e):”.

Amend section 1, page 4, line 2, by deleting “~~{(e)}~~ (f),” and inserting “(e),”.

Amend section 1, page 4, line 10, by deleting: “~~{(d) and (e)}~~ (e) and (f),” and inserting: “(d) and (e),”.

Amend section 1, page 4, line 28, by deleting “civil or”.

Amend section 1, page 4, line 31, by deleting “~~{(e)}~~ (f)” and inserting “(e)”.

Amend section 1, page 4, by deleting line 45 and inserting: “paragraph (e) and subparagraph (1) of paragraph (f) of”.

Amend section 1, page 5, line 15, by deleting “~~{(d)}~~ (e)” and inserting “(d)”.

Amend the bill as a whole by renumbering sec. 2 as sec. 16 and adding new sections designated sections 2 through 15, following section 1, to read as follows:

“Sec. 2. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each court reporting firm shall appoint one person affiliated with the court reporting firm to act as the designated representative for the firm. The person so appointed must:*

(a) *Hold a certificate; or*
 (b) *Pass an examination administered by the Board pursuant to subsection 2.*

2. *The Board shall administer an examination to determine whether a designated representative of a court reporting firm understands:*

(a) *The ethics and professionalism required for the practice of court reporting; and*

(b) *The obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.*

3. *The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in the examination administered by the Board pursuant to this section.*

Sec. 3. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. “Board” means the Certified Court Reporters’ Board of Nevada.

2. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.

3. “Court reporter” means a person who is technically qualified and registered under this chapter to practice court reporting.

4. “Court reporting firm” means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters.

5. “Designated representative of a court reporting firm” means the person designated to act as the representative of a court reporting firm pursuant to section 2 of this act.

6. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

~~{6-}~~ 7. “Licensee” means a person to whom a license has been issued.

8. “Practice of court reporting” means reporting by the use of any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;
 (b) Court proceedings;
 (c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of an administrative agency if the final decision of the agency with reference thereto is subject to judicial review.

~~{7-}~~ 9. “Stenographic notes” means the original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding.

Sec. 4. NRS 656.160 is hereby amended to read as follows:

656.160 1. Every person who files an application for an original certificate must personally appear before the Board for ~~the written~~ an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his competency to engage in the practice of court reporting in such a manner as to safeguard the interests of the public.

2. In determining competency, the Board shall administer ~~the written~~ an examination to determine whether the applicant has:

(a) A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology;

(b) Sufficient ability to report accurately any of the matters comprising the practice of court reporting consisting of material read at not less than 180 words per minute or more than 225 words per minute; and

(c) A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.

Sec. 5. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;

2. Is at least 18 years of age;

3. Is of good moral character;

4. Has a high school education or its equivalent;

5. Submits the statement required pursuant to NRS 656.155;

6. Satisfactorily passes an examination administered by the Board ~~the~~ pursuant to NRS 656.160; and

7. Pays the requisite fees.

Sec. 6. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if he:

1. Is a citizen of the United States or lawfully entitled to remain and work in the United States;

2. Is at least 18 years of age;

3. Is of good moral character;

4. Has a high school education or its equivalent;

5. Satisfactorily passes an examination administered by the Board ~~the~~ pursuant to NRS 656.160; and

6. Pays the requisite fees.

Sec. 7. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which may indicate to members of the public that he is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the social security number and federal identification number of the applicant;

(b) *Include the name of the person who will act as the designated representative of the court reporting firm and such other identifying information about that person as required by the Board;*

(c) Be accompanied by the statement required pursuant to NRS 656.155; and

~~((e))~~ (d) Be accompanied by the required fee.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 8. NRS 656.185 is hereby amended to read as follows:

656.185 1. It is unlawful for any person to conduct business as a court reporting firm or to advertise or put out any sign or card or other device which may indicate to members of the public that he is entitled to conduct such a business without first obtaining a license from the Board.

2. Each applicant for a license as a court reporting firm must file an application with the Executive Secretary of the Board on a form prescribed by the Board.

3. The application must:

(a) Include the federal identification number of the applicant; ~~and~~

(b) *Include the name of the person who will be appointed as the designated representative of the court reporting firm and such other identifying information about that person as required by the Board; and*

(c) Be accompanied by the required fee.

4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter.

Sec. 9. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:

(a) An application for renewal on a form prescribed by the Board;

(b) The statement required pursuant to NRS 656.155; ~~and~~

(c) *If the designated representative of a court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board; and*

(d) The required fee for renewal.

2. *The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or restoration of a license of a licensee. If a designated representative of a*

court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.

3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:

- (a) Complies with the provisions of subsection 1; and
- (b) Submits to the Board the required fee for reinstatement.

Sec. 10. NRS 656.187 is hereby amended to read as follows:

656.187 1. A license as a court reporting firm expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:

- (a) An application for renewal on a form prescribed by the Board; ~~and~~
- (b) *If the designated representative of a court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board; and*
- (c) The required fee for renewal.

2. *The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or restoration of a license of a licensee. If a designated representative of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.*

3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:

- (a) Complies with the provisions of subsection 1; and
- (b) Submits to the Board the required fee for reinstatement.

Sec. 11. NRS 656.220 is hereby amended to read as follows:

656.220 1. The fees required by this chapter are fixed by the following schedule:

(a) The fee for filing an application for an examination must be fixed by the Board annually at not more than \$250 and not less than \$90.

(b) The fee for the original issuance of a certificate must be fixed by the Board annually at not more than ~~[\$150]~~ \$250 and not less than ~~[\$100.]~~ \$150.

(c) For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than 1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.

(d) The annual renewal fee for a certificate must be fixed by the Board annually at not more than ~~[\$150]~~ \$250 and not less than ~~[\$100.]~~ \$150. Every holder of a certificate desiring renewal must pay the annual renewal fee to the board on or before May 15 of each year.

(e) For the renewal of a certificate which was suspended for failure to renew, the fee is an amount equal to all unpaid renewal fees accrued plus a reinstatement fee that must be fixed by the Board annually at not more than ~~[\$75.]~~ \$125 and not less than ~~[\$50.]~~ \$75.

(f) The fee for the original issuance of a license as a court reporting firm is ~~[\$150.]~~ \$250.

(g) The fee for the annual renewal of a license as a court reporting firm is ~~[\$150.]~~ \$175.

(h) The fee for the reinstatement of a license as a court reporting firm is ~~[\$150.]~~ \$175.

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for any other service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

Sec. 12. NRS 656.250 is hereby amended to read as follows:

656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate if the court reporter in performing or attempting to perform or pretending to perform any act as a court reporter has:

1. Willfully failed to take full and accurate stenographic notes of any proceedings;

2. Willfully altered any stenographic notes taken at any proceedings;

3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;

4. Willfully altered a transcript of stenographic notes taken at any proceedings;

5. Affixed his signature to any transcript of his stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by him or was prepared under his immediate supervision;

6. Demonstrated unworthiness or incompetency to act as a court reporter in such a manner as to safeguard the interests of the public;

7. Professionally associated with or loaned his name to another for the illegal practice by another of court reporting, or professionally associated with any natural person, firm, copartnership or corporation holding itself out in any manner contrary to the provisions of this chapter;

8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;

9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;

10. Violated any regulation adopted by the Board relating to ~~[unprofessional]~~ :

(a) *Unprofessional* conduct;

(b) *Agreements for the provision of ongoing services as a court reporter or ongoing services which relate to the practice of court reporting;*

(c) *The avoidance of a conflict of interest; or*

(d) The performance of the practice of court reporting in a uniform, fair and impartial manner and avoiding the appearance of impropriety.

11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or

12. Failed without excuse to transcribe stenographic notes of a proceeding and file a transcript of the stenographic notes:

(a) Within the time required by law or agreed to by contract; or

(b) Within any other reasonable time required for filing the transcript.

Sec. 13. NRS 656.260 is hereby amended to read as follows:

656.260 1. A holder of a license or certificate shall notify the Chairman or Executive Secretary of the Board in writing within 30 days after changing his name or address.

2. ~~If a court reporting firm is a partnership or corporation, any change of partners~~ *Any change of ownership or corporate officers of a court reporting firm or of the designated representative of the court reporting firm must be reported to the Chairman or Executive Secretary within 30 days after the change.*

3. The Board may suspend or revoke a license or certificate if the holder thereof fails so to notify the Board.

Sec. 14. NRS 656.340 is hereby amended to read as follows:

656.340 1. ~~It~~ *Except as otherwise provided in subsection 2, it is unlawful for any person to practice court reporting or advertise or put out any sign or card or other device which might indicate to the public that he is entitled to practice as a court reporter without a certificate of registration as a certified court reporter issued by the Board.*

2. Any person may, with the approval of the Board, practice court reporting on a temporary basis ~~[with reference to any single proceeding]~~ when there is an acknowledged unavailability of a certified court reporter. *A person requesting the approval of the Board to practice court reporting on a temporary basis shall submit to the Board:*

(a) Documentation or other proof that the person has at least one continuous year of experience working full-time in the practice of court reporting; and

(b) A copy of:

(1) The certification as a registered professional reporter issued to the person by the National Court Reporters Association;

(2) The certification as a registered merit reporter issued to the person by the National Court Reporters Association; or

(3) A valid certificate or license to practice court reporting issued to the person by another state.

Sec. 15. Any person to whom a license to conduct business as a court reporting firm has been issued before January 1, 2006, shall appoint a designated representative of the court reporting firm as required pursuant to

section 2 of this act and inform the Board of the person so designated by not later than January 1, 2006.”.

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 2, to read as follows:

“Sec. 17. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 2, 3, 7, 9 and 13 of this act become effective:

(a) Upon passage and approval for purpose of adopting regulations and administering examinations; and

(b) On January 1, 2006, for all other purposes.

3. Sections 1, 4, 5, 11, 12, 14 and 16 of this act become effective on October 1, 2005.

4. Sections 5, 7 and 9 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

5. Sections 6, 8 and 10 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill to read as follows:

“AN ACT relating to court reporters; increasing the fees for a court reporter in district court; requiring each court reporting firm to appoint a person who meets certain qualifications as the designated representative of the court reporting firm; revising the fees relating to the issuance or renewal of a certificate of registration as court reporter; revising the fees relating to the issuance or renewal of a license to own a court reporting firm; revising the provisions relating to the discipline of a certified court reporter; revising the provisions relating to the temporary practice of court reporting; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to court reporters and court reporting firms. (BDR 1-472)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 174.

Amend section 1, pages 2 through 4, by deleting lines 1 through 39 on page 2, lines 1 through 45 on page 3 and lines 1 through 17 on page 4, and inserting:

“Section 1. NRS 391.165 is hereby amended to read as follows:

391.165 1. Except as otherwise provided in subsection 3 and except as otherwise required as a result of NRS 286.537, the board of trustees of a school district shall pay the cost for a licensed ~~teacher or licensed school psychologist~~ *employee* to purchase one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 if:

(a) The ~~teacher or school psychologist~~ *employee* is a member of the Public Employees’ Retirement System and has at least 5 years of service;

(b) The ~~teacher or school psychologist~~ *employee* has been employed as a licensed ~~teacher or~~ *employee, including, without limitation, a licensed school psychologist* in this State for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this State;

(c) Each evaluation of the ~~teacher or school psychologist~~ *employee* conducted pursuant to NRS 391.3125 , *if applicable, or other formal evaluation of the employee if NRS 391.3125 does not apply*, is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b):

(1) The ~~teacher~~ *employee* has been employed as a licensed ~~teacher for 2 school years~~ *employee* at a school within the school district *and* during his employment at the school , ~~;~~

~~(I) Which carried the designation of demonstrating need for improvement; or~~

~~(II) At which at least 65 percent of the pupils who are enrolled in the school [are children who are] is designated as at risk [;] in accordance with the formula prescribed by the Department pursuant to subsection 5;~~

(2) The *employee* is a teacher who holds an endorsement in the field of mathematics, science, special education or English as a second language and has been employed for at least 1 school year to teach in the subject area for which he holds an endorsement; or

(3) The *employee* is a school psychologist who has been employed as a licensed school psychologist for at least 1 school year.

The provisions of this paragraph do not require consecutive years of employment or employment at the same school within the school district.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed ~~{teacher or school psychologist}~~ employee to purchase one-fifth of a year of service for each year that ~~{a teacher or school psychologist}~~ the employee satisfies the requirements of subsection 1. A licensed employee who is eligible for the purchase of service may elect to receive, in lieu of the purchase of service, a stipend in the amount of \$2,500. If, in 1 school year, ~~{a teacher}~~ an employee satisfies the criteria set forth in both subparagraphs (1) and (2) of paragraph (d) of subsection 1, the school district in which the ~~{teacher}~~ employee is employed is not required to pay for more than one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 or to pay for more than one stipend, as applicable, for that school year.

3. In no event may ~~{the}~~ :

(a) The years of service purchased by a licensed ~~{teacher or school psychologist}~~ employee as a result of subsection 2 of NRS 286.300 exceed 5 years.

(b) A licensed employee receive a stipend in lieu of the purchase of service for more than the number of years that he is eligible for the purchase of service.

4. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed ~~{teacher or school psychologist}~~ employee to circumvent the requirements of this section.

(b) Include as part of ~~{a teacher's or school psychologist's}~~ the employee's salary the costs of paying the ~~{teacher or school psychologist}~~ employee to purchase service or pay a stipend, as applicable, pursuant to this section.

5. The Department shall, in consultation with representatives designated by the Nevada Association of School Superintendents and the Nevada Association of School Boards, or their successor organizations, as applicable, on or before June 30 of each year, develop a formula for identifying "at risk" schools for purposes of subsection 1. The formula must include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of school before graduation.

6. The board of trustees of each school district shall evaluate the effectiveness of the purchase of service and the payment of stipends pursuant

to this section, including, without limitation, an evaluation of whether the purchase of service and payment of stipends serve as effective tools in recruiting and retaining qualified licensed personnel. On or before July 1 of each year, the board of trustees of each school district shall submit a report of its evaluation and any recommendations to the State Board, the Department, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Nevada Legislature.

7. As used in this section:

(a) ~~[A child is “at risk” if he is eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.]~~ “Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) “Service” has the meaning ascribed to it in NRS 286.078.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. The Department of Education shall transfer from the State Distributive School Account the sum of \$500,000 to provide stipends to postprobationary teachers and principals employed in certain schools during the 2005-2007 biennium. The money allocated must be used to provide stipends to postprobationary teachers and principals employed in isolated schools in remote or rural areas of the State that the Department of Education has determined are schools for which the school district in which the school is located has difficulty recruiting and retaining qualified teachers and principals.

2. A school district may submit an application to the Department of Education on or before November 1 of each fiscal year for an allocation from the amount transferred pursuant to subsection 1.

3. The Department of Education shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) Develop a form for applications for an allocation pursuant to subsection 1.

(b) Establish criteria for a determination that a school district has difficulty recruiting and retaining qualified teachers and principals for a school.

4. Upon receipt of an application submitted pursuant to subsection 2, the Department of Education shall review the application jointly with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

5. A school district that receives an allocation of money pursuant to this section shall use the money to provide stipends of not more than \$2,000 to postprobationary teachers and principals at schools in the district for which the Department of Education has determined the district has difficulty recruiting and retaining qualified teachers and principals.

6. The sum transferred pursuant to subsection 1 is available for either fiscal year of the 2005-2007 biennium. Any remaining balance of that sum must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.”.

Amend sec. 2, page 4, by deleting line 18 and inserting:

“Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula to designate “at risk” schools and on July 1, 2005, for all other purposes.

3. Sections 2 and 3 of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to school personnel; revising the provisions governing the purchase of retirement credit for teaching in certain subject areas and schools; providing for the purchase of retirement credit for certain other licensed employees of school districts; allowing a licensed employee who is eligible for the purchase of retirement credit to receive a stipend in lieu of the retirement credit; requiring the Department of Education to make an allocation from the State Distributive School Account to provide stipends to certain educational personnel; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing incentives for teachers teaching in certain subject areas and schools. (BDR 34-376)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 173.

Amend sec. 2, page 3, line 17, by deleting “*Perform*” and inserting: “*Except if the services are provided in an educational setting, perform*”.

Amend sec. 2, page 3, line 40, by deleting “*spouse*” and inserting “*spouse, guardian*”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 163.

Bill read second time and ordered to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 240.

Amend the bill as a whole by deleting sec. 5 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. The two City Councilmen elected from Wards 1 and 3 whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 3, respectively, commencing on July 1, 2007.

Sec. 6. This act becomes effective on January 23, 2007, for purposes related to the filing of a declaration of candidacy for the Office of City Councilman and on July 1, 2007, for all other purposes.”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 187.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3.5, following the enacting clause, to read as follows:

“Section 1. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.5, inclusive, of this act.

Sec. 2. *“Hearing officer” means a person to whom the Board has delegated its authority pursuant to subsection 1 of section 3 of this act.*

Sec. 2.5. *“Panel” means a group of persons to whom the Board has delegated its authority pursuant to subsection 2 of section 3 of this act.*

Sec. 3. *The Board may delegate its authority to conduct a hearing concerning the discipline of a licensee pursuant to NRS 633.621 to:*

1. *A person; or*

2. *A group of such members of the Board as the President of the Board may designate from time to time, which group must consist of not less than three members of the Board, at least one of whom was appointed to the Board pursuant to subsection 2 or 3 of NRS 633.191.*

Sec. 3.5. *A hearing officer or panel has the powers of the Board in connection with a hearing conducted pursuant to NRS 633.621, and shall report to the Board with findings of fact and conclusions of law within 30 days after the final hearing on the matter. The Board may take action*

based upon the report of the hearing officer or panel, refer the matter to the hearing officer or panel for further hearings or conduct its own hearings on the matter.”.

Amend sec. 4, page 3, line 1, by deleting “section 2” and inserting: “sections 2 and 2.5”.

Amend sec. 7, page 5, line 5, by deleting: “or a hearing officer” and inserting: “, a hearing officer or panel”.

Amend sec. 7, page 5, by deleting lines 31 and 32, and inserting: “issued by the Board, *hearing officer or panel*, the court shall enter an order that the witness appear before the Board , *hearing officer or panel* at”.

Amend sec. 7, page 5, by deleting lines 36 through 39.

Amend sec. 12, page 9, by deleting lines 27 and 28, and inserting:

“1. Application and initial license fee [~~\$500~~] \$800

2. Annual license renewal fee [~~300~~] 500”.

Amend sec. 14, page 10, by deleting lines 25 through 30 and inserting:

“2. *The Board, a hearing officer or panel shall hold the formal hearing on the charges at the time and place designated in the notice of hearing. The President of the Board shall determine whether the hearing will be held before the Board, a hearing officer or panel.*”.

Amend sec. 15, page 10, by deleting lines 32 and 33, and inserting:

“633.641 In any disciplinary proceeding before the Board ~~{-}~~ , *a hearing officer or panel:*”.

Amend sec. 16, page 10, line 43, after “*officer,*” by inserting: “*a panel of the Board,*”.

Amend the title of the bill by deleting the third through the fifth lines and inserting: “*officers or designate a panel to conduct disciplinary hearings; revising the provisions governing*”.

Assemblyman Seale moved the adoption of the amendment.

Remarks by Assemblyman Seale.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 198.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, by deleting lines 10 and 11.

Amend. sec. 2, page 3, line 12, after “(8)” by inserting: “*Requiring an applicant for a special qualifications license to:*

(I) *Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or*

(II) *Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.*

(9)".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 6 as sections 2 through 4.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 175.

Amend section 1, page 2, line 3, by deleting "1."

Amend section 1, page 2, by deleting lines 10 through 20.

Amend sec. 2, page 4, line 7, after "*delinquency*;" by deleting "*or*".

Amend sec. 2, page 4, line 10, by deleting "*NRS.*" and inserting: "*NRS; or (g) Any offense involving moral turpitude.*".

Amend sec. 3, page 4, line 12, by deleting "1." and inserting: " [1.]".

Amend sec. 3, page 4, by deleting lines 21 through 31 and inserting:

~~"[2.—The Board may issue a provisional license pending receipt of the report of the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.~~

~~3.—The Board shall revoke a provisional license upon receipt of the report from the Federal Bureau of Investigation if the report indicates that:~~

~~(a) The applicant or the osteopathic physician's assistant has been convicted of an act that is a ground for disciplinary action pursuant to NRS 633.511;~~

~~(b) The applicant or the osteopathic physician's assistant has been convicted of a felony set forth in NRS 633.741; or".~~

Amend sec. 5, page 5, by deleting line 19 and inserting: "physician shall, on or before the date on which the physician must next submit the biennial registration required pursuant to NRS 630.267, submit to".

Amend sec. 6, page 5, by deleting line 43 and inserting: "before the date on which the osteopathic physician must next submit an application for renewal of the license pursuant to NRS 633.471, submit to the Board a complete".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 199.

Amend sec. 4, page 4, line 1, after “*proposals*” by inserting: “, *in accordance with any applicable procedures of the Legislative Counsel Bureau,*”.

Amend sec. 4, page 4, line 3, by deleting “*State;*” and inserting: “*State and have previous experience with auditing school districts or otherwise reviewing school districts based upon the management principles;*”.

Amend sec. 4, page 4, line 15, by deleting “*and*”.

Amend sec. 4, page 4, line 19, by deleting “*review.*” and inserting: “*review; and*”

(c) *A requirement that the consultant include on the team that will conduct the review at least one person who has experience with auditing school districts or otherwise reviewing school districts in accordance with the management principles.*”.

Amend sec. 4, page 4, line 29, after “*Auditor.*” by inserting: “*Upon selection by the State Board, the Legislative Counsel Bureau shall prepare a written agreement between the Bureau and the consultant in accordance with any applicable procedures of the Bureau.*”.

Amend sec. 4, page 4, line 34, after “*consultant.*” by inserting: “*Upon authorization of the State Board, the Legislative Counsel Bureau shall make the payments to the consultant.*”.

Amend sec. 4, page 4, line 40, after “*consultant.*” by inserting: “*The self-assessment must include a review of the areas prescribed in subsection 2 of section 6 of this act based upon the management principles.*”.

Amend sec. 5, page 5, by deleting line 12 and inserting: “*the school district who has at least one child enrolled in a public school within the district, appointed by the Governor;*”.

Amend sec. 5, page 5, line 20, by deleting “*organization.*” and inserting: “*organization; and*”

(g) *One school administrator who is employed by the school district to provide administrative service at an individual school and not to provide service at the district level, appointed by the President of the Nevada Association of School Administrators.*”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 292.

Bill read second time and ordered to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 183.

Amend section 1, page 2, line 6, after “3.” by inserting: “*If any vehicle ceases to be exempt from taxation pursuant to this section because the owner is no longer on active duty in the Armed Forces of the United States, the owner shall notify the Department of that fact as soon as practicable after he becomes ineligible for the exemption. Upon receipt of the notice, the Department shall charge the governmental services tax to the owner in an amount that is prorated pursuant to subsection 6.*”

4. *If the owner of a vehicle specified in subsection 3 fails to notify the Department pursuant to that subsection that he is no longer on active duty in the Armed Forces of the United States, the owner shall pay to the Department the governmental services tax for each year the owner fails to provide that notice, prorated pursuant to subsection 6 for the portion of the year in which the vehicle was exempt from the tax, together with the governmental services tax for the next registration year and any fees for the renewal of the registration of the vehicle for that registration year.*

5.”.

Amend section 1, page 2, line 9, by deleting “4.” and inserting “6.”.

Amend section 1, page 2, between lines 12 and 13 by inserting:

“7. As used in this section, “active duty” means any period during which a person:

(a) Serves as a member of the Armed Forces of the United States or the National Guard or any reserve component thereof; and

(b) While serving in that capacity, is required to serve outside the State of Nevada in support of a worldwide contingency operation of the Armed Forces of the United States.”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Assemblywoman Giunchigliani moved that upon return from the printer Assembly Bill No. 293 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 214.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 5, by deleting lines 6 through 38 and inserting:
 “refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable *on a pro rata basis* to the remainder of the current calendar year or registration period . ~~{on a pro rata basis.}~~”

9. The Department shall issue a refund pursuant to subsection 8 only if ~~{the}~~ :

(a) *The request for a refund is made at the time the registration is cancelled* ~~{and the}~~ ;

(b) *The license plates are surrendered* ~~{, the}~~ ;

(c) *The person requesting the refund is a resident of Nevada* ~~{, the}~~ ;

(d) *The amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:*

~~(a) The person has recently relinquished his driver’s license and has sold or otherwise disposed of his vehicle.~~

~~(b) \$50; and~~

(e) *The vehicle has been* ~~{determined}~~ :

(1) *Determined by the Department to be inoperable and the person does not transfer the registration to a different vehicle* ~~{.~~

~~(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.~~

~~(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.} ; or~~

(2) *Recently sold or otherwise disposed of.*

The Department shall not issue a refund pursuant to subsection 8 for vehicles considered to be dormant or used only on a seasonal basis.”.

Amend sec. 3, page 6, by deleting line 4 and inserting:

“2. *If the person desires to declare pursuant to subsection 1 that he is a veteran of the Armed Forces of the United States, he shall provide evidence satisfactory to the Department that he has been honorably discharged from the Armed Forces of the United States.*

3. *If the person declares pursuant to subsection 1 that he is a”.*

Amend sec. 3, page 6, line 8, by deleting “3.” and inserting “4.”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Assemblywoman McClain moved that upon return from the printer Assembly Bill No. 307 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 341.

Bill read second time and ordered to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 184.

Amend section 1, page 2, by deleting line 7 and inserting:

“2. A police officer.”.

Amend section 1, page 2, line 8, by deleting “Seize” and inserting: “*Shall, without a warrant, seize*”.

Amend section 1, page 2, line 11, by deleting “Seize” and inserting: “*May, without a warrant, seize*”.

Amend section 1, page 2, line 14, by deleting “and” and inserting: “*if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may*”.

Amend section 1, page 2, line 34, by deleting “gross”.

Amend section 1, page 2, line 37, after “person” by inserting: “*who is an employee of a government, governmental agency or political subdivision of this State and who is acting within the course and scope of his employment, or who is otherwise*”.

Amend the title of the bill, second line, by deleting “emergency”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 242.

Amend section 1, pages 1 and 2, by deleting lines 8 through 13 on page 1 and lines 1 through 7 on page 2, and inserting:

“2. As used in this section:”.

Amend section 1, page 2, line 8, after “(a)” by inserting: ““*Inspector*” means an inspector of the Nevada Athletic Commission.

(b)".

Amend section 1, page 2, line 11, by deleting "(b)" and inserting "~~[(b)]~~ (c)".

Amend section 1, page 2, line 12, before "judge" by inserting "timekeeper, inspector,".

Amend the bill as a whole by adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. NRS 467.104 is hereby amended to read as follows:

467.104 1. Any person who charges and receives an admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit telecast, or motion picture, shall, within 10 days after the event, furnish to the Commission a verified written report on a form which is supplied by the Commission, showing the number of tickets sold and issued or sold or issued, and the gross receipts therefor without any deductions.

2. That person shall also, ~~[at the same time,]~~ *not later than 20 days after the exhibition*, pay to the Commission a license fee, exclusive of federal taxes thereon, of 4 cents for each \$1 or fraction thereof received for admission at the exhibition. The license fee applies uniformly at the same rate to all persons subject to it. The license fee must be based on the face value of all tickets sold and complimentary tickets issued.

Sec. 5. NRS 467.109 is hereby amended to read as follows:

467.109 1. Every promoter shall, within 10 days after the completion of any contest, match or exhibition for which an admission fee is charged and received, furnish to the Commission a verified written report showing:

(a) The number of tickets sold and issued or sold or issued for the contest, match or exhibition;

(b) The amount of the:

(1) Gross receipts from admission fees; and

(2) Gross receipts derived from the sale, lease or other exploitation of broadcasting, motion picture and television rights of such contest, match or exhibition,

without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges; and

(c) Such other matters as the Commission may prescribe.

2. The promoter shall ~~[at the same time,]~~ *not later than 20 days after the contest, match or exhibition*, pay to the Commission the license fee described in NRS 467.107."

Amend the title of the bill to read as follows:

"AN ACT relating to sporting events; expanding the sports officials to whom immunity from civil liability is provided for certain acts or omissions while officiating a sporting event; providing enhanced penalties in certain circumstances for committing assault or battery against certain sports officials at sporting events; extending the time for payment of certain license fees to the Nevada Athletic Commission; providing penalties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning certain sporting events. (BDR 3-1374)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 159.

Amend sec. 3, page 2, by deleting line 22 and inserting:

“2. *Provide a monthly subsidy of up to \$100 toward a policy of*”.

Amend sec. 4, page 3, line 6, after “section.” by inserting:

“*Such regulations must include, without limitation, a requirement that a person is not eligible for a subsidy unless his employer contributes at least 50 percent toward the premium for insurance provided by the employer.*”.

Amend sec. 4, page 3, by deleting lines 11 through 13.

Amend sec. 5, page 3, line 16, after “1.” by inserting:

“*The money transferred pursuant to subsection 2 of NRS 428.305; 2.*”.

Amend sec. 5, page 3, line 18, by deleting “2.” and inserting “3.”.

Amend sec. 9, page 4, line 32, by deleting “2” and inserting “3”.

Amend sec. 9, page 4, by deleting lines 36 through 41.

Amend sec. 13, page 6, by deleting lines 14 through 16 and inserting:

“~~respective counties.~~ *must be transferred to the Health Insurance Flexibility and Accountability Holding Account in the State General Fund in an amount not to exceed the amount of any appropriation provided by the Legislature to fund a program established pursuant to section 4 of this act.*”

3. *Any money remaining in the Health Insurance Flexibility and Accountability Holding Account at the end of each fiscal year reverts to the Fund for Hospital Care to Indigent Persons and to the State General Fund in equal amounts.*”.

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 18 as sections 15 through 17.

Amend sec. 17, page 7, by deleting line 39 and inserting:

“June 30, 2005, must be transferred to the Fund for Hospital Care to Indigent Persons.”.

Amend sec. 18, page 7, by deleting lines 40 through 45 and inserting:

“Sec. 17. 1. This section and sections 1 to 6, inclusive, and 16 of this act become effective on July 1, 2005.

2. Sections 7 to 15, inclusive, of this act become effective on July 1, 2005, and expire by limitation on July 1, 2007, if the waiver applied for by

the Director of the Department of Human Resources pursuant to section 2 of this act is not approved by the Federal Government.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 493 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 527.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 14.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 16.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Denis moved that Assembly Bill No. 169 be taken from the Chief Clerk's desk and placed at the top of the top of the General File.

Remarks by Assemblyman Denis.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 139 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 388 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Parnell.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 139.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 294.

Amend section 1, page 2, line 6, by deleting “employers; or” and inserting *employers.”*.

Amend section 1, page 2, line 7, by deleting “not employed” and inserting: *“the dependent of another person”*.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 169.

Bill read third time.

The following amendment was proposed by the Assemblyman Denis:

Amendment No. 268.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a sheriff’s office or other law enforcement agency discovers that, or receives notification that, a vehicle has been abandoned on public lands, the sheriff’s office or other law enforcement agency shall:*

(a) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered owner of the vehicle; and

(b) If the vehicle has not been reported as stolen and the sheriff’s office or other law enforcement agency is able to determine the identity of the most recent registered owner of the vehicle, notify the Department of those facts.

2. *Upon the receipt of a notice from a sheriff’s office or other law enforcement agency pursuant to paragraph (b) of subsection 1, the Department shall send by registered or certified mail, return receipt requested, a written notice to the most recent registered owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.*

3. *If the most recent registered owner of a vehicle abandoned on public lands fails to remove or cause the vehicle to be removed within the 30-day period set forth in the notice sent pursuant to subsection 2, the Department shall suspend the registration of each vehicle currently registered to the person pursuant to chapter 482 of NRS. For the purposes of this subsection, the determination of the sheriff’s office or other law enforcement agency that notified the Department pursuant to paragraph (b) of subsection 1 is conclusive as to whether the abandoned vehicle was removed within the 30-day period.*

4. If the registration of a vehicle is suspended pursuant to subsection 3, the Department shall reinstate the registration upon receipt from the registered owner of the vehicle of:

(a) An affidavit setting forth that he caused the removal and disposition of, or proof that he paid the cost of removal and disposition of, the vehicle discovered abandoned upon public lands; and

(b) If applicable, proof that he redeemed any lien placed pursuant to NRS 487.270 on the vehicle discovered abandoned on public lands.

5. If a sheriff's office or other law enforcement agency is notified by a person or another governmental entity that a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall, insofar as practicable and authorized by law, inform the person or entity making such notification of the actions taken by the sheriff's office or other law enforcement agency pursuant to this section.

Sec. 2. NRS 487.210 is hereby amended to read as follows:

487.210 As used in NRS 487.220 to 487.300, inclusive, and section 1 of this act, unless the context otherwise requires ~~[-, "abandoned"]~~ :

1. "Abandoned vehicle" means a vehicle:

~~[1-]~~ (a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

~~[2-]~~ (2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.

2. "Public lands" has the meaning ascribed to it in NRS 321.5963.

Sec. 3. NRS 487.220 is hereby amended to read as follows:

487.220 1. Every person who abandons a vehicle is responsible for the cost of removal and disposition of ~~[such]~~ the vehicle.

2. An abandoned vehicle is presumed to have been abandoned by the registered owner thereof. The registered owner may ~~[not]~~ rebut this presumption by showing that ~~[he]~~ :

(a) He transferred his interest in the abandoned vehicle ~~[unless he complied with the provisions set forth in NRS 482.399 to 482.420, inclusive.]~~ as indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle was stolen, if he submits evidence that, before the discovery of the vehicle, he filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle."

Amend the title of the bill to read as follows:

"AN ACT relating to motor vehicles; requiring the owner of a vehicle abandoned on public lands to remove or cause the removal of that vehicle; setting forth the circumstances under which the registered owner of a vehicle

abandoned in any location may rebut the presumption that he abandoned the vehicle; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to abandoned motor vehicles. (BDR 43-967)”.

Assemblyman Denis moved the adoption of the amendment.

Remarks by Assemblyman Denis.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 39:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblymen Buckley and Anderson.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 76:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblymen McClain, Ohrenschall, and Angle.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 118:

YEAS—40.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Christensen.

Assembly Bill No. 118 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 123:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 123 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 136:

YEAS—39.

NAYS—Carpenter, Sibley—2.

EXCUSED—Christensen.

Assembly Bill No. 136 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

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

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 12:57 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Oceguela moved that Assembly Bill No. 435 just reported
out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguela moved that Assembly Bill No. 350 be taken from
the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegueda moved that Assembly Bills Nos. 166, 179, 181, 182, 187, 190, 216, 235, 256, 276, 345, 346, 368, 377, 402, 421, 445, 470, 486, 505, 507; Assembly Joint Resolutions Nos. 4, 6, 12; Senate Bills Nos. 73, 132 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Janison, Terri Janison, Jo Boyd, Norma Lozada, and Niki Wolin.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Pinson.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Antoinette Crockett and Greta Buckley.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Lora Minter and Barb Sealy.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Bridgett Lopez, Elizabeth Woodland, Dawn Recheleau, Loren Romero, and Becky Romero.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Victor McGuire, Judy Lee, and Diane Leavitt.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hickock-Young and Tim Young.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Emrogno and Vicky Gallegos.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Ramirez and Sheila Campbell.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Yvette Williams, Noreen Albers, and Joy Hansson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to William John Wynn, Antoinette Mims, Edith Wynn, Mike Davis, Joseph Lancto, Jackie Murphy, Denishia Jordan, Danielle Jordan, Tamika Harris, Mario Washington, Robert Caesar, Tenessa Armstrong, Votac Bullock, Brandon Bullock, Louis Thomas, Nicolette Thomas, Elizabeth Alicia Larraz, Darrell Thomas Jr., Brittney Outley, Vincent Bullock Jr., Vanessa Magana, Pedro Santivanez, Tracy Grillo, Lisette Garcia Kohler, Tim Grillo, and Jim Kohler.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Charity Dahlke and Rachel Brandes.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Ellico and Shonda Dann.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Fullerton and Velvet Davidson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Mapuana Vai, Karen Flanagan, and Vailaau Vai.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Charmain Hopper and Cynthia Murphy.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Joy Kendall, Amy Widdison, and Sandi Dutton.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Coombs and Chris Leavitt.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Campbell.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya Pack.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Michele Nemione, Maria Elwood, and Tracey Bush.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Jenifer Blake and Heather Brazil.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Ardolina and Nicki Avery.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Krieger, Debbie Kirby, Kay Powell, Petra Perez, George Worden, Anita Worden, Jessie Cornforth, Lee Petty, Judy Potts, Kay Stidham, Jennifer Byington, Lynn Andreason, Dan Isaac, Jessica Villa, Ed Stidham, Jesse Mazur, Kimberly Arias, Mary Moore, Mitchell Jackstadt, Amber Martinez, Briseyda Muro, Christian Thackeray, Ermilo Arias, Osvaldo Arias, Darren Chapa, Arik "A.J." Gromis, Eric "Cedric" Kirby, Joshua Moore, Julie Morton, Eric Reynoso, Vanessa Aguilera, Daniel Arias, Jose Arias, Maurice Kennedy, Sandra Miramontes, Joshua Morton, Adam Thackeray, Ambrlyn Gromis, Mark Isaac, Roberto Miramontes, Patrick Moore, Sergio Perez, Annalysse Petty, William Huelsen, Tyanna Petty, Aaron Rohlman, Colton Fought, Cheyanne Hogwood, Austin Rohlman, Chance Hogwood, Jedidiah Fritz, Dayman Stratford, Robert Batt, Kristopher Gillum, Wyatt Singleton, Shawn Carlsen, Corrie Fritz, Michael Gordon, Melissa Ivy, Cole Shrider, James Gordon, Jordan Shelton, Jessica Stanley, Natasha Shelton, Jerri Thompson-Ivy, Dylan Sanford, Rebecca Shrider, Devan Stuart, Ariel Bradley, Melissa Collier, Kristian Johnson, Gary Conway, Josiah Fritz, and Curtis Jordan.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Tso and Kelly Tourek.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to D.J. Stutz and Linda Hodge.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta Evenson and Barbara Clark.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 15, 2005, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:58 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 15, 2005

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Atkinson, Christensen, and Mabey, who were excused.

Prayer by the Chaplain, Rabbi Jonathan Freirich.

[From the Associated Press]

April 15, 1947—Jackie Robinson played his first major league game, for the Dodgers. He went 0-for-3, but scored the deciding run in a 5-3 victory over the Boston Braves in Brooklyn. He was the first black to appear in the majors since 1884.

As we approach Passover, which starts on Saturday evening, April 23, I thought it appropriate to read something adapted from the opening of the Passover Seder, the festive meal that Jews celebrate together to open the holiday.

I would hold up some unleavened bread, or *matzah*, and say: *This is the bread of our poverty, which our ancestors ate in the land of Egypt. Let all who are hungry come and eat. Let all who are in need come and celebrate with us. Now we are here—next year we hope to see redemption. Now we are slaves. Next year we will be free.*

May it be the will of the universe, that just as the Israelites experienced freedom from the Egyptians, so may all of us find and give the relief of freedom from all kinds of oppression and distress. May all of us work to bring out communities from the narrow straits of difficulty to abundance, from darkness to light, and from enslavement to redemption, speedily in our days. May the model of Jackie Robinson remind us all that we each have a hand in the bringing of equality and justice to all, and let us say:

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 15, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 37 and 525.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 111, 154, 319 and 335.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 329, 376, 554 and Assembly Joint Resolution No. 3.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Anderson moved that Assembly Bill No. 221 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Mortenson moved that Assembly Joint Resolution No. 8 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Mortenson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 372 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 184 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which were referred Assembly Bills Nos. 228 and 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 234 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 248 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bills No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bill No. 20, 80, 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Leslie moved that Assembly Bill No. 37 be rereferred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 294, 297, 445, 456; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 177, 234, 367.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 15, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 233, 409 and 513.

MARK STEVENS

Fiscal Analysis Division

April 15, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 228, 321, 350, 422, 435, 493 and 524.

MARK STEVENS

Fiscal Analysis Division

April 15, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 382.

MARK STEVENS
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 556—AN ACT relating to public employment; requiring the Department of Personnel to add a step to the pay plan for classified employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 16.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 177.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 234.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 294.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 297.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 367.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 445.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 456.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 160.

Amend the bill as a whole by deleting sections 1 through 8, renumbering sections 9 and 10 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Administrator shall prepare an annual report concerning the enforcement of the provisions of chapters 616A to 617, inclusive, of NRS through the imposition of fines and benefit penalties against insurers, organizations for managed care, health care providers, third-party administrators and employers.*

2. *The annual report must include, without limitation:*

(a) *The total number of complaints filed with the Administrator involving alleged conduct that is sanctionable by a fine or benefit penalty;*

(b) *The total number of investigations conducted by the Administrator involving alleged conduct that is sanctionable by a fine or benefit penalty;*

(c) *The disposition of each such complaint and investigation, including, without limitation, whether the Administrator imposed or refused to impose a fine or benefit penalty and, if the Administrator imposed a fine or benefit penalty, the amount of the fine or benefit penalty; and*

(d) *The disposition of any administrative appeal or action for judicial review involving the decision of the Administrator to impose or refuse to impose a fine or benefit penalty.”.*

Amend sec. 9, page 6, by deleting lines 6 through 14 and inserting: “employee who, as a result of his injury, qualified for benefits for a temporary total disability pursuant to NRS 616C.475 and who receives

medical treatment for his injury after he returns to work is entitled to compensation pursuant to this subsection for each hour he is absent from the place of employment of the responsible employer to receive such medical treatment if he is required to travel more than 50 miles one way from the place of employment to receive such medical treatment. An injured employee must be paid compensation pursuant to this subsection at a rate equal to the compensation paid pursuant to NRS 616C.475 for a temporary total disability. Such compensation must be calculated based on increments of 4 hours or 8 hours.”.

Amend sec. 9, page 6, lines 17 and 21, by deleting “work” and inserting: “the place of employment”.

Amend sec. 9, page 6, between lines 25 and 26, by inserting:

“4. The Administrator shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations which establish:

(a) The documentation which an injured employee or employer is required to submit for the payment of compensation to the injured employee pursuant to subsection 1;

(b) The method for determining the amount of compensation to be paid to the injured employee pursuant to subsection 1; and

(c) A definition of “place of employment” as that term is used in this section.”.

Amend sec. 10, page 7, line 1, by deleting “work” and inserting: “the place of employment”.

Amend sec. 10, page 7, line 2, by deleting “9” and inserting “2”.

Amend the bill as a whole by renumbering sections 11 through 14 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 10, to read as follows:

“Sec. 4. NRS 616C.295 is hereby amended to read as follows:

616C.295 1. The Chief of the Hearings Division ~~of the Department of Administration shall~~

~~1-] shall:~~

(a) Prescribe by regulation the qualifications and training required before a person may, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, serve as a hearing officer. Training for a hearing officer must include techniques of mediation.

~~{2-} (b) Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.~~

2. From the cases heard each year by hearing officers and appeals officers regarding claims for benefits by injured employees, the Chief of the Hearings Division shall prepare an annual report which itemizes, on the basis of each insurer and third-party administrator, the number of cases affirmed, reversed, remanded and resolved by other disposition involving that insurer or third-party administrator, including a breakdown of that information by the type of benefits denied by the insurer or third-party administrator.

3. *As used in this section, “Chief of the Hearings Division” means the Chief of the Hearings Division of the Department of Administration.”.*

Amend sec. 11, page 7, line 31, by deleting “9” and inserting “2”.

Amend sec. 12, page 7, line 42, by deleting “9” and inserting “2”.

Amend sec. 13, page 8, by deleting lines 5 through 7 and inserting:

“Sec. 7. Section 2 of this act applies only to medical treatment which an injured employee receives for an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2006.”.

Amend sec. 14, page 8, by deleting lines 8 through 26 and inserting:

“Sec. 8. This act becomes effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2006, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; requiring the preparation of certain reports concerning the enforcement of the laws governing industrial insurance and the adjudication of claims for benefits; requiring the payment of compensation for the lost wages of certain injured employees who receive medical treatment under certain circumstances; providing penalties; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 67.

Bill read second time and ordered to third reading.

Assembly Bill No. 68.

Bill read second time and ordered to third reading.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any other provision of law or ordinance, a senior justice of the peace who serves in that capacity may serve temporarily in any justice’s court in this State, regardless of whether he is a resident of the township or county in which the justice’s court to which he is assigned is located.*

2. *As used in this section, “senior justice of the peace” means a former justice of the peace who has received a commission from the Supreme Court*

to serve as a senior justice of the peace pursuant to the rules prescribed by the Supreme Court.”.

Amend section 1, page 2, line 4, after “*capacity*” by inserting: “*or a senior justice of the peace who serves in that capacity and who formerly served as a municipal court judge*”.

Amend section 1, page 2, by deleting line 8 and inserting:

“2. As used in this section:

(a) “*Senior justice of the peace*” means a former justice of the peace who has received a commission from the Supreme Court to serve as a senior justice of the peace pursuant to the rules prescribed by the Supreme Court.

(b) “*Senior municipal court judge*”.

Amend the title of the bill to read as follows:

“AN ACT relating to courts; authorizing a senior justice of the peace to serve temporarily in any justice’s court in this State regardless of whether he is a resident of the township or county in which the justice’s court to which he is assigned is located; authorizing a senior municipal court judge or a senior justice of the peace who formerly served as a municipal court judge to serve temporarily in any municipal court in this State regardless of whether he is a resident of the city in which the municipal court to which he is assigned is located; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes senior justices of the peace or senior municipal court judges to serve temporarily in justice’s court or municipal court regardless of residency requirements under certain circumstances. (BDR 1-528)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 150.

Amend section 1, page 2, line 25, by deleting: “*or deed in lieu of foreclosure.*” and inserting: “*pursuant to chapter 107 of NRS.*”.

Amend section 1, page 2, after line 37, by inserting:

“4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, provide written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 216.

Amend sec. 2, page 3, by deleting lines 37 through 40 and inserting:

“(m) Except in a ~~judicial district that includes a county~~ township whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence ~~[-]~~, *unless a party to the action filed in the justices’ court has filed an action in district court in which such an order may be granted.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 416.

Bill read second time and ordered to third reading.

Assembly Bill No. 420.

Bill read second time and ordered to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 260.

Amend section 1, page 2, line 5, by deleting “*the*” and inserting “*a*”.

Amend section 1, page 2, by deleting line 6 and inserting: “*vote of the members of the board of trustees of that school district. The*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Assemblywoman Parnell moved that upon return from the printer Assembly Bill No. 422 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and the Committee on Ways and Means.

Assembly Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 186.

Amend section 1, page 1, line 2, by deleting “22,” and inserting “23,”.

Amend sec. 2, page 1, line 9, by deleting “22,” and inserting “23,”.

Amend sec. 3, page 2, line 3, by deleting “22,” and inserting “23.”

Amend sec. 17, page 5, lines 1, 3, 10 and 26, by deleting “22,” and inserting “23.”

Amend sec. 19, page 6, lines 26, 36, 39 and 41, by deleting “22,” and inserting “23.”

Amend sec. 19, page 7, lines 9, 15 and 18, by deleting “22,” and inserting “23.”

Amend sec. 20, page 7, line 29, by deleting “22,” and inserting “23.”

Amend sec. 22, page 8, lines 10, 12, 15, 19 and 23, by deleting “22,” and inserting “23.”

Amend the bill as a whole by renumbering sections 23 through 27 as sections 24 through 28 and adding a new section designated sec. 23, following sec. 22, to read as follows:

“Sec. 23. 1. If a court of competent jurisdiction finds that the provisions of sections 2 to 23, inclusive, of this act conflict and cannot be harmonized with the provisions of chapter 370A of NRS, then the provisions of chapter 370A of NRS shall be deemed to control.

2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of sections 2 to 23, inclusive, of this act causes chapter 370A of NRS to no longer constitute a qualifying or model statute, as those terms are defined in the Master Settlement Agreement, then that portion of sections 2 to 23, inclusive, of this act shall be deemed to be invalid.

3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of sections 2 to 23, inclusive, of this act is for any reason held to be invalid, unlawful or unconstitutional, that decision shall be deemed not to affect the validity of the remaining portions of sections 2 to 23, inclusive, of this act or any part thereof.”

Amend sec. 27, page 10, by deleting line 27 and inserting: “23, 24 and 27 of this act become effective:”.

Amend sec. 27, page 10, line 33, by deleting “24” and inserting “25”.

Amend sec. 27, page 10, line 35, by deleting “23” and inserting “24”.

Amend sec. 27, page 10, line 36, by deleting “25” and inserting “26”.

Amend sec. 27, page 10, line 38, by deleting “24” and inserting “25”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 503.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 510.

Bill read second time and ordered to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 215.

Amend section 1, page 2, by deleting lines 21 through 23 and inserting:
“*registry identification card issued to that person.*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 531.

Bill read second time and ordered to third reading.

Assembly Bill No. 547.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Joint Resolution No. 13.

Assemblyman Ocegüera moved that the resolution be referred to the
Committee on Health and Human Services.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 505 be taken from
the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 184.

Bill read third time.

The following amendment was proposed by the Assemblywoman Parnell:
Amendment No. 267.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a
new section designated section 1, following the enacting clause, to read as
follows:

“Section 1. Chapter 392 of NRS is hereby amended by adding thereto
the provisions set forth as sections 2 and 3 of this act.”.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

“Sec. 2. 1. *The Department shall, in consultation with
representatives.*”.

Amend section 1, page 3, line 3, by deleting “*programs; and*” and
inserting “*programs;*”

Amend section 1, page 3, line 6, by deleting “*class.*” and inserting: “*class;
and*”

(m) The code of honor relating to cheating prescribed pursuant to section 3 of this act.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. 1. The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.

2. The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.

3. On or before July 1 of each year, the Department shall:

(a) Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.

(b) Review and amend the code of honor as necessary.

4. Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.”.

Amend the title of the bill, fourth line, after “pupils;” by inserting: “requiring the Department to prescribe a policy establishing a code of honor relating to cheating by pupils;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires development and distribution of parental involvement compacts and code of honor relating to cheating by pupils. (BDR 34-921)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Arberry and Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 28:

YEAS—38.

NAYS—None.

EXCUSED—Atkinson, Christensen, Horne, Mabey—4.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblymen Denis and Parnell.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 49:

YEAS—38.

NAYS—None.

EXCUSED—Atkinson, Christensen, Horne, Mabey—4.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblymen Ocegüera and Ohrenschall.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 52:

YEAS—37.

NAYS—Arberry.

EXCUSED—Atkinson, Christensen, Horne, Mabey—4.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 63:

YEAS—37.

NAYS—Hardy.

EXCUSED—Atkinson, Christensen, Horne, Mabey—4.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that Assembly Bills Nos. 78, 84, 91, 126, 139, 163, 166, 169, 179, 181, 182, 187, 190, 197, 203, 206, 208, 216, 235, 256, 276, 292, 341, 345, 346, 347, 348, 368, 372, 377, 402, 421, 445, 470, 474, 486, 507, 527; Assembly Joint Resolutions Nos. 4, 6, 10, 12, 14, 16; Senate Bills Nos. 73, 132 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:27 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Kennedy.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Loupias and Ron Havlick.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Schuck.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda L. Acuna, Mallory L. Ames, Brenda M. Barajas, Samuel Bogarin, Edwin G. Chavez, Janet J. Chumpol, Austin L. Danner, Bryan S. Dedeurwaerder, Thomas M. Dziminski, Jordan T. Harvey, Brian Holloway, Salvador Jimenez, Eva C. Margolis, Christopher P. Miller, Taylor B. Novotny, Angel L. Sanders, Joel A. Schmidt, Juan Solis, Teresa M. Thurman, Jasmine S. Ude, Rachel B. Valentino, Tobias G. Weiss, Justin L. Williams, Thomas E. Adams, Adriana Arauz-Rosiles, Sesilia Bogarin, Brian A. Chavez, John L. Chavez, Kevin J. Chavez, Tyler D. Codman, Zusan Cruz-Ramos, Cady M. Davis, Valeria Garcia, Corey T. GOoch, Mireya Gutierrez, Devan A. Guttke, Cassandra D. Kishpaugh, Ashley L. Manning, Samantha McClean Black, Elsa M. Montes, Joseph C. Pangelinan, Isaac L. Perez, Lonnie Phillips-Jackson, Aaron C. Podratz, Margarita M. Ramos, Joseph M. Spence, Samantha M. Yuhas, and Carlos Chavez.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Arias, Digna Arias, and John Arias.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 18, 2005, at 11:00 a.m. and that it do so in memory of former Goodsprings Justice of the Peace Jan Smith.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 18, 2005

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hogan, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Our Father in Heaven, as the ancients once sang, "Monday, Monday, can't trust that day." And here we are at Monday once again. Can't trust this day. So, may we above all else learn to trust You. Thank You for putting us here to serve our people—to serve Your people. And thank You for allowing me to be here in the Assembly another year to serve these people. In the name of our Lord,

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 47 and 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 13 of the 72nd Session; Senate Bills Nos. 272, 346, 381.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 55, 122, 146, 256, 260.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Marvel, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 18—Commending the achievements of Bob Tallman, “The Voice of Professional Rodeo.”

WHEREAS, Winnemucca native Bob Tallman has become a legend in the world of rodeo, his is the voice people recognize and trust as “The Voice of Professional Rodeo”; and

WHEREAS, Bob Tallman’s involvement in the rodeo began in 1960 competing as a team roper and tie-down roper, and his first taste of announcing came in 1969 when he was offered \$100 to announce a rodeo in Fallon, Nevada, since then, he has been a commentator on ESPN, Fox Sports Network and TNN; and

WHEREAS, During a career that has spanned more than 3 decades and 15,000 performances in the United States and Canada, and such other places as Mexico, Australia and New Zealand, Bob Tallman now announces more than 100 rodeos each year; and

WHEREAS, On August 14, 2004, on its 25th anniversary, nine rodeo luminaries and one bareback bronc were inducted into the Pro Rodeo Hall of Fame, one such luminary was Bob Tallman; and

WHEREAS, In December 2004, Bob Tallman announced the Wrangler National Finals Rodeo for a record 18th time, and he is also the first person in the 45-year history of the Finals to announce the Finals nine times in a row; and

WHEREAS, Bob Tallman has been named the prestigious Pro Rodeo Cowboy’s Association’s “Announcer of the Year” seven times, in 1982, 1987, 1997, 1999, 2000, 2001 and 2004; and

WHEREAS, The Reno Rodeo has had the honor of Bob Tallman's presence as its announcer for 28 years, and he is scheduled to be there again in 2005; and

WHEREAS, Rodeo announcer is only one of the many hats Bob Tallman wears, as he also raises cattle at his ranch in North Texas, hosts television shows, is cofounder of Buckers, Inc., offering breeders the opportunity to introduce World Champion bloodlines into their bucking bull breeding programs, has developed a line of Texas-style seasonings, Bob Tallman's Ranch Fixin's and, in December 2004, he joined the Gold Buckle Network's Key Industry Advisory Board, to advise the Network on a variety of technical rodeo operations issues; and

WHEREAS, In addition to his many rodeo-related activities, Bob established his own foundation in 2000, Bob Tallman's Charities, which divides proceeds from an annual golf tournament, the Pasture Pool Golf Classic, between two charities, the Justin Cowboy Crisis Fund and the Pediatric Programs at the University of Texas M. D. Anderson Cancer Center; and

WHEREAS, When asked about his achievements, Bob Tallman has said he is the "most overawarded, blessed person in the world" and that the biggest reward he can receive is to see one child or one injured cowboy benefit from the endeavors of his charitable organization; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby commends Bob Tallman for his many contributions to the world of rodeo and the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bob Tallman.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Angle, and Oceguera.

Assemblyman Marvel requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It is a pleasure for me today to be here to present this resolution to Bob Tallman. As the resolution states, Bob is the voice of rodeo, but he is also the voice of the state of Nevada. He has traveled extensively in just about every state in the Union. He has been overseas. He has been to Australia. Every place he goes he promotes Nevada, so I would call him, perhaps, one of the foremost ambassadors we have ever had in the state of Nevada.

As you know, Bob is the first Nevadan inducted into the Cowboy Hall of Fame, and it is just a little bit more prestigious than what we have here in the Assembly.

Bob has announced at every major, national, or final rodeo from high school rodeo to the wrangler's rodeo in Las Vegas. He has been down there 18 times. I think most of the people in Las Vegas have been to the National Finals Rodeo. He has been 28 years at the Reno Rodeo, which is quite a record, I would say, and he keeps coming back. As a matter of fact, I think my colleague from Fallon had his first start announcing rodeos in Fallon.

Bob has done more than just being a rodeo announcer and raiser of great bucking bulls. He has raised over \$300,000 for a cancer pediatrics center at the Anderson Hospital in Houston, Texas. Plus, he has kept a fund for any contestant who has been injured in a rodeo.

They say that Bob is the first true Nevadan who has been elected to the Cowboy Hall of Fame. I heard the other day that my nephew, Joe Marvel, will be inducted in July of this year.

Bob, at one time, had radio station programs. They tell me that Bob was, probably, only second to Paul Harvey in his audience. I think that was quite an achievement in itself. I just can't elaborate enough on what Bob has done for rodeo, the state of Nevada, the children of the state of Nevada, and, you might say, for the nation.

It is such a pleasure having him here today. He is so well recognized that Governor Guinn had a proclamation declaring a Bob Tallman Day; Dallas, Texas, had a Bob Tallman Day; and we even had one in the city of Winnemucca. Bob, you have made us proud in Nevada and you have made us proud in Winnemucca. It is a great pleasure having you with us today. It is sad that Bob's mother and dad couldn't be here today. His dad is not in real good health, but John and Irene Tallman are very good friends of mine. I think his wife, Chris, is probably raising bulls in Texas today. She is taking care of the ranch. He just recently had his daughter, Nicole, married

off. For some of you old-timers, you might remember his grandfather. He was an Assemblyman in 1936 and 1938, then was elected to the Senate in 1940, and served in that capacity until 1952. I think he was the Lieutenant Governor at that time. He had quite a commendable record while he served in the Legislature.

I have sitting here with me David and Sue Abel from Elko, Lee and Tracy Smith, and we have members of the Reno Rodeo Association. Would you all stand up, please? It is great to have you with us. Without further ado, I would like to make this presentation to Bob on behalf of the Assembly. It is a pleasure having you with us today. Congratulations.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I want to rise in support of ACR 18, having lived 11 years in Winnemucca. Bobby Tallman was a hero for our children there, and I want to thank you, Bobby Tallman, for putting Nevada on the map, Winnemucca especially, and for being a role model for our children.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. It is kind of funny. I have been going to the National Finals Rodeo since 1991, and one year I was riding along in a car going to the awards ceremony at the Gold Coast, and Bob Tallman pulled up beside me with Boyd. He looked over and I was with riding with a young lady friend. I had a cold Coors Light, believe it or not, in my hand. I was in the passenger seat, of course. Bob pulled me up on stage at the Gold Coast later and he said, "Look at this, this young kid from Fallon is elected to the Nevada Legislature, has a pretty blond, and a cold Coors Light. It doesn't get much better than that." I couldn't believe it.

Bob, congratulations. It is wonderful to see you here. You have done so many wonderful things for the state. I appreciate it.

Resolution adopted.

Assemblyman Marvel moved that all rules be suspended and that Assembly Concurrent Resolution No. 18 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 19—Recognizing the value of and the need for the study of the arts in public education.

WHEREAS, The study of the arts in public education stimulates the school setting and enhances the morale of pupils, as well as the quality of the school environment; and

WHEREAS, Because studies indicate that there is a direct correlation between the study of the arts and aptitude in math and science, and because pupils tend to understand history and culture better through the study of the arts, arts education promotes the academic curriculum in a meaningful way; and

WHEREAS, The study of the arts also develops the personal confidence of pupils as they acquire skills by participating in concerts, musical productions and plays, by writing books and poems, and by participating in other cultural events, such as art shows and photography exhibits; and

WHEREAS, It has been recognized that the study of the arts can expand the horizons of even very young children and often leads to a lifelong thirst for knowledge of other cultures, other countries and other philosophies; and

WHEREAS, Organizations such as the Chicago Arts Partnerships in Education have proven that the study of the arts contributes to the overall development of young people in a powerful way by teaching them creativity, teamwork, discipline, self-expression, critical thinking, problem solving, understanding of others as well as other skills; and

WHEREAS, Studies in Chicago and Minneapolis have proven that test scores rise dramatically in schools that integrate the arts into the curriculum, with the greatest impact on disadvantaged learners; and

WHEREAS, In recent years, many public school districts have drastically reduced budgets for arts education in an effort to save money, which fails to acknowledge the important role of the study of the arts in developing in children a passion for learning; and

WHEREAS, For many children, the only opportunity to learn about the arts is through school programs; and

WHEREAS, Studies have shown that the integration of the arts into the school curriculum also energizes and challenges teachers, providing opportunities for rewarding professional developmental experiences; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature believe that it is vital for every pupil in the public schools in this State to have the opportunity to study the arts; and be it further

RESOLVED, That it is important to recognize the benefits of the study of the arts in public education for pupils and for our society in general and to encourage a coalition of educators, artists, parents, children and community members to create a network to support the study of the arts; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature recognize and support the efforts of all those who encourage the study of the arts in public education.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblymen Parnell, Anderson, Seale, and Giunchigliani.

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 19 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblywoman Leslie:

Assembly Concurrent Resolution No. 20—Directing the Legislative Commission to appoint a committee to conduct an interim study on assisted living facilities and long-term care financing.

Assemblywoman Leslie moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Assemblywoman Buckley moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 5.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 55.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 122.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 146.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 256.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 260.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 272.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 346.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 381.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor

Motion carried.

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

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 221 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 402 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 388 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Parnell.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 208 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 269.

Amend section 1, page 2, by deleting lines 9 and 10 and inserting:

"2. The liquor board in each of the several counties shall enact".

Amend sec. 2, page 3, by deleting lines 11 and 12 and inserting:

"268.090 1. In addition to any authority or power now provided by the".

Amend sec. 8, page 4, by deleting line 2.

Amend sec. 8, page 4, line 3, by deleting "(b)" and inserting "(a)".

Amend sec. 8, page 4, line 4, by deleting "(c)" and inserting "(b)".

Amend sec. 9, page 4, line 16, by deleting "act." and inserting: "*act within 30 days after the employee is employed to sell, handle or serve alcoholic beverages.*".

Amend sec. 9, page 4, line 17, by deleting "may" and inserting "shall".

Amend sec. 9, page 4, between lines 23 and 24 by inserting:

“4. Any money collected by the Department from fines pursuant to subsection 3 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

5. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.”.

Amend sec. 10, page 4, line 28, by deleting “4” and inserting “2”.

Amend sec. 10, page 5, by deleting lines 2 through 14 and inserting: *“alcoholic beverage awareness program if the Administrator determines that:”.*

Amend sec. 10, page 5, line 15, by deleting “(1)” and inserting “(a)”.

Amend sec. 10, page 5, line 17, by deleting “(2)” and inserting “(b)”.

Amend the title of the bill, fourth line, by deleting “authorizing” and inserting “requiring”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 282.

Amend section 1, page 2, line 9, after “2.” by inserting: *“To carry out the provisions of this section, the State Environmental Commission may, by regulation:*

(a) Impose a reasonable fee on the retail sale of any cathode ray tube, cathode ray tube device, flat panel screen or other similar video display device;

(b) Establish a program for the certification of facilities for the collection and recycling of electronic waste;

(c) In any county whose population is 100,000 or more, establish a program of regular collection days or drop-off days for the collection of electronic waste; and

(d) In any county whose population is less than 100,000, establish a program for the collection of electronic waste.

3. If the State Environmental Commission imposes a fee on the retail sale of any cathode ray tube, cathode ray tube device, flat panel screen or other similar video display device:

(a) A retail seller of any cathode ray tube, cathode ray tube device, flat panel screen or other similar video display device shall collect and account separately for the fee, and remit all such fees collected to the Department of Taxation in the manner prescribed by the Department.

(b) The Department of Taxation may:

(1) Collect such fees from a retail seller in the same manner as the Department collects sales tax pursuant to chapter 372 of NRS and the regulations adopted pursuant thereto; and

(2) Adopt such regulations as it determines necessary to carry out the provisions of this subsection.

(c) The Department of Taxation shall transfer all money it collects pursuant to this section to the State Treasurer for deposit into a separate account in the State General Fund. The money in the account does not revert to the State General Fund, and any interest earned on the money in the account must be credited to the account. The Director of the Division of Environmental Protection of the State Department of Conservation and Natural Resources shall administer the account and may use the money only for purposes related to the collection, disposal and recycling of electronic waste, including, without limitation, as matching money for related federal grants.

4.”.

Amend sec. 4, page 2, by deleting lines 31 through 33 inserting:

“Sec. 4. 1. The regulations required to be adopted pursuant to paragraph (a) of subsection 1 of section 1 of this act must:

(a) In any county whose population is 100,000 or more, become effective not later than December 31, 2005.

(b) In any county whose population is less than 100,000, become effective not later than December 31, 2006.

2. The regulations required to be adopted pursuant to paragraph (b) of subsection 1 of section 1 of this act must become effective not later than December 31, 2006.

3. The State Environmental Commission shall timely take all actions necessary to ensure compliance with the requirements of this section.”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 170.

Amend the bill as a whole by renumbering sections 7 through 11 as sections 8 through 12 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

To carry out the provisions of paragraph (c) of subsection 5 of NRS 483.340 and paragraph (c) of subsection 5 of NRS 483.840, the Department shall, on such terms as it deems appropriate, enter into a

contract with an organization which registers as donors persons who desire to make anatomical gifts.”.

Amend sec. 7, page 4, by deleting lines 11 through 19 and inserting: “information relating to anatomical gifts, including the procedure for ~~[registration]~~ registering as a donor with ~~[The Living Bank International or its successor organization.]~~ the organ donor registry with which the Department has entered into a contract pursuant to section 7 of this act.”.

Amend sec. 7, page 4, by deleting lines 25 and 26 and inserting: “~~International, or its successor organization.]~~ the organ donor registry with which the Department has entered into a contract pursuant to section 7 of this act”.

Amend sec. 8, page 5, by deleting lines 14 through 22 and inserting: “information relating to anatomical gifts, including the procedure for ~~[registration]~~ registering as a donor with ~~[The Living Bank International or its successor organization.]~~ the organ donor registry with which the Department has entered into a contract pursuant to section 7 of this act.”.

Amend sec. 8, page 5, by deleting lines 28 and 29 and inserting: “~~International, or its successor organization.]~~ the organ donor registry with which the Department has entered into a contract pursuant to section 7 of this act”.

Amend sec. 11, page 6, lines 1 and 2, by deleting: “upon passage and approval.” and inserting: “on January 1, 2006.”.

Amend the title of the bill by deleting the fifth through seventh lines and inserting: “requiring the Department of Motor Vehicles to contract with an organization that registers persons desiring to make anatomical gifts to carry out the exchange of certain information between such organization and certain persons who apply for the issuance or renewal of a driver’s license or identification card; and providing other matters”.

Assemblyman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 211.

Amend sec. 2, page 4, line 28, after “to” by inserting: “*the provisions of the home and community-based services waiver which are amended pursuant to*”.

Amend sec. 3, page 6, line 37, before “section” by inserting: “*providing services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to*”.

Amend sec. 4, page 7, line 15, by deleting: “1915(c) in order to” and inserting: “1396n. The waiver must be amended, in addition to providing coverage for any home and community-based services which the waiver covers on the effective date of this act, to”.

Amend sec. 4, page 7, line 17, by deleting: “the State Plan for”.

Amend sec. 4, page 7, lines 24 and 25, by deleting: “and

(b) Adopt” and inserting:

“(b) If the Federal Government approves the amendments to the waiver, adopt”.

Amend sec. 4, page 7, line 28, by deleting “1.” and inserting: “1; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.”.

Amend the title of the bill by deleting the eighth through eleventh lines and inserting: “based services waiver authorized by the Federal Government; requiring the Department of Human Resources to apply to the Secretary of Health and Human Services to amend its waiver to provide”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 252.

Amend sec. 3, page 3, line 16, by deleting “must” and inserting “may”.

Amend sec. 6, page 4, by deleting lines 10 through 15 and inserting:

“Sec. 6. 1. On or before July 15, 2005, the Truckee Meadows Water Authority shall pay to the State Treasurer \$100,000 for deposit in the Account for the Bureau of Consumer Protection. The required payment must be paid out of the”.

Amend sec. 6, page 4, line 18, by deleting “reimbursement” and inserting “payment”.

Amend sec. 6, page 4, between lines 19 and 20, by inserting:

“2. If the costs incurred by the Bureau of Consumer Protection in performing the audit and investigation are less than the amount paid to the State Treasurer by the Truckee Meadows Water Authority pursuant to subsection 1, the Bureau of Consumer Protection must refund the difference between the payment and the costs incurred in performing the audit and investigation to the Truckee Meadows Water Authority on or before April 1, 2006.”.

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 207.

Amend section 1, pages 1 and 2, by deleting lines 3 through 12 on page 1 and lines 1 through 37 on page 2, and inserting:

“1. A person may obtain or attempt to obtain on behalf of an applicant any license, tag or permit issued pursuant to this chapter if the person acts pursuant to a power of attorney or other written instrument that:

(a) Provides that the power of attorney or other written instrument is executed for the sole purpose of authorizing the person to apply in the State of Nevada on behalf of the applicant for a license, tag or permit for a specific season;

(b) Provides that the power of attorney or other written instrument expires on February 28 of the year following the year in which the power of attorney or other written instrument is executed; and

(c) Is acknowledged and includes a jurat as defined in NRS 240.0035, or is otherwise certified.

2. Any license, tag or permit which is obtained by the use of a power of attorney or other written instrument that does not comply with the provisions of subsection 1 is void.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; authorizing a person to act on behalf of another to obtain a license, tag or permit from the Department of Wildlife under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes person to act on behalf of another to obtain license, tag or permit from Department of Wildlife under certain circumstances. (BDR 45-1006)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 300.

Amend section 1, page 2, line 8, by deleting “200” and inserting “50”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 406.

Bill read second time and ordered to third reading.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 312.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. This bill becomes effective upon passage and approval.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by Assemblywoman Parnell:

Amendment No. 305.

Amend sec. 3, page 3, line 14, after “*education.*” by inserting: “*The work-based experiences must:*”

(1) *Be designed:*

(I) *For pupils enrolled in grades 11 and 12, but may be offered to pupils enrolled in grades 9 and 10 upon the approval of the principal of the school where the program is offered.*

(II) *To prepare and train pupils to work as apprentices in business settings.*

(2) *Allow a pupil to earn academic credit for the work-based experience.”.*

Amend the bill as a whole by renumbering sections 22 and 23 as sections 25 and 26 and adding new sections designated sections 22 through 24, following sec. 21, to read as follows:

“Sec. 22. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$1,000,000 for the establishment of advisory technical skills committees pursuant to section 3 of this act and the establishment and maintenance of programs of career and technical education.

2. The Department of Education shall:

(a) Use the money appropriated by subsection 1 to provide money to school districts and charter schools for establishing advisory technical skills committees and establishing programs of career and technical education; and

(b) Establish criteria for grants of money to school districts and charter schools pursuant to this section.

3. The board of trustees of a school district or the governing body of a charter school may submit an application to the Department of Education for a grant of money from the appropriation made by subsection 1 on a form provided by the Department.

4. Upon receipt of such an application, the Department of Education shall review the application to determine whether it is complete and meets the criteria established pursuant to paragraph (b) of subsection 2 and provide a grant of money to the board of trustees of the school district or the governing body of the charter school, as applicable.

5. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 4 shall:

(a) Use the money to establish an advisory technical skills committee and to establish and maintain a program of career and technical education; and

(b) Evaluate the effectiveness of the advisory technical skills committee and the program of career and technical education and submit a report to the Department of Education on or before December 1, 2006.

6. The Department of Education shall compile the reports received pursuant to paragraph (b) of subsection 5 and submit the compilation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Legislature.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.

Sec. 23. 1. The Chairman of the Legislative Committee on Education shall appoint a subcommittee of the members of the Committee to study the effectiveness of career and technical high schools in this State.

2. The subcommittee appointed pursuant to subsection 1 shall:

(a) Determine the number of school districts in this State that include at least one high school designated as a career and technical high school that provides a program of career and technical education for pupils enrolled in grades 9 to 12, inclusive.

(b) Determine the number of pupils enrolled in each career and technical high school, identified by school district.

(c) Determine the success of each career and technical high school in this State, including, without limitation, a determination of whether each career and technical high school operated by a school district increases within the school district:

(1) The graduation rate from high school; and

(2) The percentage of pupils who remain enrolled in high school.

(d) Identify effective practices carried out by school districts regarding the development, enrollment and operation of career and technical high schools and the feasibility of carrying out those practices statewide.

(e) Identify the need, if any, for expanding the availability of career and technical high schools in this State.

3. The subcommittee appointed pursuant to subsection 1 shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education on or before August 1, 2006. The Legislative Committee on Education shall consider the recommendations of the subcommittee and on or before February 1, 2007, submit the report of the subcommittee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 24. The Department of Education shall develop and carry out a public awareness campaign that is designed to increase the public's awareness and knowledge of the availability and success of career and technical high schools within this State.”.

Amend the title of the bill, eighth line, after “program;” by inserting: “requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; making an appropriation;”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Assemblywoman Parnell moved that upon return from the printer Assembly Bill No. 388 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 20:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 58 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 67:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 67 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 68:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 68 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 78:

YEAS—40.

NAYS—Allen.

EXCUSED—Hogan.

Assembly Bill No. 78 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 80:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

Bill read third time.

Remarks by Assemblymen McCleary and Denis.

Roll call on Assembly Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 91:

YEAS—40.

NAYS—Angle.

EXCUSED—Hogan.

Assembly Bill No. 91 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 126:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 139:

YEAS—28.

NAYS—Angle, Carpenter, Christensen, Gansert, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—13.

EXCUSED—Hogan.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 157.

Bill read third time.

Remarks by Assemblyman Holcomb.

Roll call on Assembly Bill No. 157:

YEAS—40.

NAYS—Angle.

EXCUSED—Hogan.

Assembly Bill No. 157 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 163:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 163 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 166:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 166 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 167:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 167 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 169:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 169 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 179:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 179 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 181:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 181 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman Sibley.

Roll call on Assembly Bill No. 182:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 182 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 184.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 184:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Hogan.

Assembly Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:06 p.m.

ASSEMBLY IN SESSION

At 1:20 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 190:

YEAS—40.

NAYS—None.

EXCUSED—Angle, Hogan—2.

Assembly Bill No. 190 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Remarks by Assemblymen Atkinson, McCleary, Ocegüera, and Denis.

Conflict of interest declared by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 197:

YEAS—32.

NAYS—Grady, Hardy, Hettrick, Holcomb, Mabey, Sherer, Weber—7.

NOT VOTING—Ocegüera.

EXCUSED—Angle, Hogan—2.

Assembly Bill No. 197 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 1:43 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblymen Seale, Leslie, and Buckley.

Roll call on Assembly Bill No. 203:

YEAS—38.

NAYS—Leslie.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 203 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 206:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 206 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblyman Sibley.

Roll call on Assembly Bill No. 215:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 215 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Ohrenschall moved that Assembly Bill No. 216 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 235:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 235 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 237:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 237 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 256:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 256 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 276:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 276 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 292:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 292 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblymen Parks and Hettrick.

Roll call on Assembly Bill No. 341:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 341 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 345:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 345 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 347 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 346:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 346 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymen Horne, Buckley, and Perkins.

Roll call on Assembly Bill No. 348:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 348 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 368.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 368:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 368 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 372.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 372:

YEAS—38.

NAYS—None.

NOT VOTING—Arberry.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 372 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 377:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 377 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 416.

Bill read third time.

Remarks by Assemblyman McCleary.

Potential conflict of interest declared by Assemblyman McCleary.

Roll call on Assembly Bill No. 416:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 416 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420

Bill read third time.

Remarks by Assemblyman Parks.

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

Assembly in recess at 2:22 p.m.

ASSEMBLY IN SESSION

At 2:24 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Roll call on Assembly Bill No. 420:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 420 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421

Bill read third time.

Remarks by Assemblyman Conklin.

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

Assembly in recess at 2:26 p.m.

ASSEMBLY IN SESSION

At 2:27 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 421 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Conklin.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblywomen McClain and Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 436:

YEAS—38.

NAYS—None.

NOT VOTING—Ohrenschall.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 436 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblyman Ocegueda.

Roll call on Assembly Bill No. 445:

YEAS—39.

NAYS—None.

EXCUSED—Angle, Hogan, Marvel—3.

Assembly Bill No. 445 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 470, 474, 486, 503, 507, 509, 510, 519, 527, 531, 547; Assembly Joint Resolutions Nos. 4, 6, 10, 12, 14, 16; Senate Bills Nos. 73, 132 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline J. Hadley.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Devon Bannister, Karissa Christensen, Tom Ferguson, Andy Garcia, Brad Garlick, Kylee Hardy, Alan Higgins, Michaela Hughes, Kalani Martin, Christina Mederos, Alexis Pinguelo, Alexis Rice, Kami Rushing, Josh Sabels, Marcus Sam, Jasmine Scott, Indervir Singh, Jordan Skipwith, Priscilla Vidales, Tony Woolley, Karrah Bissett, Jennifer Luna, Pablo Miller, Lizzette Martin, Rosanna Recendiz, Leann Pinguelo, Jackie Raborn, and Michael Hardy.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Tallman, Arnic Mavrins, Sue Abel, and Dave Abel.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Zabelsky, Rick Moffitt, and Chuck Fletcher.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 19, 2005, at 11:00 a.m. and that it do so in memory of James Leach.

Motion carried.

Assembly adjourned at 2:35 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 19, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, we woke up this morning to a blanket of snow. We ask the question Your Psalmist asked nearly twenty times. "How long, O Lord?" How long until we get a real spring? So, I pray today for spring to come inside—inside these walls and inside our hearts. Please give us renewed enthusiasm, compassionate spirits, and glowing smiles. You make life better. May we also. I pray gratefully in Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 363, 427 and 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 180, 279 and 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 267, 274, 290 and 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 18, 19.

CLAIRE J. CLIFT
Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 19, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 347 and 556.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 388.

MARK STEVENS
Fiscal Analysis Division

By Assemblymen Smith, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber; Senators Mathews, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 21—Commending Evelyn Mount for her many years of dedicated service to the people of Reno and Sparks.

WHEREAS, Since 1979, thousands of families in northern Nevada have had food on their holiday tables thanks to the generosity and efforts of Evelyn Mount; and

WHEREAS, For 25 years, on Thanksgiving and again on Christmas, Evelyn Mount and her volunteers at Community Outreach have accepted donations of food and prepared and distributed bags and boxes with all the fixings for a holiday meal; and

WHEREAS, Community Outreach, cofounded by Evelyn and her late husband, Leon, is headquartered in Mount's garage at 2530 Cannan Street in Reno, which overflows with food donations as the holidays draw near and becomes a hub of activity as families approved by the organization drive in to pick up their food packages; and

WHEREAS, After the holiday rush, Evelyn slows down but continues to cook and deliver meals throughout the year for low-income seniors and grandparents raising grandchildren on tight budgets; and

WHEREAS, Born in Lundell, Arkansas, and raised in Louisiana and California, Evelyn Mount was surrounded by a family that passed on a desire to help others less fortunate than themselves; and

WHEREAS, When she is not actively dispensing food to those in need, Evelyn likes to garden, sew and make crafts, and she is also active in the Pilgrims Rest Baptist Church, where she assists in Sunday school every other week and sings in the choir; and

WHEREAS, After the death of her husband shortly before the 2002 holiday season, Evelyn continued her mission with the help of family, friends, neighbors and volunteer workers and has vowed to keep Community Outreach going in honor of Leon's memory; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Nevada Legislature recognizes the generosity of Evelyn Mount and commends her for her benevolent and tireless efforts to bring joy to others; and be it further

RESOLVED, That Evelyn's spirit of giving is an inspiration to the residents of Nevada to share their lives and good fortune with the people in their communities who need a helping hand; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Evelyn Mount, whose abiding kindness to her fellow travelers on this earth makes her an example for all to emulate.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith and Anderson.

Resolution adopted.

Assemblywoman Smith moved that all rules be suspended and that Assembly Concurrent Resolution No. 21 be immediately transmitted to the Senate.

Motion carried unanimously.

By Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington; Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 18—Recognizing the mission and accomplishments of the Nevada Alliance for Chronic Disease Prevention.

WHEREAS, The prevalence of chronic disease is increasing throughout the United States and it is projected that more than half of all Nevadans will develop one or more chronic diseases in their lifetime, many of which will impact the quality of life for the person and his family; and

WHEREAS, Chronic disease is the cause of 70 percent of all deaths in Nevada; and

WHEREAS, The disabling conditions of many chronic diseases cause major limitations in activity for those afflicted and can result in costly, ongoing medical care; and

WHEREAS, With a vision of improving community health and decreasing the prevalence of chronic disease in Nevada, the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department joined forces in 2002 to form the Nevada Alliance for Chronic Disease Prevention; and

WHEREAS, Since its formation, the Alliance has made steps toward reducing the incidence of chronic disease in Nevada, which include increasing communication between public health agencies and other partners to enhance the gathering and sharing of data on chronic diseases and their prevention and leveraging the use of funding for chronic disease programs; and

WHEREAS, Aided by valuable contributions from the University and Community College System of Nevada, the Department of Education, HealthSmart in Carson City, Great Basin Primary Care Association, members of the Intertribal Council of Nevada and other agencies and organizations throughout Nevada, the Alliance is promoting education and early detection to reduce the incidence of chronic diseases and their tragic consequences; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the Health Division of the Department of Human Resources, the Clark County Health District and the Washoe County District Health Department for their vision of cooperation among Nevada agencies and organizations that led to the formation of the Nevada Alliance for Chronic Disease Prevention; and be it further

RESOLVED, That the Alliance is recognized for its ongoing efforts to promote health and wellness through communication and partnership with organizations that encourage healthy lifestyles through education; and be it further

RESOLVED, That the Alliance is encouraged to continue moving forward in the prevention of chronic disease in Nevada and a reduction in the burden these diseases place on all Nevadans; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Alex Haartz, Administrator of the Health Division of the Department of Human Resources, Donald Kwalick, M.D., Chief Health Officer for Clark County Health District and Barbara Hunt, Health Officer for Washoe County District Health Department.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Resolution adopted.

Assemblywoman Ohrenschall moved that Assembly Bill No. 216 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 505 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 221 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 406 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 143 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children or a regional facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine*

whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the detention of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of section 4 of this act.

Sec. 4. 1. Each local facility for the detention of children and regional facility for the detention of children shall conduct the screening required pursuant to sections 1 and 3 of this act using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children and regional facility for the detention of children shall submit its method for conducting the screening required pursuant to sections 1 and 3 of this act to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children or regional facility for the detention of children may begin using a new method for conducting the screening required pursuant to section 1 or 3 of this act, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to sections 1 and 3 of this act that is submitted by a local facility for the detention of children or a regional facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which

administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and sections 1 and 3 of this act.

5. Each state facility for the detention of children shall use a method for conducting the screening required pursuant to section 3 of this act that satisfies the requirements of paragraphs (a) and (b) of subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.

6. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and sections 1 and 3 of this act, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to section 1 or 3 of this act; and

(b) Protecting the confidentiality of information obtained from such screening.”.

Amend sec. 2, page 2, lines 24 and 32, by deleting “section 1” and inserting: “sections 3 and 4”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 2, to read as follows:

“Sec. 6. 1. Notwithstanding the provisions of section 4 of this act, each local facility for the detention of children and regional facility for the detention of children:

(a) Until July 1, 2006, may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval;

(b) On or before July 1, 2006, shall submit to the Division of Child and Family Services of the Department of Human Resources for approval its method for conducting the screening required pursuant to sections 1 and 3 of this act; and

(c) If it has submitted its method in accordance with paragraph (b), may use its method of conducting the screening required pursuant to sections 1 and 3 of this act without first obtaining approval until the later of:

(1) July 1, 2006; or

(2) The date on which the Division of Child and Family Services of the Department of Human Resources disapproves the method.

2. As used in this section:

(a) "Local facility for the detention of children" has the meaning ascribed to it in NRS 62A.190.

(b) "Regional facility for the detention of children" has the meaning ascribed to it in NRS 62A.280."

Amend sec. 4, page 3, line 1, by deleting "1" and inserting "4".

Amend sec. 4, page 3, line 4, by deleting: "2 and 3" and inserting: "1, 2, 3, 5, 6 and 7".

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to juvenile justice; requiring certain children referred to the system of juvenile justice to be screened for mental health and".

Amend the summary of the bill to read as follows:

"SUMMARY—Requires certain children referred to system of juvenile justice to be screened for mental health and substance abuse problems. (BDR 5-194)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 63.

Amend section 1, page 2, line 2, by deleting: "section 2 and 3" and inserting: "sections 2 to 7, inclusive,".

Amend the bill as a whole by deleting sections 2 through 4, renumbering sec. 5 as sec. 8 and adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. 1. *The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:*

(a) *The child and his natural parent or parents;*

(b) *The adoptive parent or parents and the natural parent or parents; or*

(c) *Any combination thereof.*

2. *An agreement that provides for postadoptive contact is enforceable if the agreement:*

(a) *Is in writing and signed by the parties; and*

(b) *Is incorporated into an order or decree of adoption.*

3. *The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.*

4. *A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction*

to enforce, modify or terminate the agreement that provides for postadoptive contact until:

- (a) The child reaches 18 years of age;
- (b) The child becomes emancipated; or
- (c) The agreement is terminated.

5. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.

Sec. 3. 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 2 of this act shall notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order or decree of adoption of the child.

2. Each:

(a) Director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act, notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement.

Sec. 4. 1. Before a court may enter an order or decree of adoption of a child, the court must address in person:

(a) Each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act.

2. If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order or decree of adoption.

Sec. 5. 1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may, for good cause shown:

(a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may:

(a) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 7 of this act.

Sec. 6. 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may not be used as a ground to:

(a) Set aside an order or decree of adoption;

(b) Revoke, nullify or set aside a valid release for or consent to an adoption or a relinquishment for adoption; or

(c) Except as otherwise provided in section 11 of this act, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 7. 1. An agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order or decree which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) *The contact provided for in the agreement is no longer in the best interests of the child; or*

(b) *Each party to the agreement consents to the modification or termination.*

2. *If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:*

(a) *There is a presumption that the modification or termination is in the best interests of the child; and*

(b) *The court may consider the wishes of the child involved in the agreement.*

3. *Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:*

(a) *May limit, restrict, condition or decrease contact between the parties involved in the agreement; and*

(b) *May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.”.*

Amend sec. 5, page 3, line 29, by deleting “and 3” and inserting: “to 7, inclusive,”.

Amend the bill as a whole by renumbering sec. 6 as sec. 10 and adding a new section designated sec. 9, following sec. 5, to read as follows:

“Sec. 9. NRS 127.140 is hereby amended to read as follows:

127.140 1. All hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except ~~upon~~ :

(a) *Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor ~~or if~~ ;*

(b) *If a natural parent and the child are eligible to receive information from the State Register for Adoptions ~~;~~ ; or*

(c) *As provided pursuant to subsections 3, 4 and 5.*

3. *An adoptive parent who intends to file a petition pursuant to section 5 or 7 of this act to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.*

4. *A natural parent who intends to file a petition pursuant to section 5 of this act to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to section 11 of this act may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.*

5. *The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without*

limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.”.

Amend sec. 6, page 3, line 35, by deleting “section 3” and inserting: “sections 2 to 7, inclusive,”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 6, to read as follows:

“Sec. 11. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A natural parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may bring a civil action against a person if:*

(a) The person knowingly provided false information in response to a question asked by a court pursuant to section 4 of this act; and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to section 4 of this act.

2. *If a person is liable to a natural parent of an adopted child pursuant to subsection 1, the natural parent may recover his actual damages, costs, reasonable attorney’s fees and any punitive damages that the facts may warrant.*

3. *The liability imposed by this section is in addition to any other liability imposed by law.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for postadoptive contact; requiring certain persons to notify the court of the existence of such an agreement; authorizing a natural parent who has entered into such an agreement to petition the court to prove the existence of the agreement, to enforce its terms and to bring certain civil actions related to the agreement; authorizing an adoptive parent who has entered into such an agreement to petition the court to enforce the terms of the agreement and to modify or terminate the agreement; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides certain procedures relating to agreements for postadoptive contact. (BDR 11-457)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Giunchigliani, and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 321.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 393.0717 is hereby amended to read as follows:

393.0717 1. The board of trustees of ~~the~~ *each* school district shall ~~make~~ *prescribe* all necessary regulations for the use of school buildings and grounds for civic meetings and recreational activities, and for the aid, assistance and encouragement of recreational activities ~~[-~~

~~2.—The] in furtherance of the provisions of NRS 393.071 to 393.0719, inclusive.~~

2. *Except as otherwise provided in subsection 3, the use of any school buildings or grounds for any meeting or recreational activity is subject to such reasonable regulations as the board of trustees prescribes.*

3. *The board of trustees of a school district that is located in a county whose population is 400,000 or more shall adopt regulations that:*

(a) Establish a policy for granting the use of school buildings, grounds and equipment without charge to organizations that meet the requirements of subsection 4 of NRS 372.3261; and

(b) Establish a policy that outdoor school grounds and recreational areas, including, without limitation, playgrounds and sports fields, are available for use by the general public during times that are not regular school hours.

Sec. 2. On or before March 31, 2006, the board of trustees of a school district that is located in a county whose population is 400,000 or more shall adopt regulations to carry out the provisions of subsection 3 of section 1 of this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to school property; requiring the boards of trustees of certain larger school districts to adopt regulations exempting certain nonprofit educational organizations from charges associated with the use of school property and allowing the use by the general public of outdoor school grounds; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires boards of trustees of certain school districts to establish policies governing use of school property without charge. (BDR 34-842)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 299.

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

“2. A manufacturer of a new motor vehicle which is sold or leased in this State and which is equipped with an event recording device shall affix a label in a prominent place on the vehicle disclosing the fact that the motor vehicle is equipped with an event recording device. A manufacturer of a new motor vehicle who discloses on the label required by 15 U.S.C. §§ 1231 et seq. the fact that the motor vehicle is equipped with an event recording device shall be deemed to have complied with this subsection.”.

Amend section 1, page 2, line 29, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 2, by deleting line 36.

Amend section 1, page 2, line 37, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 3, line 7, by deleting “(c)” and inserting “(b)”.

Amend section 1, page 3, line 9, by deleting “(d)” and inserting “(c)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 440.

Bill read second time and ordered to third reading.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 357.

Amend section 1, page 1, by deleting line 4 and inserting: *“in any conveyance or upon any premises wherein a”.*

Amend section 1, page 1, by deleting line 9 and inserting: *“in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity; or”.*

Amend section 1, page 2, by deleting line 3 and inserting: *“in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity.”.*

Amend the title of the bill by deleting the second and third lines and inserting: *“from allowing a child to be present in any conveyance or upon any premises wherein certain crimes”.*

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances other than marijuana are committed. (BDR 40-112)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 356.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. This bill becomes effective upon passage and approval.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 51 be placed on the Chief Clerk’s desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk’s desk.

SECOND READING AND AMENDMENT

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 313.

Amend sec. 2, page 2, line 2, by deleting: “2, 3 and 4” and inserting “2 and 3”.

Amend sec. 2, page 3, line 1, by deleting “*copy*” and inserting “*summary*”.

Amend sec. 2, page 3, by deleting lines 2 and 3 and inserting: “*which the offer of compensation is based at the time the offer is made.*”.

Amend sec. 2, page 3, by deleting line 10 and inserting:

“(2) *The nature of the intended redevelopment, at the time of the written offer, for which the property.*”.

Amend sec. 2, page 3, by deleting lines 14 and 15 and inserting:

“(4) *That the agency has provided a summary of the appraisal report upon which the offer of compensation is based and the location of the office of the agency where the owner may review the full appraisal report;*

(5) *That the agency will provide copies,*”.

Amend sec. 2, page 3, lines 17 and 18, by deleting “*and (5)*” and inserting:

“(6) *That the agency will provide the owner with a full copy of the agency’s appraisal report in exchange for a full copy of an appraisal report of an appraisal performed on behalf of the owner; and*

(7)”.

Amend sec. 2, page 3, by deleting lines 21 through 23 and inserting: *“acquired plus damages, if any, as appraised by the agency.”*.

Amend sec. 2, page 3, line 32, after *“to”* by inserting: *“or served upon”*.

Amend sec. 2, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 10 on page 4.

Amend sec. 3, page 4, by deleting lines 15 through 19 and inserting: *“the redevelopment must negotiate in good faith with the owner of the property to reach an agreement to purchase the property from the owner of the property.”*.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 8 as sections 4 through 7.

Amend sec. 5, page 4, line 32, by deleting: *“2, 3 and 4”* and inserting *“2 and 3”*.

Amend sec. 7, page 5, lines 35 and 36, by deleting: *“sections 2 and 3”* and inserting *“section 2”*.

Amend sec. 8, page 6, by deleting lines 2 and 3 and inserting:

“279.471 1. ~~[In a county whose population is 100,000 or more, an]~~ An agency may exercise the power of eminent domain to acquire”.

Amend sec. 8, page 6, by deleting line 11 and inserting: *“section 2 of this act.”*.

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 8.

Amend sec. 10, page 6, line 39, by deleting: *“October 1, 2005.”* and inserting: *“the effective date of this act.”*.

Amend the bill as a whole by adding new sections designated sections 9 and 10, following sec. 10, to read as follows:

“Sec. 9. The amendatory provisions of section 5 of this act do not apply to a redevelopment area that is adopted by a governing body before the effective date of this act, but do apply to any annexations thereto that are adopted by the governing body on or after the effective date of this act.

Sec. 10. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to property; establishing certain requirements that a redevelopment agency must meet before commencing an eminent domain proceeding against a property owner; making various changes concerning factors characterizing a blighted area for purposes of the Community Redevelopment Law; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 505.

Bill read third time.

The following amendment was proposed by Assemblyman Ocegüera:
Amendment No. 320.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 232.520 is hereby amended to read as follows:
232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The Chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the Chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the Chief of the Housing Division is the Administrator of the Housing Division, the Chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division, the Chief of the Real Estate Division is the Real Estate Administrator, the Chief of the Division of Insurance is the Commissioner of Insurance, the Chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the Chief of the Office of Labor Commissioner is the Labor Commissioner, the Chief of the Taxicab Authority is the Taxicab Administrator, the Chief of the Transportation Services Authority is the ~~Chairman~~ Commissioner of the Authority, the Chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services,

dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 18 and 19 and adding new sections designated sections 7 through 17, following sec. 5, to read as follows:

“Sec. 7. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

“*Commissioner*” means the Commissioner of the Authority.

Sec. 8. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, *and section 7 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The Transportation Services Authority is hereby created ~~{ }~~ within the Department of Business and Industry.

2. The ~~{ Authority consists of three members appointed by the Governor. After the initial term each member shall serve }~~ Commissioner is the chief officer of the Authority. The Governor shall appoint the Commissioner for a term of 4 years.

3. The ~~{ Governor shall appoint to the Authority members who }~~ person appointed as Commissioner:

(a) Must have at least 2 years of experience in one or more of the following fields:

~~{(a)}~~ (1) Accounting.

~~{(b)}~~ (2) Business administration.

~~{(c)}~~ (3) Economics.

~~{(d)}~~ (4) Administrative law.

~~{(e)}~~ (5) Transportation.

~~{(f)}~~ (6) Professional engineering.

~~{(At least one but not more than two of the members appointed must be residents of Clark County. }~~

~~4. Not more than two of the members may be:~~

~~(a) Members of the same political party.~~

~~(b) From the same field of experience.~~

~~5. All of the members must be persons who are }~~

~~(b) Must be independent of the industries regulated by the Authority. { No }~~

~~(c) Must not be an elected officer of this State or any political subdivision { is eligible for appointment. }~~

~~6. The members of the Authority shall give their } of this State.~~

4. The Commissioner shall devote his entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

~~{ 7. Each member of the Authority }~~

5. The Commissioner serves at the pleasure of the Governor.

Sec. 10. NRS 706.1512 is hereby amended to read as follows:

706.1512 ~~{1. The Governor shall designate one of the members of the Authority to be Chairman. The Chairman is the Executive Officer of the Authority and serves at the pleasure of the Governor.~~

~~2. The members of the Authority are}~~ *The Commissioner is in the unclassified service of the State.*

Sec. 11. NRS 706.1513 is hereby amended to read as follows:

706.1513 The ~~{Authority}~~ *Commissioner* may sue and be sued in the name of the Transportation Services Authority.

Sec. 12. NRS 706.1514 is hereby amended to read as follows:

706.1514 1. ~~{A majority of the members of the Authority}~~ *The Commissioner* may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs ~~{,}~~ and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

2. Except as otherwise provided in this subsection, public hearings must be conducted by ~~{one or more members of the Authority.}~~ *the Commissioner.* An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be conducted by a hearing officer designated by the ~~{Chairman of the Authority.}~~ *Commissioner.*

Sec. 13. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the Authority for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of ~~{members of the Authority}~~ *the Commissioner* and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the Authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the Authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 14. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Transportation Services Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The ~~{salaries,}~~ salary, travel expenses and subsistence allowances of the ~~{members of the Authority.}~~ Commissioner.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 15. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, ~~{any member of the Authority}~~ the Commissioner or any officer or employee of the Authority who is designated by the ~~{Authority}~~ Commissioner may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the Authority and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the Authority determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 16. NRS 706.176 is hereby amended to read as follows:

706.176 The ~~{Authority}~~ Commissioner may:

1. Appoint ~~{a Deputy who serves}~~ such deputy commissioners as are required by the Commissioner. Each deputy commissioner serves in the unclassified service of the State.

2. Employ such other personnel as may be necessary.

Sec. 17. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the Authority for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the Authority are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State Treasury in the same

manner as other claims against the State are paid. No fees or mileage may be allowed unless the ~~Chairman of the Authority~~ Commissioner certifies the correctness of the claim.”.

Amend sec. 7, page 4, line 37, by deleting: “1 to 5, inclusive,” and inserting: “1, 2, 3, 5 and 6”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; reorganizing the Transportation Services Authority; providing for the appointment of the Commissioner of the Transportation Services Authority as the Chief of the Authority; revising the procedure pursuant to which vehicles are registered under the Interstate Highway User Fee Apportionment Act; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to registration of certain motor vehicles and reorganizes Transportation Services Authority. (BDR 43-973)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Buckley, Angle, and Carpenter.

Conflict of interest declared by Assemblymen Carpenter and Angle.

Roll call on Assembly Bill No. 216:

YEAS—25.

NAYS—Allen, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Horne, Mabey, Marvel, Seale, Sherer, Sibley, Weber—15.

NOT VOTING—Angle, Carpenter—2.

Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. Assembly Bill 248 requires the Department of Human Resources to apply to the United States Secretary for Health and Human Services for an amendment to our state Home and Community Based Waiver under Medicaid. Basically, the amendment would authorize the department to cover assisted living services for senior citizens who are residing in housing built by our public-sector housing resources, such as being funded by low-income housing tax credits, HOME (Department Investment Partnerships Program) dollars, CDBG (Community Development Block Grant) dollars, and the like. How it would work is that the Bureau of Licensure and Certification would address the services that are provided, the quality of care; the Housing Division's responsibilities are intended to relate primarily to the issues the Division normally addresses, and that is whether it is actually serving low-income residents.

The second part of the bill reserves \$50,000 annually from the Fund for a Healthy Nevada to allow the Department of Human Resources to provide funding to finance non-profit assisted living projects, as well as the services that are needed on assisted living projects.

We have a dichotomy in our state. If you are wealthy, you can afford a lot of options as you age. There are many ways to avoid nursing homes, such as some beautiful assisted living projects that are available in our state. But if you do not have \$3,000 to \$4,000 a month to pay for them, and all you have is your Social Security check, you have two choices: stay in your home past the point that it has become dangerous or go into a nursing home. This bill is intended to give more choices to many of the people we represent. It will further the non-profit assisted segment, similar to our non-profit housing developers. This will focus on assisted living. It is to give a little bit of seed money to allow these projects to go forward and it will require our state to apply for a waiver so that these projects can get the services they need to make them work. It's one step to try to provide more options, so that seniors can age in place with dignity, without being forced to move to a nursing home when they age.

Roll call on Assembly Bill No. 248:

YEAS—42.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 323:

YEAS—42.

NAYS—None.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblymen Atkinson, Horne, and Claborn.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 379:

YEAS—42.

NAYS—None.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 381:

YEAS—40.

NAYS—Anderson, Parks—2.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Assembly Bill No. 470:

YEAS—42.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 474:

YEAS—42.

NAYS—None.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of histories on General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblymen Ocegüera and Hettrick.

Roll call on Assembly Bill No. 507:

YEAS—42.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 509:

YEAS—42.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 519:

YEAS—42.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblymen Parnell and Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 531:

YEAS—42.

NAYS—None.

Assembly Bill No. 531 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 537:

YEAS—42.

NAYS—None.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 547:

YEAS—42.

NAYS—None.

Assembly Bill No. 547 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Joint Resolution No. 4:

YEAS—38.

NAYS—Carpenter, Hettrick, Marvel, Sherer—4.

Assembly Joint Resolution No. 4 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—Angle.

Assembly Joint Resolution No. 9 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10:

YEAS—39.

NAYS—Carpenter, Marvel, Sherer—3.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Joint Resolution No. 12:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 12 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16.

Resolution read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Joint Resolution No. 16:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 16 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 73:

YEAS—42.

NAYS—None.

Senate Bill No. 73 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 132:

YEAS—42.

NAYS—None.

Senate Bill No. 132 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

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

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:15 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. April 19 marks the national observance of Equal Pay Day, the day when men and women across the country recognize the wage gap between working men and women. The month of April has been chosen to indicate how far each year a woman must work to earn as much as a man earned in the previous year.

Tuesday symbolizes the day when a woman's wages catch up to a man's wages from the previous week. It has been 42 years since the passage of the Federal Equal Pay Act of 1963 and 41 years since the passage of Title VII of the Federal Civil Rights Act of 1964, and American women continue to suffer disparities in wages that cannot be accounted for by age, education, or work experience.

If women were paid the same as men who work the same number of hours, have the education, the same union status, are the same age, and live in the same region of the country, the annual family income of each of these women would rise by \$4,000, and the number of families who live below the poverty line would be reduced by half.

According to statistics released in 2004 by the U.S. Census Bureau, year-round, full-time working women in 2003 earned only 76 percent of the earnings of the year-round, full-time working men. The gap between median earning of full-time, year-round workers widened in 2003, with women's earnings 76 percent of men's, down from 77 percent in 2002. The last time the female-to-male earnings ratio declined was 1998 to 1999.

Median earnings for women of color continue to be lower, in general, than earnings for men as a whole. In 2003, African-American women's earnings were 66 percent of men's earnings, Latinas' earnings were 55 percent of men's earnings, and Asian-American women are the only group that fares better, with earnings at 80 percent of men's.

Women in Nevada do slightly better than the national average. According to the data from the 2002 Current Population Survey on median annual earnings of full-time workers, Nevada women earn 77 percent of men's earnings.

Equal Pay Day is also about equal work, and also about the old phrase, "What's in a name?" I want to commend the Assistant Majority Leader today for bringing a bill forward that deals with the sensitivity of the issue of "What's in a name?"

Today in Congress, the Paycheck Fairness Act is being re-introduced to strengthen equal pay protection through better enforcement, and the Fair Pay Act will be filed to address the problem of lower wages in fields dominated by women and people of color. Four decades since the passage of the Equal Pay Act, these pieces of legislation are still necessary to keep paychecks from coming up too short.

There are several organizations in the gallery today, Mr. Speaker, if they would please stand. They are wearing the color red. I unfortunately did not get the memo in time, but I do appreciate the loan of the scarf. Some of the organizations represented here are the American Association of University Women; Business and Professional Women; League of Women Voters; Nevada Women's Lobby; Progressive Leadership Alliance of Nevada; SNEA/AFSCME Local 4041; Culinary Union No. 226; and the Culinary Health Trust Fund. I would like to make those guests welcome and thank them for reminding us that our work is still not done. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 13 of the 72nd Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Starr.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Davis, Lydia Hoffman, and Lidia Davis.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Reba Burton.

On request of Assemblyman Arberry Jr., the privilege of the floor of the Assembly Chamber for this day was extended to Verlia Davis-Hoggard.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Kaufman.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to David Love.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Madsen.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Cox.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Phyllis Sargent.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Baker.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Andi Arthurholz and Armando Denis.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Wood.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Ducharme.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Sanchez.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Etcheverria.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Lawrence Holcomb.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan McCoy.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bobie Delaney, Doug Henning, and Josefa Henning.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Chambers.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Bud Fujii.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Felton Thomas.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Jacobs.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Platt.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Scottie Wallace, Alex Haartz, Barbara Hunt, Lawrence Sands, and Jeanne Palmer.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Susan King.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Hill.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Arnie Maurins.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Moore and John Merrill.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Andrews.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Robb Morss.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Marvel.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Van Valkenburgh.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Foust.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Harrington, Charlyn Lewis, Ann Whitney, Gretchen Stermer, Mary Burgeson, Matthew Right, Roberta Studwell, Jennifer Gross, Tom Boone, Kevin Clanton, Karen Byrd, Cristin Haake, Sandy Marz, Judy Chalmers, Carol Wallace, Nikki Britt, Randy Snyder, Susan Antipa, and Martha Greene.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Mildred Hart.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Mae Giaimo.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Dunn.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Bell.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Martha Greene and Evelyn Mount.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Ian Campbell.

Assemblywoman Buckley moved that the Assembly adjourn until April 20, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:20 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 20, 2005

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Father, I am impressed this week as I hear the beautiful music flowing through the hallways. Thank You for beauty. King Solomon wrote that You “made everything beautiful in its time.” Some of us are still waiting for our time. Help us to pause to see Your beauty all around us. And Father, please help Your servant Benedict.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 114, 195 and 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 287 and 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 113, 304 and 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 475 and 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was re-referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 386, 468 and 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 21.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 20, 187, 255, 290, 311, 327, 398, 409, 410, 415, 423, 428, 438, 479, 504.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 29, 77, 80, 136, 139, 188, 250, 318, 395, 443, 466, 489.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 383 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 406 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Ocegüera.

Motion carried.

NOTICE OF EXEMPTION

April 20, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 65.

MARK STEVENS
Fiscal Analysis Division

By Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington:

Assembly Concurrent Resolution No. 22—Commemorating the 85th anniversary of the League of Women Voters as a national organization.

WHEREAS, The League of Women Voters was first established in Nevada in 1919, due in large part to the inspiration of Carrie Chapman Catt, a national leader in the battle to obtain the right to vote for all women; and

WHEREAS, The League of Women Voters was established as a national organization in 1920; and

WHEREAS, The League of Women Voters worked tirelessly to ensure that Amendment XIX of the Constitution of the United States, prohibiting the denial of the right to vote on account of sex, was proposed by Congress and ratified by the states; and

WHEREAS, Since 1920, the League of Women Voters has flourished throughout the State of Nevada, with units in Ely, Elko, Lovelock, Winnemucca, Carson City, Reno and Las Vegas; and

WHEREAS, In 1974, the League of Women Voters began accepting men as full voting members and now works for the informed and active participation of all citizens in government; and

WHEREAS, The League of Women Voters provides a valuable resource to the residents of Nevada by preparing and distributing nonpartisan information on candidates and issues, thereby allowing the residents of Nevada to learn about the issues of an election without partisan influence; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby commemorate the 85th anniversary of the League of Women Voters as a national organization; and be it further

RESOLVED, That the League of Women Voters is hereby commended for its dedication and perseverance as it continues to encourage active participation in government, both at the local and national levels; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mary Lee, President of the League of Women Voters of Nevada, and Kay Maxwell, President of the League of Women Voters of the United States.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywomen Parnell, Buckley, and Ohrenschall.

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 22 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 20.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 29.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 77.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 80.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 136.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 139.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 187.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 188.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 250.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 255.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 290.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 311.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 318.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 327.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 395.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 398.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 409.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 410.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 415.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 423.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 428.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 438.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 466.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 479.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 504.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Claborn moved that Assembly Bill No. 15 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that the reading of Histories of all bills on the Second Reading File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 444.

Amend the bill as a whole by deleting sections 6 and 7 and renumbering Sec. 8 as Sec. 6.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "Employee-Management Relations Board; providing that the Real Estate Division is".

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 307.

Amend section 1, page 2, line 43, before "relocating" by inserting "expanding or".

Amend section 1, page 3, line 17, before "relocating" by inserting "expanding or".

Amend section 1, page 3, line 26, before "relocated" by inserting "expanded or".

Amend section 1, page 3, lines 38 and 40, before “relocation” by inserting “expansion or”.

Amend the preamble of the bill, page 2, line 25, before “relocate” by inserting “expand or”.

Amend the preamble of the bill, page 2, line 33, by deleting “a” and inserting: “an expansion or”.

Amend the title of the bill by deleting the third through sixth lines and inserting: “feasibility and desirability of expanding or relocating certain state agencies to rural communities under certain circumstances; requiring the Department to recommend, if feasible, the expansion or relocation of at least one such agency;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Department of Administration to conduct study concerning feasibility and desirability of expanding or relocating certain state agencies to rural communities under certain circumstances. (BDR S-989)”.

Assemblyman Sherer moved the adoption of the amendment.

Remarks by Assemblyman Sherer.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Mr. Speaker announced if there were no objections, the Assembly would observe a moment of silence in memory of all children in Nevada who have lost their lives at the hands of another.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 259.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools ~~in~~ sponsored by the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school ~~within~~ sponsored by the school district. ~~[, regardless of the sponsor of the charter school.]~~

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, and each grade in which the examinations were administered:

- (1) The number of pupils who took the examinations;
- (2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;
- (3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(4) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

- (I) Pupils who are economically disadvantaged, as defined by the State Board;
- (II) Pupils from major racial and ethnic groups, as defined by the State Board;

- (III) Pupils with disabilities;
 - (IV) Pupils who are limited English proficient; and
 - (V) Pupils who are migratory children, as defined by the State Board;
- (5) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

- (6) The percentage of pupils who were not tested;
- (7) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (4);

(8) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(9) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~that~~ *sponsored by* the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(10) For each school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, information that compares the results of pupils in the school with the results of pupils throughout the school

district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored* by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored* by the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored* by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; and

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored* by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school ~~fin~~ *sponsored by the district.*

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.*

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district, to increase:*

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(s) For each high school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the number and percentage of pupils who received:

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement

pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school *sponsored by the district* that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before April 1 of each year, the board of trustees of each school district shall submit to:

(a) Each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Submit the report required pursuant to subsection 2 to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school district, including, without limitation, each charter school ~~in~~ sponsored by the district, the residents of

the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~that~~ sponsored by the district.

9. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008."

Amend section 1, page 2, line 11, by deleting "application," and inserting: "application ~~or~~ or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district,".

Amend section 1, page 3, line 29, by deleting "application, the" and inserting: "application ~~the~~ :

(a) *It shall include in the written notice the reasons for the denial and the deficiencies in the application; and*

(b) *The*".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

2. Except as otherwise provided in subsection 4, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

3. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor ~~shall~~ *may* amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the charter school must submit a new application to form a charter school.

4. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

- (a) Period for which such a written charter is valid; and
- (b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

5. The holder of a written charter that is issued pursuant to subsection 4 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 4 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

- (a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or
- (b) Charter school,

whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection

more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding a new section designated sec. 5, following sec. 2, to read as follows:

“Sec. 5. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,
of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.”.

Amend sec. 3, page 6, line 4, after “(a)” by inserting: “A valid teacher’s license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b)”.

Amend sec. 3, page 6, line 6, by deleting “(b)” and inserting “~~((b))~~ (c)”.

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 7 through 11, following sec. 3, to read as follows:

“Sec. 7. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a

leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years : ~~{that the employee is on a leave of absence;}~~

(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 5; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed ~~{6}~~ 3 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. ~~{After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees.}~~ After the ~~{sixth}~~ *third* school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees may require that a request to return to a teaching position

submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

7. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

8. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

9. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

10. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 8. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ a charter school *that is sponsored by the board of trustees of a school district* shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~of the school district in which~~ *that sponsors* the charter school ~~is located, regardless of the sponsor of the charter school,~~ for inclusion in the report of

the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. *On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a separate report of accountability information for the charter schools sponsored by the State Board.*

3. On or before August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.

~~{3-}~~ 4. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 9. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before ~~July 1~~ *August 15* of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 10. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 . ~~[including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;]~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~[located within a school district]~~ shall report the data to the ~~[school district for incorporation into the report of the school district, regardless of the]~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 11. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the

automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the ~~{school district in which the charter school is located}~~ *sponsor of the charter school* such information as is necessary for the ~~{school district}~~ *sponsor* to carry out the provisions of this subsection. ~~{, regardless of the sponsor of the charter school.}~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).”.

Amend the bill as a whole by renumbering sec. 5 as sec. 14 and adding a new section designated sec. 13, following sec. 4, to read as follows:

“Sec. 13. The amendatory provisions of section 6 of this act do not apply to a teacher who is on an approved leave of absence from a school district and is employed by the governing body of a charter school before July 1, 2005.”.

Amend sec. 5, page 6, line 25, by deleting: “1 and 4” and inserting “2 and 12”.

Amend sec. 5, page 6, line 26, by deleting “becomes” and inserting “become”.

Amend sec. 5, page 6, line 27, by deleting: “2 and 3” and inserting: “1, 3 to 11, inclusive, and 13”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising the provisions governing the review of applications to form charter schools submitted to the board of trustees of a school district and the State Board of Education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; revising the provisions governing the licensed personnel of a charter school; revising the provisions governing the reporting of accountability information for charter schools sponsored by the State Board of Education; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 298.

Amend section 1, page 3, line 2, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend sec. 2, page 3, line 18, by deleting “*vehicle;*” and inserting: “*vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee’s ability to safely operate a motor vehicle;*”.

Amend sec. 2, page 3, line 20, by deleting “*vehicle;*” and inserting: “*vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee’s ability to safely operate a motor vehicle;*”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 4, line 24, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend the bill as a whole by deleting sections 6 through 13.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; providing under certain circumstances for the examination of a holder of a driver’s license; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides under certain circumstances for examination of holder of driver’s license. (BDR 43-566)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

The following amendment was proposed by Assemblyman Perkins:
Amendment No. 563.

Amend the bill as a whole by adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. *The regulations adopted pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:*

(a) *Except as otherwise provided in paragraph (b), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.*

(b) *May perform the following activities in connection with a motor vehicle:*

(1) *The changing of oil;*

(2) *The replacing of an oil filter, air filter, fuel filter, belt or hose; and*

(3) *The servicing of a fuel injection system.*

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 6. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. *The regulations adopted by the Department of Motor Vehicles pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:*

(1) *Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.*

(2) *May perform the following activities in connection with a motor vehicle:*

(I) *The changing of oil;*

(II) *The replacing of an oil filter, air filter, fuel filter, belt or hose;*
and

(III) *The servicing of a fuel injection system.*

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that the equipment complies with any applicable standards of the United States Environmental Protection Agency.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; providing under certain circumstances for the examination of a holder of a driver’s license; revising certain provisions relating to the licensure of authorized inspection stations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to drivers’ licenses and the control of emissions from engines. (BDR 43-566)”.

Assemblyman Ocegueda moved the adoption of the amendment.

Remarks by Assemblyman Ocegueda.

Mr. Speaker requested the privilege of the Chair in order to make remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 316.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:*

(a) *Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency;*

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the vulnerable person from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the vulnerable person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.

(g) Any employee of the Department of Human Resources.

(h) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. *If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.*

6. *A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.*

7. *A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.”.*

Amend sec. 3, page 3, line 20, after “inclusive,” by inserting: “*and section 2 of this act*”.

Amend sec. 3, page 4, by deleting line 35 and inserting: “*of older persons. The services may*”.

Amend sec. 3, pages 4 and 5, by deleting lines 38 through 44 on page 4 and lines 1 and 2 on page 5, and inserting:

“7. “*Vulnerable person*” means a person 18 years of age or older who:

(a) *Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or*

(b) *Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.”.*

Amend the bill as a whole by deleting sec. 4.

Amend sec. 5, page 7, line 16, after “200.5093” by inserting: “*or section 2 of this act*”.

Amend sec. 6, page 7, line 40, after “200.5094,” by inserting: “*and section 2 of this act*”.

Amend sec. 8, page 9, line 18, after “inclusive,” by inserting: “*and section 2 of this act*”.

Amend sec. 9, page 9, line 27, after “inclusive,” by inserting: “*and section 2 of this act*”.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 10.

Amend sec. 11, page 10, line 28, after “inclusive,” by inserting: “*and section 2 of this act*”.

Amend the bill as a whole by deleting sections 12 and 13 and renumbering sections 14 through 18 as sections 11 through 15.

Amend sec. 16, page 14, by deleting line 26 and inserting: “*person , ~~for~~ a mentally disabled person or a vulnerable person.*”.

Amend sec. 16, page 14, by deleting lines 33 and 34 and inserting:

“(a) *An older person; ~~for~~*

(b) *A mentally disabled person ~~for~~ ; or*

(c) *A vulnerable person.”.*

Amend sec. 16, pages 14 and 15, lines 38 through 44 on page 14 and lines 1 through 4 on page 15, by deleting the brackets and strike-through.

Amend sec. 16, page 15, line 9, by deleting “(b)” and inserting “(c)”.

Amend sec. 17, page 15, line 19, after “200.5093,” by inserting: “*or section 2 of this act,*”.

Amend the bill as a whole by adding new sections designated sections 16 through 18, following sec. 18, to read as follows:

“Sec. 16. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his professional or occupational capacity and is required to make a report pursuant to NRS 200.5093 or 432B.220 ~~+~~ *and section 2 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; or

(2) The governing body of a charter school.

(c) “School official” means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 17. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his professional or occupational capacity and is required to make a report pursuant to NRS 200.5093 or 432B.220 ~~{}~~ and section 2 of this act.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 18. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant, or may take disciplinary action against a licensee, if, after notice and a hearing, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 or 432B.220 ~~{}~~ or section 2 of this act;

- (f) Is guilty of gross negligence in his practice as an athletic trainer;
 - (g) Is not competent to engage in the practice of athletic training;
 - (h) Has failed to provide information requested by the Board within 60 days after he received the request;
 - (i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;
 - (j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;
 - (k) Has solicited or received compensation for services that he did not provide;
 - (l) If the licensee is on probation, has violated the terms of his probation;
- or
- (m) Has terminated his professional services to a client in a manner that detrimentally affected that client.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing:

- (a) Refuse to issue a license to the applicant;
- (b) Refuse to renew or restore the license of the licensee;
- (c) Suspend or revoke the license of the licensee;
- (d) Place the licensee on probation;
- (e) Impose an administrative fine of not more than \$5,000;
- (f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or
- (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 493.

Amend section 1, page 1, line 4, by deleting: “before imposing sentence:” and inserting: “~~[before imposing sentence:]~~ *following the imposition of a sentence:*”.

Amend section 1, page 2, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend section 1, page 2, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law”.

Amend sec. 2, page 2, line 39, by deleting: “before imposing sentence:” and inserting: “[~~before imposing sentence:~~] *following the imposition of a sentence:*”.

Amend sec. 2, page 3, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend sec. 2, page 3, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law”.

Amend sec. 3, page 3, line 38, by deleting “11,” and inserting “7,”.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

“Sec. 4. “*Community notification website*” means the website on the Internet established and maintained by the Department pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 5, line 3, by deleting: “*Attorney General’s Offender Information Website*” and inserting: “*community notification website*”.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 12 as sections 6 through 8.

Amend sec. 10, page 5, by deleting lines 25 and 26 and inserting: “*the community notification website in violation of the provisions of this section, NRS 179B.250 or section 5 of this act is liable:*”.

Amend sec. 10, page 5, line 36, by deleting: “*Attorney General’s Offender Information Website*” and inserting: “*community notification website*”.

Amend sec. 11, page 6, by deleting lines 1 through 3 and inserting: “*involves the use of information obtained from the community notification website and which violates any provision of this section, NRS 179B.250 or section 5 or 6 of this act,*”.

Amend sec. 11, page 6, line 13, by deleting “10” and inserting “6”.

Amend sec. 12, page 6, line 17, by deleting “[~~179B.140,~~] 179B.130,” and inserting “179B.140,”.

Amend the bill as a whole by renumbering sec. 13 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 12, to read as follows:

“Sec. 9. NRS 179B.100 is hereby amended to read as follows:

179B.100 “Requester” means a person who requests information from the ~~{program,}~~ *community notification website*.

Sec. 10. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall ~~{, in a manner prescribed by the Director,}~~ establish *and maintain* within the Central Repository a ~~{program,}~~ *community notification website* to provide the public with access to certain information contained in the statewide registry ~~{. The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed}~~ in accordance with the procedures set forth in this section.

2. For each inquiry to the ~~{program,}~~ *community notification website*, the requester must provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

3. For each inquiry to the ~~{program,}~~ *community notification website* made by the requester, the Central Repository shall:

- (a) Explain the levels of notification that are assigned to sex offenders pursuant to NRS 179D.730; and
- (b) Explain that the Central Repository is prohibited by law from disclosing information concerning certain offenders, even if those offenders are listed in the statewide registry.

4. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository:

- (a) Shall disclose to the requester information concerning an offender who is assigned a *Tier 2 or Tier 3* level of notification.

(b) ~~{Except as otherwise provided in this paragraph, may, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification. The Central Repository shall not disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification if the offender:~~

- ~~(1) Has been released from actual custody for 10 years or more; and~~
- ~~(2) Has not been convicted of committing a sexual offense during the immediately preceding 10 years.~~

~~(c)~~ Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.

5. After each inquiry to the ~~program~~ *community notification website* made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry;

(c) The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository ~~is~~:

~~(1) Shall inform the requester of the name or any alias of the offender and the zip codes of the residence, work place and school of the offender.~~

~~(2) Shall inform the requester of each offense for which the offender was convicted, describing each offense in language that is understandable to the ordinary layperson, and the date and location of each conviction.~~

~~(3) Shall inform the requester of the age of the victim and offender at the time of each offense.~~

~~(4) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the offender if such an image is available.~~

~~(5) Shall~~ shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides.

(6) The number of the street block, but not the specific street number, of any location where the offender is currently:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) *The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.*

(V) *The city, township or county where the offense was committed.*

6. If a search of the statewide registry results in a match pursuant to paragraph (d) of subsection 5, the Central Repository shall not provide the requester with any ~~{other}~~ information that is included in the record of registration for the offender ~~{-~~

~~{-}~~ other than the information required pursuant to paragraph (d) of subsection 5.

7. For each inquiry to the ~~{program,}~~ community notification website, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~{7-}~~ 8. A person may not use information obtained through the ~~{program}~~ community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~{8-}~~ 9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.”.

Amend sec. 13, page 6, lines 21 and 22, by deleting: “Attorney General’s Offender Information Website,” and inserting: “community notification website,”.

Amend sec. 13, pages 6 and 7, by deleting lines 41 through 45 on page 6 and lines 1 through 8 on page 7.

Amend the bill as a whole by deleting sections 14 through 19 and renumbering sec. 20 as sec. 12.

Amend sec. 20, page 14, by deleting lines 4 through 15 and inserting:

“179D.290 1. An offender convicted of a crime against a child who:

~~{1-}~~ (a) Fails to register with a local law enforcement agency;

~~{2-}~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend the bill as a whole by deleting sections 21 through 24 and renumbering sections 25 through 29 as sections 13 through 17.

Amend sec. 25, page 20, by deleting lines 9 through 19 and inserting:

“179D.550 1. A sex offender who:

~~{1-}~~ (a) Fails to register with a local law enforcement agency;

~~{2-}~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend sec. 26, page 21, by deleting lines 34 and 35 and inserting:

“4. The existence of the community notification website”.

Amend sec. 27, page 22, by deleting lines 12 and 13 and inserting:

“Sec. 15. NRS 179B.080 is hereby repealed.”.

Amend sec. 28, page 22, by deleting lines 14 through 20 and inserting:

“Sec. 16. The Department of Public Safety shall, as expeditiously as possible after July 1, 2005, but not later than January 1, 2006, comply with the requirements for the community notification website established pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of the repealed section to read as follows:

TEXT OF REPEALED SECTION

179B.080 “Program” defined. “Program” means the program established within the Central Repository pursuant to NRS 179B.250 to provide the public with access to certain information contained in the statewide registry.”.

Amend the title of the bill by deleting the first through seventh lines and inserting:

“AN ACT relating to offenders; revising provisions concerning requirements for providing certain notices and information relating to a

defendant who has been convicted of a crime against a child or a sexual offense; requiring the Department of Public Safety to establish and maintain a community notification website to provide certain information to the public concerning certain sex offenders; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child and sex offenders;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 332.

Amend the bill as a whole by deleting sections 1 through 24 and inserting: “Secs. 1-24. (Deleted by amendment.)”.

Amend sec. 25, page 30, by deleting line 18 and inserting:

“if:

(a) *The course is approved by the University and Community College System of Nevada or the applicable institution as qualifying for dual credit;*

(b) *The content of the course is approved by the applicable institution;*
and

(c) *The teacher:”.*

Amend sec. 25, page 30, line 19, by deleting “(a)” and inserting “(1)”.

Amend sec. 25, page 30, line 20, by deleting “(b)” and inserting “(2)”.

Amend sec. 26, page 30, by deleting lines 37 through 39 and inserting: “each project . ~~[-]~~ *The number of hours required to receive credit pursuant to this section must be determined in accordance with regulations adopted by the State Board.”.*

Amend sec. 26, page 31, between lines 3 and 4, by inserting:

“4. *Any credit awarded pursuant to this section must be applied toward community service credits, if any, required for receipt of a scholarship for postsecondary education.”.*

Amend sec. 27, page 31, by deleting lines 12 through 15 and inserting:

“(a) *Must include an informal process for teachers who are employed at a school where the administrator is employed to provide their input concerning the administrator in a confidential manner, including, without limitation, through the use of confidential surveys.”.*

Amend sec. 28, page 31, by deleting line 38 and inserting: “*must complete the units of credit prescribed by the State Board by regulation to be promoted to high*”.

Amend sec. 28, page 31, line 43, by deleting: “*board of trustees of a school district*” and inserting “*State Board*”.

Amend sec. 28, page 32, line 3, by deleting: “board of trustees” and inserting “State Board”.

Amend sec. 28, page 32, by deleting lines 10 and 11 and inserting: “of the school district in which the pupil is enrolled may provide *an opportunity for the pupil to attend summer*”.

Amend the bill as a whole by deleting sec. 30 and inserting:
“Sec. 30. (Deleted by amendment.)”.

Amend sec. 31, page 33, line 10, after “courses.” by inserting: “*Permission may be granted if the course is approved by the System or the applicable institution as qualifying for dual credit and the content of the course is approved by the applicable institution.*”.

Amend the bill as a whole by deleting sections 32 through 37 and inserting:

“Secs. 32-37. (Deleted by amendment.)”.

Amend sec. 38, page 36, by deleting line 7 and inserting: “A school district in which”.

Amend sec. 38, page 36, line 8, after “enrolled” by inserting: “in high school”.

Amend sec. 38, page 36, line 14, by deleting: “principal or administrator of a high school” and inserting “school district”.

Amend sec. 38, page 36, lines 17 and 18, by deleting: “principal or administrator of a high school” and inserting “school district”.

Amend sec. 38, page 36, line 22, by deleting “high school,” and inserting “school district.”.

Amend the bill as a whole by deleting sections 39 through 42 and inserting:

“Secs. 39-42. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 43 as sec. 44 and adding a new section designated sec. 43, following sec. 42, to read as follows:

“Sec. 43. 1. *The board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools, excluding charter schools, as follows:*

(a) *Beginning the school day of all elementary schools before all middle schools, junior high schools and high schools.*

(b) *Beginning the school day of all middle schools and junior high schools before all high schools.*

(c) *Beginning the school day of all high schools not earlier than 8 a.m.*

2. If the board of trustees of a school district determines that the schedule set forth in subsection 1 is feasible, the board may implement such a schedule.

3. On or before January 1, 2007, the board of trustees of each school district shall submit to the Department of Education a written summary of the determination made pursuant to subsection 1.

4. On or before February 1, 2007, the Department of Education shall submit a written report of the summaries and any recommendations for

legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 43, page 37, by deleting lines 23 through 29 and inserting:

“Sec. 44. 1. This section and sections 1 to 27, inclusive, and sections 29 to 43, inclusive, of this act become effective on July 1, 2005.

2. Section 28 of this act becomes effective on July 1, 2005, for the purpose of adopting regulations and on July 1, 2008 for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing school districts and charter schools to request permission from the Board of Regents of the University of Nevada for high school teachers to teach dual-credit courses; authorizing teachers to participate in informal evaluations of administrators; revising various provisions governing the credits required of and the award of credits to pupils; making an appropriation; requiring the board of trustees of each school district to determine the feasibility of scheduling start times for public schools in a certain manner; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 494.

Amend sec. 3, page 2, line 8, by deleting “An” and inserting: “*Except as otherwise provided in NRS 116.31123, an*”.

Amend the bill as a whole by renumbering sections 7 through 10 as sections 8 through 11 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 116.31123 is hereby amended to read as follows:

116.31123 1. Except as otherwise provided in subsection 2, ~~in a county whose population is 400,000 or more,~~ a person who owns, or directly or indirectly has an interest in, one or more units within a planned community that are restricted to residential use by the declaration, may use that unit or one of those units for a transient commercial use only if:

(a) The governing documents of the association and any master association do not prohibit such use;

(b) The executive board of the association and any master association approve the transient commercial use of the unit, except that such approval is not required if the planned community and one or more hotels are subject to the governing documents of a master association and those governing documents do not prohibit such use; and

(c) The unit is properly zoned for the transient commercial use and any license required by the local government for the transient commercial use is obtained.

2. ~~In a county whose population is 400,000 or more, a~~ A declarant who owns, or directly or indirectly has an interest in, one or more units within a planned community under the governing documents of the association that are restricted to residential use by the declaration, may use that unit or those units for a transient commercial use during the period that the declarant is offering units for sale within the planned community if such use complies with the requirements set forth in paragraphs (a) and (c) of subsection 1.

3. The association and any master association may establish requirements for the transient commercial use of a unit pursuant to the provisions of this section, including, without limitation, the payment of additional fees that are related to any increase in services or other costs associated with the transient commercial use of the unit.

4. As used in this section:

(a) "Remuneration" means any compensation, money, rent or other valuable consideration given in return for the occupancy, possession or use of a unit.

(b) "Transient commercial use" means the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive calendar days."

Amend sec. 7, page 4, by deleting lines 5 through 7 and inserting:

"(b) The association shall establish an adequate reserve, funded on a reasonable basis, for the repair,".

Amend sec. 7, page 4, line 9, by deleting "elements." and inserting: "elements ~~of~~ *of the association.*".

Amend sec. 7, page 4, line 11, by deleting "sidewalks," and inserting: "sidewalks ~~of~~ *of the association.*".

Amend sec. 9, page 6, line 14, by deleting: "*at least 5 calendar days*".

Amend sec. 9, page 6, line 34, after "owner" by inserting: "*or his agent*".

Amend sec. 9, page 6, line 35, by deleting: "*prepaid United States*" and inserting: "*registered or certified*".

Amend sec. 9, page 6, line 36, by deleting "owner." and inserting: "*owner or his agent.*".

Amend the title of the bill by deleting lines 10 through 14 and inserting: "providing that a purchaser may cancel".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 358.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

- (a) A facility for the secure detention of children; or
- (b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving a criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330, a child may petition the juvenile court for temporary placement in a facility for the detention of children. *The juvenile court may place such a child in any facility which the juvenile court deems appropriate, including, without limitation, a jail or facility for the detention of children. In determining the appropriate facility in which to place the child, the juvenile court must consider:*

(a) *The age, physical characteristics, emotional state and intellectual functioning of the child;*

(b) *The safety of the personnel of the facility and of other persons who have been placed in the facility; and*

(c) *Any recommendations of the Superintendent or other administrator of the facility.*

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director of the Department of Corrections may designate a youthful offender facility to which a person who is less than 21 years of age may be committed by the juvenile court or by the Department of Corrections.*

2. *The juvenile court may commit a child to a youthful offender facility for a period of not less than 1 year and not more than 3 years if the child is at least 16 years of age at the time of commitment and the child has been adjudicated delinquent for committing an act:*

(a) *That is based on facts which could have caused the child to be excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330, but for which the child was not excluded or for which he is no longer excluded; or*

(b) *That would constitute a category A or B felony if committed by an adult.*

Sec. 3. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~{-}~~ , and section 2 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and section 2 of this act that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 4. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for suitable placement if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; and

(2) Is in need of residential psychiatric services or other residential services for his mental health.

2. *The juvenile court may commit a child to the custody of the Division of Child and Family Services for placement in a correctional or institutional facility for a determinate period not to exceed 3 years if the child is less than*

16 years of age at the time of commitment and the child has been adjudicated delinquent for committing an act:

(a) That is based on facts which could have caused the child to be excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330, but for which the child was not excluded or for which he is no longer excluded; or

(b) That would constitute a category A or B felony if committed by an adult.

3. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and his circumstances; and

(2) Recommend a suitable placement to the juvenile court.”.

Amend the title of the bill to read as follows:

“AN ACT relating to juvenile justice; providing for the establishment of youthful offender facilities to which certain juvenile delinquents and young offenders may be committed; authorizing the juvenile court to commit certain delinquent children to certain facilities for a determinate period; authorizing the juvenile court to commit a child to any appropriate facility during the pendency of proceedings involving a criminal offense excluded from the original jurisdiction of the juvenile court; establishing specific factors which the juvenile court must consider in determining the facility in which to place such a child; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 329 be rereferred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 275.

Amend sec. 2, page 2, by deleting line 15 and inserting: “*representatives of landlords and tenants.*”.

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting: “*shall not make any connection of electricity, water, natural gas or propane to a manufactured home except as authorized by law.*

2. An”.

Amend sec. 3, page 2, line 23, by deleting “*electric*”.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. *The landlord of a manufactured home park, upon applying for the initial business license for the park or upon acquiring ownership of the park, shall notify the local fire department within whose jurisdiction the park is located. Upon receiving such notice, the local fire department shall inspect the park for fire hazards and compliance with applicable fire codes and shall notify the Administrator of any violations.*

Sec. 6. 1. *Any business license to operate a manufactured home park that is issued or renewed in this State is a revocable privilege, and the holder of the license does not acquire thereby any vested right.*

2. *No business license to operate a manufactured home park may be issued in this State unless the applicant provides written proof from the appropriate enforcement agency within whose jurisdiction the park is located that the park is in compliance with all applicable fire, health and safety codes.”.*

Amend the bill as a whole by deleting sec. 7 and inserting:

“Sec. 7. (Deleted by amendment.)”.

Amend the bill as a whole by adding new sections designated sections 9.1 through 9.9, following sec. 9, to read as follows:

“Sec. 9.1. NRS 118B.073 is hereby amended to read as follows:

118B.073 Upon payment of the periodic rent by a tenant of a manufactured home park, the landlord of that park shall ~~{, upon request,}~~ issue to the tenant a receipt which indicates the amount and the date of the payment. The landlord shall issue the receipt as soon as practicable after payment, but not later than 5 days after he receives payment.

Sec. 9.3. NRS 118B.125 is hereby amended to read as follows:

118B.125 1. A tenant shall secure the approval of his landlord before beginning construction of any improvement or addition to his manufactured home or lot which requires a building permit issued by a local government.

2. *A tenant shall not perform any repair to his manufactured home or lot which may affect life, health or safety unless the tenant is qualified by licensure or certification to perform the repair.*

Sec. 9.5. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park ~~{the}~~, or if a manufactured home park is condemned by a local government for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant’s manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of the closure must be served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

Sec. 9.7. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body ~~and~~ *or if the manufactured home park is condemned by a local government for health or safety reasons*, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; and

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

2. Notice sent pursuant to paragraph (a) of subsection 1 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 1 does not constitute notice of termination of the tenancy.

3. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

4. The provisions of this section do not apply to a corporate cooperative park.

Sec. 9.9. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body ~~and~~ *or if the manufactured home park is condemned by a local government for health or safety reasons*, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 2 or 3, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

- (a) May remove and dispose of the manufactured home; and
- (b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. A landlord shall not increase the rent of any tenant for 180 days before applying for a change in land use, permit or variance affecting the manufactured home park.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6. The provisions of this section do not apply to a corporate cooperative park.”.

Amend sec. 11, page 7, line 11, by deleting “and 13” and inserting: “to 13.7, inclusive,”.

Amend sec. 13, page 7, lines 27 and 31, by deleting “utilities” and inserting: “water, septic and sanitation services”.

Amend the bill as a whole by deleting sec. 14 and adding new sections designated sections 13.3 through 14, following sec. 13, to read as follows:

“Sec. 13.3. *A mobile home park may, without limitation, be condemned if the agency for enforcement determines that there exists in the park:*

1. *Chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120; or*

2. *A chronic level of crime that exceeds the level of crime in the surrounding community.*

Sec. 13.7. *If a local agency for enforcement determines that a mobile home park is not in compliance with any applicable health or safety code, the local agency for enforcement shall notify the Administrator of the violation.*

Sec. 14. NRS 461A.250 is hereby amended to read as follows:

461A.250 1. Any person who knowingly or willfully violates any of the provisions of this chapter or any order issued by the agency for enforcement is guilty of a misdemeanor.

2. ~~[Any]~~ Except as otherwise provided in subsection 4, in addition to any criminal penalty that might be imposed, any person who knowingly or

willfully violates any provision of this chapter or any regulation issued pursuant ~~[to it]~~ thereto is liable for a civil penalty of not more than \$500 for each violation or for each day of a continuing violation. The agency for enforcement may ~~[institute]~~ bring an action in the appropriate court to collect ~~[any]~~ the civil penalty . ~~[arising under this section.]~~

3. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the State General Fund or the general fund of the city or county, as the case may be.

4. *In addition to any criminal penalty that might be imposed, the Administrator may, in lieu of bringing an action to collect a civil penalty pursuant to subsection 2, impose on and collect from any person who knowingly or willfully violates any provision of this chapter or any regulation issued pursuant thereto an administrative fine of not more than \$500 for each violation or for each day of a continuing violation. All money collected by the Administrator pursuant to this subsection must be deposited in the State General Fund.”.*

Amend sec. 15, page 8, lines 34 and 37, after “sold” by inserting: “or used for residential purposes in this State”.

Amend sec. 15, pages 8 and 9, by deleting lines 43 through 45 on page 8 and lines 1 through 5 on page 9, and inserting:

“3. *An interconnectivity device for smoke detectors is not required to be installed in a mobile home or manufactured home that was not designed and produced by the manufacturer to accommodate such a device.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to manufactured housing; requiring the Manufactured Housing Division of the Department of Business and Industry to provide certain information to landlords of manufactured home parks; requiring employees of the Division to report certain violations to the Administrator of the Division and to certain utilities; prohibiting certain persons from making certain unlawful connections to a manufactured home; requiring landlords of manufactured home parks to make certain disclosures relating to water services provided through a master meter; providing that a business license to operate a manufactured home park is a revocable privilege; prohibiting certain repairs by a tenant; requiring certain inspections; prohibiting the construction, expansion or operation of a mobile home park without a permit issued by the State Health Officer or the appropriate local board of health certifying the safety of the infrastructure of the park for the provision of certain utilities; revising the provisions governing the condemnation of a mobile home park; authorizing certain fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing a penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Ocegueda, Horne, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 19—Commending Dean Richard Morgan and the William S. Boyd School of Law for the success of the law school and contributions to the betterment of the State of Nevada.

WHEREAS, Dean Richard Morgan has served with distinction in the United States legal education community for more than 24 years, including service as Dean of the Arizona State University College of Law and Dean of the University of Wyoming College of Law, service on behalf of the American Bar Association and the Association of American Law Schools and a career that has been marked by awards for excellence and leadership; and

WHEREAS, Dean Richard Morgan was selected in 1997 to be the founding Dean of the William S. Boyd School of Law at the University of Nevada, Las Vegas, the first public law school in the State of Nevada; and

WHEREAS, Dean Richard Morgan, by virtue of his experience, talent, commitment and vision, planned the creation of the William S. Boyd School of Law, recruited an outstanding faculty of leading legal educators from throughout the country and led the school, following its opening in August of 1998, to provisional and full accreditation by the American Bar Association and membership in the Association of American Law Schools in record time; and

WHEREAS, Due in large measure to the leadership of Dean Richard Morgan, the William S. Boyd School of Law has become an outstanding center for legal education and scholarship as well as faculty and student involvement in programs designed to enhance the understanding and practice of law and service to the State of Nevada; and

WHEREAS, In 2003, in its first ranking as an accredited law school, the William S. Boyd School of Law was ranked 82nd out of 187 accredited law schools in the United States by *U.S. News & World Report*, which is an unprecedented ranking for a new law school; and

WHEREAS, Recognition of the William S. Boyd School of Law as a leading center for legal education is demonstrated by the fact that in 2004 the school received more than 14 applicants for each available seat in its first-year class; and

WHEREAS, Graduates of the William S. Boyd School of Law already are demonstrating leadership in positions of responsibility, including those in the Nevada State Legislature; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That Dean Richard Morgan and the administrators, faculty, students and supporters of the William S. Boyd School of Law are to be commended for the school's success and contributions to the betterment of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dean Richard Morgan and the William S. Boyd School of Law.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera, Horne, Anderson, Buckley, and Arberry.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 276.

Amend section 1, page 1, line 3, by deleting "month," and inserting "quarter,".

Amend section 1, page 1, line 7, by deleting "Commissioner" and inserting "Administrator".

Amend section 1, page 2, by deleting line 1 and inserting: "quarter immediately preceding the quarter in which he submits the".

Amend section 1, page 2, line 7, by deleting "month" and inserting "quarter".

Amend section 1, page 2, line 11, by deleting "Commissioner" and inserting "Administrator".

Amend section 1, page 2, by deleting lines 14 through 22 and inserting "Administrator may:".

Amend section 1, page 2, line 24, by deleting "Board" and inserting "Administrator".

Amend section 1, page 2, by deleting lines 27 through 32.

Amend section 1, page 2, line 33, by deleting "(a)" and inserting "(b)".

Amend section 1, page 2, line 34, by deleting "Board" and inserting "Administrator".

Amend section 1, page 2, line 35, by deleting: "616B.720 or 616B.727; and" and inserting: "616B.725 or 616B.727.".

Amend section 1, page 2, by deleting line 36 and inserting:

"3. If the Administrator determines that the owner or principal".

Amend section 1, page 2, line 39, after "616B.727," by inserting: "the Administrator shall notify the Commissioner of his determination. Upon receipt of such notice, the Commissioner may".

Amend section 1, page 2, by deleting lines 43 and 44 and inserting:

"4. An order issued by the Administrator pursuant to this section must:

(a) Include a reference to the particular sections of the statutes or regulations alleged to have been violated and a short plain statement of the facts alleged to constitute the violation;

(b) Provide notice and an opportunity for a hearing to the owner or principal contractor on a date fixed in the order which must be not less than 5 days and not more than 15 days after the date of the order unless, upon demand by the owner or principal contractor, the date of the hearing is scheduled for the next business day after the demand is made to the Administrator by the owner or principal contractor; and

(c) If the order is an order for summary suspension, include the date and hour that the Administrator issued the order and entered it as a matter of record in his office.

5. Immediately upon receiving an order to cease all activity at a construction site pursuant to subsection 2, the owner or principal contractor shall order all employees and other persons to leave the construction site and to cease all activity relating to construction at the construction site.

6. Upon request by the Administrator, any law enforcement agency in this State shall render any assistance necessary to carry out the requirements of subsection 5, including, but not limited to, preventing any employee or other person from remaining at the construction site.”.

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; requiring an owner or principal contractor who establishes and administers a consolidated insurance program to submit a quarterly affidavit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry; authorizing the Administrator to order the owner or principal contractor to cease all activity at a construction site and to impose an administrative fine under certain circumstances; authorizing the Commissioner of Insurance to prohibit an owner or principal contractor from establishing or administering a consolidated insurance program for 5 years under certain circumstances; requiring an order issued by the Administrator to the owner or principal contractor to include certain information and provide notice and an opportunity for a hearing under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 409.

Amend section 1, page 2, by deleting lines 16 through 44 and inserting:

“4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

- (a) A category A felony;
- (b) A category B felony;
- (c) A category C felony involving the use or threatened use of force or violence against the victim;
- (d) *A category D felony involving the use or threatened use of force or violence against the victim;*

(e) A crime against a child as defined in NRS 179D.210;

~~[(e)]~~ (f) A sexual offense as defined in NRS 179D.410;

~~[(f)]~~ (g) Abuse or neglect of an older person pursuant to NRS 200.5099;

~~[(g)]~~ (h) A second or subsequent offense for stalking pursuant to NRS 200.575;

~~[(h)]~~ (i) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(g)]~~, inclusive;

~~[(i)]~~ (h), inclusive;

(j) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g) ~~for (h)]~~, (h) or (i); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g), ~~for (h) or (i)~~ if committed in this State;

~~[(j)]~~ (k) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

~~[(k)]~~ (l) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.”.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 through 6 as sections 2 through 4.

Amend sec. 4, page 7, lines 28 and 29, by deleting “\$650,000” and inserting “\$600,000”.

Amend sec. 5, page 7, lines 42 and 43, by deleting “\$350,000” and inserting “\$400,000”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “guilty; making appropriations;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 278.

Amend section 1, page 1, line 5, by deleting “*from*” and inserting “*conferred by*”.

Amend section 1, page 1, line 6, by deleting: “*postsecondary educational institution,*” and inserting “*entity,*”.

Amend section 1, page 1, lines 7 and 8, by deleting “*institution*” and inserting “*entity*”.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting:

“(b) A degree or honorary degree conferred by a private entity in a false or misleading manner, regardless”.

Amend section 1, page 1, lines 11 and 12, by deleting “*institution*” and inserting “*entity*”.

Amend section 1, page 2, by deleting line 15 and inserting: “*or sold:*”

(1) *Based upon more than 10 percent of the recipient’s documented life experience and not based upon actual completion of academic work;*

(2) *By a person or entity located in this State in violation of this chapter, as determined by the Commission; or*

(3) *By a person or entity located outside this State which would be a violation of this chapter if the person or entity were located in this State, as determined by the Commission.”.*

Amend sec. 3, page 3, lines 10 and 15, by deleting “*from*” and inserting “*conferred by*”.

Amend sec. 3, page 3, by deleting line 37 and inserting: “*or sold:*”

(1) *Based upon more than 10 percent of the recipient’s documented life experience and not based upon actual completion of academic work; or*

(2) *In violation of this chapter.”.*

Amend the title of the bill by deleting the third through fifth lines and inserting: “*granted by a private entity or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an entity or institution*”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 330.

Amend the bill as a whole by deleting sections 1 through 14 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 565 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a governmental agency seizes any animals subject to brand inspection pursuant to this chapter, the seizure of those animals and any related claim of lawful possession of the animals by the governmental agency shall be deemed to be an act of municipality for purposes of obtaining a judicial confirmation of the act pursuant to chapter 43 of NRS.*

2. *Notwithstanding any provision of this chapter to the contrary, for any animals specified in subsection 1, the Department or its authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove the animals from a brand inspection district until the lawfulness of the seizure and possession of the animals is judicially confirmed.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to the inspection of animals; providing that a seizure of certain animals by a governmental agency is deemed to be an act of a municipality for the purpose of obtaining a judicial confirmation of the act; prohibiting the State Department of Agriculture from issuing a brand inspection clearance certificate or permit to remove the animals from a brand inspection district until the seizure of the animals is judicially confirmed; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to seizure of certain animals by governmental agencies. (BDR 50-685)”.

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 277.

Amend sec. 13, page 6, line 26, after “engage” by inserting: “*or offer to engage*”.

Amend sec. 29, page 17, by deleting line 21 and inserting:

“(1) A general serviceman ~~{, rebuilder or installer,}~~ or”.

Amend sec. 39, page 21, by deleting line 35 and inserting:

“(a) The next regularly scheduled date for renewal of the original license of the person or July 1, 2007, whichever is earlier if, by that date, the person has not applied for”.

Amend sec. 39, page 21, line 41, by deleting “that license,” and inserting: “a license as a general serviceman or specialty serviceman of a manufactured home, mobile home or commercial coach, as appropriate,”.

Amend the title of the bill, twelfth line, after “engaging” by inserting: “or offering to engage”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 325.

Amend sec. 3, page 3, line 6, by deleting: “*the managing partner*” and inserting: “*a partner who has working knowledge of the operations of the park and authority to make decisions*”.

Amend sec. 3, page 3, line 8, after “*corporation*” by inserting: “*who has working knowledge of the operations of the park and authority to make decisions*”.

Amend sec. 6, page 7, lines 7 and 8, before “*application*” by inserting “*completed*”.

Amend sec. 6, page 7, line 9, before “*application.*” by inserting “*completed*”.

Amend sec. 7, page 8, lines 16 and 35, by deleting “*closure or potential*”.

Assemblywoman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 231.

Amend sec. 2, page 1, line 5, by deleting: “*a licensed gaming establishment*” and inserting: “*an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game*”.

Amend sec. 3, page 2, line 19, by deleting “*that mobile*” and inserting: *that:*

(a) *Mobile*”.

Amend sec. 3, page 2, line 23, by deleting the period and inserting: “; and

(b) *Mobile gaming can be operated in a manner which complies with all applicable laws.*”.

Amend sec. 3, page 2, line 27, after “*establishment*” by inserting: “*or the operator or the manufacturer of a mobile gaming system*”.

Amend sec. 3, page 2, by deleting line 31 and inserting:

“(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as”.

Amend sec. 3, page 2, line 32, by deleting “are” and inserting “is”.

Amend sec. 3, page 2, by deleting line 39 and inserting: “gaming system,” “equipment associated with mobile gaming” and “public area”.

Amend sec. 13, page 7, line 11, by deleting “4,” and inserting:
“4 ~~{ }~~ or suspends or revokes approval of a mobile gaming system pursuant to the regulations adopted pursuant to section 3 of this act,”.

Amend sec. 13, page 7, line 12, after “device” by inserting: “or mobile gaming system”.

Amend sec. 21, page 12, line 3, by deleting “Two” and inserting “~~{Two}~~ Three”.

Amend sec. 21, page 12, line 8, by deleting “Four” and inserting “Three”.

Amend the bill as a whole by renumbering sections 22 and 23 as sections 23 and 24 and adding a new section designated sec. 22, following sec. 21, to read as follows:

“Sec. 22. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the

outcome of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system or a mobile gaming system or the way in which the outcome is reported to any participant in the game.”.

Amend the title of the bill, ninth line, after “Committee;” by inserting: “providing a penalty;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 413.

Amend section 1, pages 1 and 2, by deleting lines 3 through 15 on page 1 and lines 1 through 4 on page 2, and inserting:

“125B.095 1. Except as otherwise provided in *this section and NRS 125B.012*, if an installment of an obligation to pay support for a child which arises from the judgment of a court becomes delinquent in the amount owed for 1 month’s support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this State and may be so included in a judicial or administrative proceeding of another state. *A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.*

2. The amount of ~~the~~ a penalty added to an installment pursuant to this section is equal to 10 percent ~~per annum, or portion thereof, that~~ of the amount of the installment for child support that remains unpaid ~~[-]~~ after the last day of the calendar month. The penalty may be added only one time to the amount that remains unpaid, and no additional penalty or interest may be applied to any unpaid portion of the penalty or the installment pursuant to this section. Each district attorney or other public agency in this State undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.”.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to child support; providing that a penalty may not be added to a delinquent installment of child support in certain circumstances when the delinquency was not caused by the responsible parent; revising the manner in which”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 568.

Amend section 1, page 1, line 11, by deleting “and”.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

“(4) *Provides transportation only to its customers, officers and directors; and*

(5) Marks the vehicle with the owner’s or operator’s name or logo, which must be at least 2 inches in height and be visible from a distance of at least 50 feet; and”.

Amend section 1, page 2, by deleting lines 7 through 16 and inserting: “*subsection 1 shall regularly inspect the motor vehicle and maintain a record of the inspection for at least 3 years after the date of the inspection. Each record maintained pursuant to this subsection must be made available for inspection or audit by the Authority or its designee at any time during regular business hours.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor carriers; exempting an owner or operator of a motor vehicle that is used for the transportation of passengers or property from the provisions governing fully regulated carriers under certain circumstances; requiring the owner or operator to inspect the motor vehicle regularly and maintain a record of each inspection; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 412.

Amend section 1, page 1, line 16, by deleting “person;” and inserting: “*person, knowing such accusations are false;*”.

Amend section 1, page 2, line 20, after “2.” by inserting: “*The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.*”.

3.”.

Amend section 1, page 2, line 33, by deleting “3.” And inserting “4.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 555.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 327.

Amend sec. 3, page 2, line 6, by deleting “14” and inserting “30”.

Amend sec. 3, page 2, line 8, by deleting “14” and inserting “30”.

Amend sec. 3, page 2, line 9, by deleting “\$500;” and inserting “\$100;”.

Amend sec. 4, page 2, line 32, by deleting “14” and inserting “30”.

Amend sec. 4, page 2, line 34, by deleting “14” and inserting “30”.

Amend sec. 4, page 2, line 36, by deleting “\$250.” and inserting “\$100.”.

Amend the bill as a whole by deleting sections 7 through 10, renumbering sec. 11 as sec. 8, and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician’s assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician , *a practitioner of respiratory care licensed pursuant to chapter 630 of NRS* or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.”.

Amend the bill as a whole by deleting sections 12 and 13 and adding a new section designated sec. 9, following sec. 11, to read as follows:

“Sec. 9. This act becomes effective on July 1, 2005.”.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblyman Mabey.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 431.

Amend the resolution, page 3, after line 3, by inserting: "And be it further RESOLVED, That Sections A to I, inclusive, of the Congressional Term Limits Act of 1996, proposed by initiative petition and approved and ratified by the people at the 1996 and 1998 General Elections, are hereby repealed."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 19, 113, 114, 195, 232, 254, 259, 280, 287, 299, 304, 335, 351, 386, 408, 468, 475, 477, 485, 492, and 502 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 489 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 489 be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 12:57 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 308.

Amend section 1, page 2, line 24, after “purchase” by inserting: “a number of months of service equal to the number of full months he served on active military duty,”.

Amend sec. 2, page 5, line 8, after “purchase” by inserting: “a number of months of service equal to the number of full months he served on active military duty,”.

Amend the title of the bill, fourth line, by deleting “System;” and inserting: “System under certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain public employees with active military service to purchase up to 2 additional years of service in Public Employees’ Retirement System under certain circumstances. (BDR 23-696)”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 273.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 489.076 is hereby amended to read as follows:

489.076 1. “Dealer” means any person who:

(a) For compensation, money or any other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a manufactured home, mobile home or commercial coach subject to the requirements of this chapter, or induces or attempts to induce any person to buy or exchange an interest in a manufactured home, mobile home or commercial coach;

(b) For compensation, money or any other thing of value, leases or rents, offers for lease or rental, negotiates or attempts to negotiate the lease or rental of an interest in a manufactured home, mobile home or commercial coach subject to the requirements of this chapter, or induces or attempts to induce any person to lease or rent an interest in a manufactured home, mobile home or commercial coach;

(c) Receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from either the seller or purchaser of any manufactured home, mobile home or commercial coach;

(d) Is engaged wholly or in part in the business of:

(1) Selling, renting or leasing manufactured homes, mobile homes or commercial coaches;

(2) Buying or taking manufactured homes, mobile homes or commercial coaches in trade for the purpose of resale, selling, or offering them for sale or consignment to be sold;

(3) Buying or taking manufactured homes, mobile homes or commercial coaches in trade to rent, lease or offer them for rent or lease; or

(4) Otherwise dealing in manufactured homes, mobile homes or commercial coaches; or

(e) Acts as a reposessor or liquidator concerning manufactured homes, mobile homes or commercial coaches, whether or not they are owned by such persons.

2. The term does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the order of any court;

(b) Public officers while performing their official duties;

(c) Banks, savings and loan associations, credit unions, thrift companies or other financial institutions proceeding as reposseors or liquidators of their own security;

(d) A person who rents or leases his manufactured home, mobile home or commercial coach; ~~or~~

(e) An owner selling his private residence ~~[-]~~; or

(f) *A real estate broker, real estate broker-salesman or real estate salesman who is licensed pursuant to chapter 645 of NRS and who, for another and for compensation or with the intention or expectation of receiving compensation, sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, used manufactured homes or used mobile homes in connection with the sale of a fee simple interest in real property and the used manufactured home or used mobile home is situated on the real property sold.*

Amend the bill as a whole by deleting sec. 2 and the text of repealed section and adding new sections designated sections 3 through 10, following section 1, to read as follows:

“Sec. 3. NRS 489.7152 is hereby amended to read as follows:

489.7152 The Administrator shall prescribe, by regulation, the form of the contract that must be used *by a dealer* for the sale of a manufactured home, mobile home or commercial coach.

Sec. 4. Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. “*Used manufactured home*” or “*used mobile home*” means a manufactured home or mobile home, respectively, which has been:

1. Sold, rented or leased, and which was occupied before or after the sale, rental or lease; or

2. Registered with or been the subject of a certificate of title issued by the appropriate agency of authority of this State, any other state, the District of

Columbia, any territory or possession of the United States, or any foreign state, province or country.

Sec. 6. 1. *In any transaction involving a used manufactured home or used mobile home that has not been converted to real property pursuant to NRS 361.244, a licensee shall provide to the purchaser, on a form prepared by the Real Estate Division, the following disclosures:*

(a) The year, serial number and manufacturer of the used manufactured home or used mobile home;

(b) A statement that the used manufactured home or used mobile home is personal property subject to personal property taxes;

(c) A statement of the requirements of NRS 489.521 and 489.531; and

(d) Such other disclosures as may be required by the Real Estate Division.

2. *The disclosures required pursuant to subsection 1 do not constitute a warranty as to the title or condition of the used manufactured home or used mobile home.*

3. *A real estate broker who represents a client in such a transaction shall take such actions as necessary to ensure that the client complies with the requirements of NRS 489.521 and 489.531.*

Sec. 7. NRS 645.0005 is hereby amended to read as follows:

645.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645.001 to 645.040, inclusive, and section 5 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 645.030 is hereby amended to read as follows:

645.030 1. "Real estate broker" means a person who, for another and for compensation or with the intention or expectation of receiving compensation:

(a) Sells, exchanges, options, purchases, rents, or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental, or lease of, or lists or solicits prospective purchasers, lessees or renters of, any business or real estate or the improvements thereon or any modular homes , *used manufactured homes, used mobile homes* or other housing offered or conveyed with any interest in real estate;

(b) Engages in or offers to engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing advertising or other offerings to sell, lease, exchange or rent property; or

(c) Engages in or offers to engage in the business of property management.

2. Any person who, for another and for compensation, aids, assists, solicits or negotiates the procurement, sale, purchase, rental or lease of public lands is a real estate broker within the meaning of this chapter.

3. The term does not include a person who is employed by a licensed real estate broker to accept reservations on behalf of a person engaged in the business of the rental of lodging for 31 days or less, if the employee does not

perform any tasks related to the sale or other transfer of an interest in real estate.

Sec. 9. NRS 645.842 is hereby amended to read as follows:

645.842 1. The Real Estate Education, Research and Recovery Fund is hereby created as a special revenue fund.

2. A balance of not less than ~~[\$50,000]~~ \$300,000 must be maintained in the Fund, to be used for satisfying claims against persons licensed under this chapter, as provided in NRS 645.841 to 645.8494, inclusive. Any balance over ~~[\$50,000]~~ \$300,000 *remaining in the Fund* at the end of any fiscal year must be set aside and used by the Administrator, after approval of the Commission, for real estate education and research.

3. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

Sec. 10. NRS 645.844 is hereby amended to read as follows:

645.844 1. Except as otherwise provided in subsection 2, when any person obtains a final judgment in any court of competent jurisdiction against any licensee or licensees pursuant to this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required pursuant to this chapter, that person, upon termination of all proceedings, including appeals in connection with any judgment, may file a verified petition in the court in which the judgment was entered for an order directing payment out of the Fund in the amount of the unpaid actual damages included in the judgment, but not more than ~~[\$10,000]~~ \$25,000 per judgment. The liability of the Fund does not exceed ~~[\$20,000]~~ \$100,000 for any person licensed pursuant to this chapter, whether he is licensed as a limited-liability company, partnership, association or corporation or as a natural person, or both. The petition must state the grounds which entitle the person to recover from the Fund.

2. A person who is licensed pursuant to this chapter may not recover from the Fund for damages which are related to a transaction in which he acted in his capacity as a licensee.

3. A copy of the:

- (a) Petition;
- (b) Judgment;
- (c) Complaint upon which the judgment was entered; and
- (d) Writ of execution which was returned unsatisfied,

must be served upon the Administrator and the judgment debtor and affidavits of service must be filed with the court.

4. Upon the hearing on the petition, the petitioner must show that:

(a) He is not the spouse of the debtor, or the personal representative of that spouse.

(b) He has complied with all the requirements of NRS 645.841 to 645.8494, inclusive.

(c) He has obtained a judgment of the kind described in subsection 1, stating the amount thereof, the amount owing thereon at the date of the

petition, and that the action in which the judgment was obtained was based on fraud, misrepresentation or deceit of the licensee in a transaction for which a license is required pursuant to this chapter.

(d) A writ of execution has been issued upon the judgment and that no assets of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of assets was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due.

(e) He has made reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment, and after reasonable efforts that no property or assets could be found or levied upon in satisfaction of the judgment.

(f) He has made reasonable efforts to recover damages from each and every judgment debtor.

(g) The petition has been filed no more than 1 year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

5. The provisions of this section do not apply to owner-developers.”.

Amend the title of the bill to read as follows:

“AN ACT relating to property; revising the provisions governing dealers of manufactured homes, mobile homes and commercial coaches; authorizing a licensed real estate broker and his licensed salesman under certain circumstances to sell used manufactured homes and used mobile homes without being licensed as a dealer; revising the provisions governing transactions involving used manufactured homes or used mobile homes; revising the provisions governing the Real Estate Education, Research and Recovery Fund; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing manufactured homes, mobile homes and Real Estate Education, Research and Recovery Fund. (BDR 43-1162)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 158.

Amend sec. 3, page 4, line 4, after “639.23284” by inserting “1.”.

Amend sec. 3, page 4, line 6, by deleting “1.” and inserting “[1-] (a)”.

Amend sec. 3, page 4, line 9, by deleting “2.” and inserting “[2-] (b)”.

Amend sec. 3, page 4, line 12, by deleting “3.” and inserting “~~{3}~~ (c)”.

Amend sec. 3, page 4, line 14, by deleting “(a)” and inserting “~~{(a)}~~ (1)”.

Amend sec. 3, page 4, line 16, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 3, page 4, line 17, by deleting “4.” and inserting “~~{4}~~ (d)”.

Amend sec. 3, page 4, line 20, by deleting “(a)” and inserting “~~{(a)}~~ (1)”.

Amend sec. 3, page 4, line 21, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 3, page 4, line 22, by deleting “(c)” and inserting “~~{(c)}~~ (3)”.

Amend sec. 3, page 4, line 23, by deleting “(d)” and inserting “~~{(d)}~~ (4)”.

Amend sec. 3, page 4, line 24, by deleting “(e)” and inserting “~~{(e)}~~ (5)”.

Amend sec. 3, page 4, line 25, by deleting “(f)” and inserting “~~{(f)}~~ (6)”.

Amend sec. 3, page 4, line 26, by deleting “5. Shall” and inserting:

“2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall”.

Amend the title of the bill by deleting the sixth and seventh lines and inserting: “requiring the”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 492.

Amend section 1, page 2, line 12, by deleting “required fee” and inserting: “fee required pursuant to subsection 3”.

Amend sec. 2, page 2, by deleting lines 20 through 36 and inserting:

“202.253 As used in NRS 202.253 to 202.369, inclusive ~~{-}~~, and section 1 of this act:

1. “Explosive or incendiary device” means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

4. “Motor vehicle” means every vehicle that is self-propelled.”.

Amend sec. 3, page 4, by deleting lines 16 through 19 and inserting: “use a machine gun or silencer pursuant to federal law. The burden of establishing

federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.”.

Amend sec. 3, page 4, by deleting lines 25 through 27 and inserting:

“(a) “Concealed weapon” means a weapon described in this section that is carried upon a person in such a manner as not to be discernable by”.

Amend sec. 3, page 5, by deleting lines 16 and 17.

Amend sec. 4, page 5, by deleting lines 19 through 29 and inserting:

“202.3653 As used in NRS 202.3653 to 202.369, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. “Concealed firearm” means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. “Department” means the Department of Public Safety.

3. “Permit” means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~{-}~~, *and section 1 of this act*.”.

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. This bill becomes effective upon passage and approval.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting “circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain law enforcement officers and retired law enforcement officers to carry certain concealed firearms and weapons in certain circumstances. (BDR 15-301)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 197.

Amend section 1, page 2, by deleting lines 5 and 6 and inserting:

“determined that a violation of any of the provisions of paragraphs (a) to (e), inclusive, *or (h)* of subsection 1 of NRS 616D.120 has”.

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sec. 6 as sec. 2.

Amend sec. 6, page 5, by deleting line 29 and inserting: “\$1,500 for each initial violation, or a fine of ~~[\$10,000]~~ \$15,000 for a”.

Amend sec. 6, page 6, line 15, by deleting “\$500” and inserting “\$375”.

Amend sec. 6, page 6, line 16, by deleting “\$2,000” and inserting “\$1,500”.

Amend sec. 6, page 6, by deleting lines 20 and 21 and inserting:

“3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, or (h) of subsection 1”.

Amend sec. 6, page 6, line 25, by deleting “\$50,000.” and inserting “\$37,500.”.

Amend sec. 6, page 6, by deleting lines 28 and 29 and inserting:

“employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), ~~for~~ (e) or (h) of subsection 1, the amount of compensation”.

Amend sec. 6, page 6, by deleting lines 38 and 39 and inserting: “employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), ~~for~~ (e) or (h) of subsection 1. Except as otherwise provided”.

Amend sec. 6, page 7, line 21, by deleting “\$20,000.” and inserting “\$15,000.”.

Amend the title of the bill by deleting the first through fourth lines and inserting:

“AN ACT relating to industrial insurance; increasing the maximum amount of certain”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblymen Claborn and Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 334.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 and 4 as sections 1 and 2.

Amend sec. 3, page 3, line 29, by deleting: “4 to 8,” and inserting: “2 to 5,”.

Amend sec. 4, page 3, by deleting lines 31 through 44 and inserting:

“Sec. 2. *The Legislature hereby encourages the Board of Regents to review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.*”.

Amend the bill as a whole by deleting sec. 5, renumbering sections 6 and 7 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 4, to read as follows:

“Sec. 3. *The Board of Regents shall, in cooperation with the State Board and the Council to Establish Academic Standards for Public Schools, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the standards of*

content and performance required of pupils enrolled in high schools in this State.”.

Amend sec. 6, page 4, by deleting lines 10 and 11 and inserting: “Board of Regents grant permission for a licensed teacher employed by the school district or charter school to provide instruction for a dual-credit course if:

1. The course is approved by the System or the applicable institution as qualifying for dual credit;
2. The content of the course is approved by the applicable institution; and
3. The teacher provides”.

Amend sec. 6, page 4, by deleting lines 13 and 14 and inserting: “subject area he teaches.”.

Amend sec. 7, page 4, line 16, by deleting “full”.

Amend sec. 7, page 4, line 18, by deleting “System.” and inserting: “System and must be adequately informed of the services that are available.”.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 12 as sections 6 through 9.

Amend sec. 10, page 5, by deleting lines 3 through 5 and inserting: “earned in a course toward the award of an associate’s degree [~~including, without limitation, a degree of associate in applied science, must be accepted and applied~~] must automatically transfer”.

Amend sec. 10, page 5, by deleting lines 18 through 20 and inserting:

- “2. A student who is awarded an associate’s degree:”.

Amend sec. 10, page 5, line 25, by deleting “degree,” and inserting “degree”.

Amend sec. 10, page 5, by deleting lines 26 and 27 and inserting: “or a baccalaureate degree from an institution within the”.

Amend sec. 12, page 9, line 7, by deleting “The members” and inserting: “If section 6 of this act becomes effective, the members”.

Amend the bill as a whole by renumbering sec. 13 as sec. 11 and adding a new section designated as sec. 10, following sec. 12, to read as follows:

“Sec. 10. If a committee related to higher education is created by the Legislature, that committee is encouraged to participate in any review conducted by the Board of Regents of the University of Nevada pursuant to section 2 of this act and to report back to the Legislature on the status of the review.”.

Amend sec. 13, page 9, by deleting line 10 and inserting:

“Sec. 11. 1. This section and sections 1 to 5, inclusive, and 7 to 10, inclusive, of this act become effective on July 1, 2005.

2. Section 6 of this act becomes effective only if Assembly Joint Resolution No. 11 of the 72nd Session of the Nevada Legislature is not passed by the 73rd Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the

education of teachers are instructed in the academic standards required for high school pupils; authorizing school districts and charter schools to request permission from the Board of Regents for certain high school teachers to provide instruction for dual-credit courses; requiring access to library and research services for students enrolled at an institution within the University and Community College System of Nevada; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; revising the definition of the term “public work” as that term applies to the System; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 460.

Amend the bill as a whole by deleting sec. 22 and renumbering sec. 23 as sec. 22.

Amend the title of the bill by deleting the eighth through eleventh lines and inserting: “and providing other matters properly relating”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 337.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 3 through 8 and adding new sections designated sections 1 and 2, immediately following the enacting clause, to read as follows:

“Section 1. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Except as otherwise provided in subsection 6, science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in

which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading and mathematics and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; ~~and~~

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties; *and*

(5) *A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it is necessary for the performance of his duties.*

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 2. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 7, 10 and 11.
- (b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

- (a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; ~~and~~

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties; and

(5) *A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it is necessary for the performance of his duties.*

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.”.

Amend section 1, page 2, line 25, by deleting “2” and inserting “4”.

Amend sec. 2, page 3, lines 6, 13 and 32, by deleting “1” and inserting “3”.

Amend sec. 5, page 5, by deleting lines 31 and 32 and inserting:

“Sec. 7. 1. There is hereby created an Advisory Task Force to the Legislative Committee on Education for the Review of Certain Academic”.

Amend sec. 5, page 5, line 36, after “The” by inserting:

“Chairman of the Legislative Committee on Education, upon recommendation of the”.

Amend sec. 5, page 6, line 12, by deleting “and”.

Amend sec. 5, page 6, line 14, by deleting “school.” and inserting: “school;

(j) One teacher who provides instruction in an alternative education program of a school district or a program of adult education; and

(k) One school principal.

The Chairman of the Legislative Committee on Education shall appoint a Chairman of the Advisory Task Force from among the members he appoints.”.

Amend sec. 5, page 6, by deleting lines 15 through 24.

Amend sec. 5, page 6, line 25, by deleting “7.” and inserting “3.”.

Amend sec. 5, pages 6 and 7, by deleting lines 34 through 43 on page 6 and lines 1 through 4 on page 7, and inserting:

“4. Each member of the Task Force is”.

Amend sec. 5, page 7, line 9, by deleting “nonlegislative”.

Amend sec. 5, page 7, lines 10 and 11, by deleting: “by the Department of Education.” and inserting: “from the Legislative Fund.”.

Amend sec. 6, page 7, line 14, by deleting “5” and inserting “7”.

Amend sec. 6, page 7, by deleting lines 17 through 28 and inserting:

“(1) The percentage of the examination questions that address the academic standards for grades 9 to 12, inclusive;

(2) The percentage of the examination questions that address the academic standards for kindergarten through grade 8, inclusive; and

(3) The percentage of the academic standards for grades 9 to 12, inclusive, which have been assigned priority for state testing by the Council

to Establish Academic Standards for Public Schools and that are tested on the examination;

(b) Analyze whether the results of pupils on the high school proficiency examination are delivered in a timely manner to ensure that pupils are able to receive appropriate remediation before the next administration of the examination, including, without limitation, a review of:

(1) The test administration documents and guidelines of the testing company or the Department of Education, as applicable; and

(2) The efficiency of procedures carried out by school districts for the submission of the test booklets for scoring;

(c) Determine the methods and procedures that may be used to ensure more efficient and expedient delivery of the results of pupils on the high school proficiency examination to ensure that pupils who would benefit from remediation before the next administration of the examination are provided with an adequate opportunity to receive that remediation;”.

Amend sec. 6, page 7, line 29, by deleting “(c)” and inserting “(d)”.

Amend sec. 6, page 7, line 33, by deleting “(d)” and inserting “(e)”.

Amend sec. 6, page 7, line 38, by deleting “(e)” and inserting “(f)”.

Amend sec. 6, page 7, line 41, by deleting “(f)” and inserting “(g)”.

Amend sec. 6, page 7, by deleting lines 44 and 45 and inserting:

“(h) On or before August 1, 2006, submit a report of its findings and recommendations for legislation to the Legislative Committee on Education.

2. The Legislative Committee on Education shall consider the recommendations of the Task Force and shall, on or before February 1, 2007, submit the report of the Task Force to the Director of”.

Amend sec. 6, page 8, line 3, by deleting “2.” and inserting “3.”.

Amend sec. 6, page 8, line 10, by deleting “3.” and inserting “4.”.

Amend the bill as a whole by renumbering sections 7 through 9 as sections 10 through 12 and adding a new section designated sec. 9, following sec. 6, to read as follows:

“Sec. 9. 1. There is hereby created an Advisory Committee to the Legislative Committee on Education to study of the effectiveness of financial incentives and other methods of compensation to attract and retain qualified teachers, consisting of the following nine members appointed by the Chairman of the Legislative Committee on Education:

(a) The Superintendent of Public Instruction, or his designee;

(b) Three employees from various school districts who are responsible for recruiting teachers;

(c) One representative of the Nevada State Education Association, recommended for appointment by the President of that Association;

(d) One teacher employed by the Clark County School District, recommended for appointment by the superintendent of schools of that school district;

(e) One teacher employed by the Washoe County School District, recommended for appointment by the superintendent of schools of that school district; and

(f) From two rural school districts selected by the Department of Education, two teachers recommended for appointment by the superintendent of schools in each of the selected school districts.

2. Each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Committee or is otherwise engaged in the business of the Advisory Committee. Except for the Superintendent of Public Instruction, the per diem allowance and travel expenses for the members of the Task Force must be paid from the Legislative Fund.

3. The Advisory Committee shall:

(a) Examine the effectiveness of financial incentives in attracting and retaining qualified teachers, including, without limitation, the signing bonuses provided to newly hired teachers by the 71st Session of the Nevada Legislature, section 4 of chapter 574, Statutes of Nevada 2001, at page 2899, and by the 72nd Session of the Nevada Legislature, paragraph (c) of subsection 2 of section 33 of chapter 327, Statutes of Nevada 2003, at page 1837, and the purchase of retirement credit required by NRS 391.165;

(b) Determine which financial incentives and other methods of compensation are most effective in recruiting and retaining qualified teachers, the appropriate level of those financial incentives and the feasibility of providing those incentives to the licensed teachers in this State; and

(c) Examine the feasibility and effectiveness of a pay schedule for teachers that is based on performance.

4. On or before August 1, 2006, the Advisory Committee shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education. The Legislative Committee on Education shall consider the recommendations and submit the report of the Advisory Committee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”

Amend sec. 9, page 9, by deleting line 21 and inserting:

“Sec. 12. 1. This section and sections 1 and 3 to 11, inclusive, of this act become effective on July 1, 2005.

2. Section 1 of this act expires by limitation on June 30, 2007.

3. Section 2 of this act becomes effective on July 1, 2007.”

Amend the title of the bill by deleting the seventh through fifteenth lines and inserting: “authorizing the disclosure of certain confidential examinations to a representative of the Statewide Council for the coordination of the Regional Training Programs; creating advisory committees to the Legislative Committee on Education for the review of the high school proficiency examination and teacher incentives; requiring the Department of Education to review certain issues related to distance

education; requiring the Legislative Committee on Education to review the transition of pupils from high”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding education and makes appropriations. (BDR 34-482)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 456.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 6, lines 21 and 22, by deleting: “~~superintendent of schools of the school district.~~ *board of trustees.*” and inserting: “superintendent of schools of the school district.”.

Amend the title of the bill by deleting the fourth through twelfth lines and inserting: “from school; requiring that if a”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 408 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 193.

Amend the bill as a whole by deleting sections 5 and 6 and inserting: “Secs. 5 and 6. (Deleted by amendment.)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 1:34 p.m.

ASSEMBLY IN SESSION

At 1:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 19 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 315.

Amend sec. 2, page 2, line 12, by deleting "*may*" and inserting: "*may, except as otherwise prohibited by federal or state law,*".

Amend sec. 2, page 2, line 13, after "*administrative*" by inserting "*or investigative*".

Amend sec. 2, page 2, line 20, by deleting "*not*" and inserting: "*not, except as otherwise required by federal or state law,*".

Amend sec. 3, page 2, by deleting lines 24 through 27 and inserting:

"Sec. 3. *If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of this section, NRS 289.010 to 289.120, inclusive, and section 2 of this act, and that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and the arbitrator or court shall exclude such evidence during any administrative proceeding commenced or civil action filed against the peace officer.*".

Amend sec. 4, page 2, line 29, after "*officer*" by inserting: "*in the possession of a law enforcement agency*".

Amend sec. 5, page 3, by deleting line 10 and inserting: "*officer. The term*".

Amend sec. 6, page 3, lines 27 and 40, by deleting "*an*" and inserting "*any*".

Amend sec. 6, page 3, line 42, by deleting "*misconduct,*" and inserting: "*misconduct if the allegation is sustained,*".

Amend sec. 6, page 4, line 2, after "*punitive*" by inserting "*or remedial*".

Amend sec. 7, page 4, line 34, after “(b)” by inserting: “Immediately before the interrogation or hearing begins, inform the officer orally on the record that:

(1) He is required to provide a statement and answer questions related to his alleged misconduct; and

(2) If he fails to provide such a statement or to answer any such questions, the agency may charge him with insubordination.

(c)”.

Amend sec. 7, page 4, line 36, by deleting: “(c)” and inserting “~~{(c)}~~ (d)”.

Amend sec. 9, page 5, line 30, by deleting “2,” and inserting “~~{2,}~~ 3,”.

Amend sec. 9, page 5, line 37, after “2.” by inserting: “A representative of a peace officer must assist the peace officer during the interrogation or hearing. The law enforcement agency conducting the interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

3.”

Amend sec. 9, page 5, line 39, by deleting “3.” and inserting “~~{3,}~~ 4.”

Amend sec. 9, page 6, by deleting line 4 and inserting:

“~~{4,}~~ 5. The peace officer, any representative of the peace officer or the law enforcement agency may make”.

Amend sec. 9, page 6, line 5, after “stenographic” by inserting “, digital”.

Amend sec. 9, page 6, by deleting line 9 and inserting:

“(b) Recording on the digital or magnetic tape.

6. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 274.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 2. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsections 2, 3 and 5, every contract for a public work for which the estimated cost is \$100,000 or more, and to which a public body of this State is a party, must require a contractor or subcontractor who performs work under the contract to:*

(a) Provide coverage under a bona fide health care plan for each workman who:

(1) The contractor or subcontractor employs to perform work under the contract; and

(2) Is deemed to be employed on the public work pursuant to NRS 338.040; and

(b) Pay the entire cost of the premiums or contributions for the coverage required to be provided pursuant to paragraph (a).

2. *The requirement to provide coverage under a bona fide health care plan applies only to:*

(a) The prime contractor for the construction of the public work; and

(b) Each subcontractor who will provide labor or a portion of the work on the public work to the prime contractor, for which the subcontractor will be paid an amount exceeding 1 percent of the prime contractor's total bid or \$50,000, whichever is greater.

3. *A workman who has obtained or receives health care coverage by way of another source, including, without limitation, through a benefit plan provided to the workman's spouse, may elect to decline the coverage otherwise required to be provided pursuant to this section by signing a written statement to that effect. If a workman declines coverage pursuant to this subsection, the contractor or subcontractor that employs the workman shall keep an accurate record of the declination as required by paragraph (b) of subsection 4 of NRS 338.070.*

4. *The coverage required to be provided under a bona fide health care plan pursuant to paragraph (a) of subsection 1 must be established before the commencement of work on the applicable public work and must be maintained for the entire period during which a workman is performing work under the contract for the public work.*

5. *In the event of a conflict between the provisions of this section and the provisions of a collective bargaining agreement, the provisions of the agreement prevail.*

6. *The Labor Commissioner shall, by regulation, establish the minimum standards for the coverage required to be provided under a bona fide health care plan pursuant to paragraph (a) of subsection 1.*

7. *For the purposes of this section, a contractor or subcontractor shall be deemed to be providing “coverage” to a workman under a bona fide health care plan if the contractor or subcontractor, as applicable, has enrolled the workman as a participant in a bona fide health care plan and has begun to pay the cost of the premiums or contributions for the workman*

to participate in that plan, regardless of whether the benefits that will be available to the workman under the plan have gone into effect.”.

Amend sec. 4, page 4, by deleting lines 29 through 36 and inserting:

“4. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept an accurate record ~~[showing the]~~ of:

(a) *The name, the occupation and the actual per diem, wages and benefits paid to each workman employed by the contractor ~~[and]~~ or subcontractor , as applicable, in connection with the public work ~~[,]; and~~*

(b) *If the public work is a public work for which the contractor or subcontractor is required to provide coverage under a bona fide health care plan pursuant to section 1 of this act:*

(1) *The benefits provided under that bona fide health care plan to each workman employed by the contractor or subcontractor in connection with the public work; and*

(2) *Each written statement pursuant to which a workman employed by the contractor or subcontractor in connection with the public work has declined coverage under that bona fide health care plan, as described in subsection 3 of section 1 of this act.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public works; requiring contractors and certain subcontractors to provide and maintain a bona fide health care plan for certain employees employed on certain public works projects; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires contractors and certain subcontractors to provide bona fide health care plan for certain employees employed on certain public works. (BDR 28-723)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblymen Ocegüera and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 459.

Amend section 1, page 2, line 1, by deleting “District;” and inserting: “District School Renewals Program;”.

Amend section 1, page 2, by deleting lines 10 and 11 and inserting: “numbers 12-182-02 and 12-182-03. The contract for the construction of the restitution center must be a turn-key contract that provides that the contractor will complete the design, engineering, procurement and construction of the restitution center so that the restitution center is ready for occupancy at the

conclusion of the contract and that the contractor assumes all risks associated with the contract. The contract must include a provision that requires payment of prevailing wages pursuant to NRS 338.020 to 338.090, inclusive, to all skilled mechanics, skilled workmen, semiskilled mechanics, semiskilled workmen or unskilled labor who perform work on the construction of the restitution center. The design of”.

Amend section 1, page 2, by deleting lines 36 through 38 and inserting: “Parcel Number 12-301-02. The State must agree, upon”.

Amend section 1, page 2, line 42, after “applicable” by inserting “local,”.

Amend section 1, page 2, line 43, after “from” by inserting “local,”.

Amend section 1, page 2, line 44, after “act.” by inserting: “The Reno Sparks Indian Colony must obtain letters of support or resolutions from the City of Reno and Washoe County that approve the exchange of land pursuant to paragraph (c) of subsection 2.”.

Amend section 1, page 3, between lines 4 and 5, by inserting:

“8. The provisions of NRS 323.100 do not apply to a contract entered into pursuant to this act.”.

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 328.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. The Legislature hereby encourages:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) Each board of county commissioners, county park and recreation commission and county park commission; and

(c) The governing body of each city or town,

to adopt regulations to facilitate the display and sale of artistic expressions protected by the First Amendment in the public parks, public recreational and cultural facilities and other public spaces within their respective jurisdictions.

2. The Legislature hereby encourages the Administrator, county commissioners, county park and recreation commissions, county park commissions and the governing bodies to adopt regulations that do not create impediments to artistic expression, but include reasonable standards for:

(a) Designating space within public parks, public recreational and cultural facilities or other suitable public spaces within their respective jurisdictions,

including sidewalks, for the display of various forms of artistic expression, including space for an artist to sell art he has created; and

(b) Allocating space within the public park, public recreational or cultural facility or other public space among the artists wishing to display and sell their work in the public park, public recreational or cultural facility or other public space, at the lowest cost possible to encourage artists and the public to participate in, develop and enjoy various forms of art.”.

Amend the preamble of the bill, page 1, between lines 3 and 4, by inserting:

“WHEREAS, The Supreme Court of the United States has held that a narrow, succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a particularized message, would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schoenberg, or Jabberwocky verse of Lewis Carroll; and”.

Amend the preamble of the bill, page 1, between lines 8 and 9, by inserting:

“WHEREAS, The Supreme Court of the United States has held that it is unquestioned that the First Amendment protection is not lost simply because the protected expression is sold for profit; and”.

Amend the preamble of the bill, pages 1 and 2, by deleting lines 13 through 18 on page 1 and lines 1 through 6 on page 2.

Amend the title of the bill, first and second lines, by deleting: “requiring the adoption of certain regulations concerning the display and sale of art” and inserting: “encouraging the adoption of regulations to facilitate the display and sale of artistic expressions protected by the First Amendment”.

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages adoption of regulations to facilitate display and sale of artistic expressions protected by First Amendment in state, county and municipal parks, and recreational and cultural facilities. (BDR S-555)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 3. NRS 125B.040 is hereby amended to read as follows:

125B.040 1. The obligation of support imposed on the parents of a child also creates a cause of action on behalf of the legal representatives of

either of them, or on behalf of third persons or public agencies furnishing support or defraying the reasonable expenses thereof.

2. In the absence of a court order, reimbursement from the nonsupporting parent is limited to not more than 4 years' support furnished before the bringing of the action.

3. *An order for the support of a child creates an obligation for the support of the child and follows the child to the person who has obtained lawful physical custody of the child.*

4. *A person who obtains lawful physical custody of a child for whom an order for support has been issued shall be deemed to be the person entitled to receive the payments ordered for the support of the child. Such a person may in the same manner as the person named in the order for support of the child and without petitioning the court for a new order:*

- (a) Enforce the existing order for support of the child; or*
- (b) Request modification of the order for support of the child.*

5. *The transfer of an obligation for support of a child pursuant to this section remains in effect as long as the person lawfully retains physical custody of the child or until a court orders otherwise. If the person ceases to have physical custody of the child, the person to whom the lawful physical custody of the child is transferred becomes the person entitled to receive the payments for the support of the child, unless a court orders otherwise.*

6. *A person who obtains lawful physical custody of a child and who was not a party to the original proceeding in which a court issued an order for the support of the child that wishes to enforce the order must:*

(a) Provide the Welfare Division of the Department of Human Resources with a written declaration, under penalty of perjury, that the person has obtained lawful physical custody of the child;

(b) If the Welfare Division or its designee has not been responsible for enforcing the order, mail to the obligor at his last known address by first-class mail:

- (1) A copy of the written declaration created pursuant to paragraph (a);*
- (2) A statement setting forth the name of the person, the month and year in which the person obtained physical custody of the child and the address to which the payments for support of the child must be sent; and*

(3) Notice that the obligor must send future payments for support of the child to the person; and

(c) If the Welfare Division or its designee has not been responsible for enforcing the order, file a copy of the declaration created pursuant to paragraph (a) with the court that entered the order for support of the child and comply with the provisions of subsection 2 of NRS 125B.055.

7. *Upon receipt of a declaration created pursuant to paragraph (a) of subsection 6, if the Welfare Division or its designee has been responsible for enforcing the order for the support of the child, the Welfare Division shall:*

- (a) Mail to the obligor at his last known address by first-class mail:*
 - (1) A copy of the declaration; and*

(2) Notice to the obligor that the payments for support of the child will be provided to the person who has lawful physical custody of the child until such custody is terminated or until a court orders otherwise; and

(b) File a copy of the declaration and notice with the court that entered the order for support of the child.

8. A person who fails to comply with the requirements of subsection 6 does not lose the right to receive payments ordered for the support of the child but such failure may be considered by a court in determining the amount of arrears owed by an obligor to the person.

9. Notwithstanding the transfer of an obligation for the support of a child made pursuant to this section, any arrears in the payment of an obligation for the support of a child accrues to the person who had lawful physical custody of the child at the time that the payment was due and remains due until paid in full.

10. For the purposes of this section, visitation rights must not be construed as a change of custody.

11. As used in this section, "lawful physical custody" means a person who has obtained physical custody:

(a) Pursuant to an order of a court; or

(b) With the consent of the person who has been awarded physical custody of the child pursuant to an order of a court."

Amend sec. 2, page 2, line 18, by deleting: "Department of Human Resources" and inserting: "Legislative Committee on Children, Youth and Families, or, if the Committee does not exist, to the Legislative Commission,".

Amend sec. 2, page 2, line 22, by deleting "Resources." and inserting: "Resources and the district attorneys of this State.".

Amend sec. 2, page 2, lines 24 and 27, after "Division" by inserting: "and the district attorneys of this State".

Amend sec. 2, page 2, line 28, by deleting "its" and inserting "their".

Amend sec. 2, page 2, lines 36 and 37, by deleting: "Department of Human Resources" and inserting: "Legislative Committee on Children, Youth and Families, or, if the Committee does not exist, the Legislative Commission,".

Amend sec. 4, page 3, by deleting line 1 and inserting:

"Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1 and 3 of this act become effective on July 1, 2005.".

Amend the title of the bill, seventh line, by deleting "Resources;" and inserting: "Resources and the district attorneys of this State;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding obligation of child support and makes appropriation for audit of child support collection and enforcement by Welfare Division of Department of Human Resources and district attorneys of this State. (BDR 11-1231)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 386 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary: Amendment No. 407.

Amend sec. 2, page 2, line 27, by deleting “38.257 and” and inserting “[~~38.257 and~~]”.

Amend sec. 2, page 3, line 15 after “submitted to” by inserting “*binding*”.

Amend sec. 2, page 3, by deleting lines 16 through 18 and inserting: “disputes, including, without limitation, a settlement conference [~~mediation or a binding short trial,~~] or *mediation*, if the parties agree to the submission.”.

Amend sec. 2, page 3, by deleting lines 27 and 28 and inserting: “conducted, with the consent of the parties to the action, in”.

Amend sec. 3, page 4, line 34, by deleting “and”.

Amend sec. 3, page 4, line 35, by deleting “*incarcerated.*” and inserting: “*incarcerated; and*”

(n) *Actions submitted to mediation pursuant to rules adopted by the Supreme Court.*”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 6, by deleting lines 18 through 22 and inserting:

“2. If the Supreme Court authorizes the use of an”.

Amend sec. 5, page 6, line 23, by deleting “1 [~~3~~]” and inserting “1.”.

Amend sec. 5, page 6, line 24, by deleting “or 2.”.

Amend sec. 5, page 6, line 26, by deleting “[~~3-4~~]” and inserting “3.”.

Amend the bill as a whole by adding new sections designated sections 5 through 9, following sec. 5, to read as follows:

“Sec. 5. Chapter 67 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, the Supreme Court shall adopt rules and procedures for conducting trials by jury in civil actions in the justices’ courts that are designed to limit the length of trials.*

2. *The rules and procedures adopted pursuant to this section may provide for:*

(a) *Restrictions on the amount of discovery requested by each party;*

(b) *The use of a jury composed of not more than six persons and not less than four persons; and*

(c) *A specified limit on the amount of time each party may use to present his case.*

3. *This section does not apply to:*

(a) *An action for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.*

(b) *An action when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.*

(c) *An action for the issuance of a temporary or extended order for protection against domestic violence.*

(d) *An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.*

(e) *A small claims action brought under the provisions of chapter 73 of NRS.*

(f) *An action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.*

Sec. 6. NRS 67.020 is hereby amended to read as follows:

67.020 1. At the time appointed for the trial, the justice shall proceed to call from the jurors summoned the names of the persons to constitute the jury for the trial of the issue. If a sufficient number of competent and indifferent jurors do not attend, the justice shall direct that additional jurors sufficient to complete the jury be summoned.

2. ~~[The jury, by consent of the parties,]~~ Pursuant to the Justice Court Rules of Civil Procedure adopted by the Supreme Court, the jury may consist of any number not more than ~~[eight]~~ six nor less than four.

Sec. 7. NRS 67.030 is hereby amended to read as follows:

67.030 The challenges are either peremptory or for cause. Each party is entitled to ~~[three]~~ two peremptory challenges. Either party may challenge for cause on any grounds set forth in NRS 16.050.

Sec. 8. NRS 38.257 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.”.

Amend the bill as a whole by adding the text of a repealed section, following sec. 9, to read as follows:

“

TEXT OF REPEALED SECTION

38.257 Adoption of rules by Supreme Court for establishment of mandatory short trial program for civil cases in justices’ courts.

1. The Supreme Court shall adopt rules to provide for the establishment of a mandatory short trial program for civil cases in the justices’ courts.

2. This section does not apply to the following actions and proceedings:

(a) Actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(b) Actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(c) Any action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) Small claims actions under the provisions of chapter 73 of NRS.

(f) Any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

3. As used in this section, “short trial” means a trial that is conducted in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than six persons, and a specified limit on the amount of time each party may use to present his case.”.

Amend the title of the bill to read as follows:

“AN ACT relating to civil actions; revising the criteria for determining whether a case must be submitted to arbitration; revising provisions concerning the use of alternative dispute regulation; increasing the maximum number of jurors who may serve on the jury for a short trial in district court; requiring the Nevada Supreme Court to adopt rules and procedures for jury trials in certain civil actions in justices’ courts that are designed to limit the length of such trials; reducing the maximum number of jurors who may serve on a jury in a civil action in a justice’s court; reducing the number of peremptory challenges that each party is entitled to use in a civil action in a justice’s court; repealing provisions concerning the establishment of a mandatory short trial program for certain civil actions in justices’ courts; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 254.

Amend sec. 3, page 3, by deleting lines 18 through 20 and inserting:

“5. ~~[Each]~~ *Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his service not more than \$6,000 per year .* ~~[.]~~ *Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his service not more than \$9,000 per year. The compensation of the members of a board is payable”.*

Amend the title of the bill by deleting the third through fifth lines and inserting: “relating to a district; revising the provisions governing the compensation of members of the board of trustees of districts; authorizing the board of trustees of”.

Assemblyman Grady moved the adoption of the amendment.

Remarks by Assemblyman Grady.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 500.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting:

“246.030 1. All county clerks ~~[are authorized to]~~ may appoint deputies, who are authorized to transact all official business ~~[appertaining]~~ *pertaining* to the office to the same extent as their principals. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county clerk or the county by which the deputy is employed.”.*

Amend sec. 2, page 2, by deleting lines 4 through 7 and inserting:

“247.040 1. All county recorders ~~[are authorized to]~~ may appoint deputies, who are authorized to transact all official business ~~[appertaining]~~ *pertaining* to the office to the same extent as their principals. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county recorder or the county by which the deputy is employed.”.*

Amend sec. 3, page 2, by deleting lines 23 through 25 and inserting:

“(a) Appoint, in writing signed by him, one or more deputies, who may perform all the duties devolving on the sheriff of the county ~~[.]~~ *and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.”.*

Amend sec. 4, pages 2 and 3, by deleting lines 42 through 44 on page 2 and line 1 on page 3, and inserting:

"2. Any county treasurer may authorize his deputy or deputies to transact any official business pertaining to the office of county treasurer in the same manner as the county treasurer. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county treasurer or the county by which the deputy is employed.*

3. All appointments of deputies under the provisions of this".

Amend sec. 5, page 3, by deleting lines 10 through 13 and inserting:

"250.060 1. All county assessors ~~{are authorized to}~~ may appoint deputies, who are authorized to transact all official business relating to the ~~{offices}~~ office to the same extent as the county assessors. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county assessor or the county by which the deputy is employed.*".

Amend sec. 6, page 3, by deleting lines 27 through 29 and inserting:

"252.070 1. All district attorneys ~~{are authorized to}~~ may appoint deputies, who ~~{may}~~ are authorized to transact all official business relating to those duties of the ~~{offices}~~ office set forth in NRS 252.080 and 252.090 to the same extent as their principals ~~{-}~~ and perform such other duties as the district attorney may from time to time direct. *The appointment of a deputy district attorney must not be construed to confer upon that deputy policymaking authority for the office of the district attorney or the county by which the deputy district attorney is employed.*".

Amend sec. 7, page 4, by deleting lines 13 through 19 and inserting:

"253.025 1. A public administrator may appoint as many deputies as he deems necessary to perform fully the duties of his office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his duties each deputy must take and subscribe to the constitutional oath of office. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.*".

Amend sec. 8, page 4, by deleting lines 29 through 36 and inserting:

"253.175 1. A public guardian may appoint deputies to perform the duties of his office. A deputy so appointed may transact all official business relating to the office of the public guardian to the same extent as the public guardian, except that the deputy is not authorized to ~~{establish or change the policies of the office or to}~~ employ or terminate the employment of subordinates in the office. Before entering upon the discharge of his duties, each deputy must take and subscribe to the constitutional oath of office. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public guardian or the county by which the deputy is employed.*".

Amend sec. 9, page 5, by deleting lines 5 through 11 and inserting:

"258.060 1. All constables ~~[are authorized to]~~ may appoint deputies, who ~~[shall have power]~~ are authorized to transact all official business ~~[appertaining]~~ pertaining to the ~~[offices]~~ office to the same extent as their principals . ~~[, but no person shall]~~ A person must not be appointed as a deputy constable unless ~~[such person shall have]~~ he has been a resident of the State of Nevada for at least 6 months ~~[prior to]~~ before the date of ~~[such]~~ the appointment. The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed."

Amend sec. 10, page 5, by deleting lines 27 through 32 and inserting:

"259.040 1. All coroners may appoint ~~[a deputy or]~~ deputies, who ~~[may]~~ are authorized to transact such official business pertaining to the ~~[offices]~~ office as their principals direct. Coroners are responsible for the compensation of the ~~[deputy or deputies,]~~ deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the ~~[deputy or]~~ deputies. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county coroner or the county by which the deputy is employed."

Amend the bill as a whole by renumbering sec. 11 as sec. 12 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners. The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as he considers necessary to enable him to carry out his responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration

with limited jurisdiction may engage in private practice which does not present a conflict with his appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is 400,000 or more, deputies are governed by the merit personnel system of the county.”.

Assemblyman Munford moved the adoption of the amendment.

Remarks by Assemblyman Munford.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 230.

Amend section 1, page 2, line 4, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend section 1, page 2, line 8, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend sec. 2, page 2, line 17, by deleting “zone,” and inserting: “[~~zone~~] area created pursuant to chapter 279 of NRS;”.

Amend sec. 2, page 2, line 18, by deleting “zone” and inserting “[~~zone~~] area”.

Amend sec. 2, page 2, line 24, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend sec. 2, page 2, line 32, by deleting: “*January 1, 2005.*” and inserting: “*the effective date of this act.*”.

Amend sec. 3, page 3, by deleting lines 1 and 2 and inserting:

“Sec. 3. This act becomes effective upon passage and approval.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 534.

Amend section 1, page 2, line 31, by deleting: “*State of Nevada*” and inserting “*Commission*”.

Amend section 1, page 2, line 35, after “*appointed*” by inserting “*at least*”.

Amend the title of the bill to read as follows:

“AN ACT relating to economic development; requiring the Commission on Economic Development to establish the qualifications of persons representing the Commission in foreign countries to recruit businesses and industries to locate their offices and businesses in this State; requiring the Commission to appoint such persons and review their performances at least biennially; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 383.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 414.

Amend sec. 5, page 6, line 3, after “4.” by inserting:

“IF THE COMMON-INTEREST COMMUNITY SELLS YOUR HOME IN A NONJUDICIAL FORECLOSURE SALE, YOU MAY EXERCISE THE RIGHT OF REDEMPTION TO REPURCHASE YOUR HOME?”

If the association sells your property in a nonjudicial foreclosure sale, you may be able to redeem your property by following certain procedures. To redeem the property, you or your successor in interest must pay the purchaser of the property the price that he paid for the property and interest on the purchase price and pay to any applicable governmental entities, lienholders and creditors the amount of any outstanding assessments, taxes and liens which were placed on the property before the date on which the property was sold and interest on those assessments, taxes and liens. You are also required to serve upon the association and the purchaser, if the purchaser is not the association, a notice of redemption accompanied by proof of payment of the amounts required to be paid.

If you follow all of the procedures and comply with all of the requirements, the purchaser is required to execute and deliver to you a certificate of redemption and the deed to the property.

If the purchaser fails to deliver the certificate of redemption and the deed, you may file a cause of action against him and you may recover reasonable attorney’s fees and costs if you prevail in the lawsuit.

To complete the redemption of the property, you must, upon receiving the certificate of redemption and the deed to the property, record the certificate and the deed in the office of the recorder of the county in which the property

is situated, accompanied by an affidavit attesting to and describing the completion of all the required payments and duties.

If you redeem your property and are subsequently evicted because of irregularities in the redemption proceedings, you may recover from the purchaser or other appropriate parties all of the money paid for the redemption. For more information regarding these requirements, see section 1 of this act.

5.”.

Amend sec. 5, page 7, line 5, by deleting “5.” and inserting “[5.] 6.”.

Amend sec. 5, page 7, line 24, by deleting “6.” and inserting “[6.] 7.”.

Amend sec. 5, page 7, line 41, by deleting “7.” and inserting “[7.] 8.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 19 be taken from the Chief Clerk’s desk and placed on the Second Reading File.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 32 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Remarks by Assemblyman Atkinson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32

Bill read third time.

Remarks by Assemblymen Atkinson, Anderson, Leslie, Buckley, and Goicoechea.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 32 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 47 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 315:

YEAS—42.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 440 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 465:

YEAS—42.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Holcomb.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 505:

YEAS—42.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Roll call on Senate Bill No. 94:

YEAS—42.

NAYS—None.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 567.

Amend section 1, page 2, by deleting lines 3 through 30 and inserting:

“1. A person engages in a “deceptive trade practice” if, in the course of his business or occupation:

(a) He issues a gift certificate that expires on a certain date, unless either of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The expiration date of the gift certificate; or

(2) A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;

(b) He imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:

(1) The amount of the service fee;

(2) The event or events that will cause the service fee to be imposed;

(3) The frequency with which the service fee will be imposed; and

(4) If the service fee will be imposed on the basis of inactivity, the duration of inactivity that will cause the service fee to be imposed; or

(c) Regardless of the notice provided, he imposes upon the buyer or holder of a gift certificate:

(1) A service fee or a combination of service fees that exceed a total of \$1 per month; or

(2) A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.

2. The provisions of this section do not apply to:

(a) A gift certificate that is issued as part of an award, loyalty, promotional or reward program and for which issuance the issuer does not receive money or any other thing of value;

(b) A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and

(c) A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.

3. As used in this section:

(a) "Gift certificate" means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:

(1) An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or

(2) An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front or back of the instrument or record in at least 10-point font and in such a manner that the print is readily visible to the buyer of the instrument or record before the buyer purchases the instrument or record.

(b) “Issue” means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.

(c) “Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.

(d) “Service fee” means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

“a gift certificate from charging certain fees to the buyer or holder of a gift certificate under certain circumstances; providing a penalty;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits, under certain circumstances, issuance of gift certificate that contains expiration date and prohibits, under certain circumstances, issuer of gift certificate from charging certain fees to buyer or holder of gift certificate. (BDR 52-558)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 18 and 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Alberto Ayala, Ruth Bravo, Samantha Cardnuto, Victoria Costello, Gary Deppey, Silvano Herrera,

Jeremy Joustra, Teresa Martin, Andrew Marton, Derek McCabe, Stacy Mitchell, Keith Nelson, Vanessa Ortega, Justin Palylyk, Susana Partida, Jessica Perez, Diane Sawyer, Jessica Seltzer, Juan Silva, Ashley Spiker, Lynda Sutman, Peter Mark Villegas, Kiyoumi Weibye, Shelby Young, Carmen Villanueva, Tom Parton, Angel Aguirre, Tamara Davis, Joyce Dawkins, Efren Galindo, Diana Galvan, Brett Jacoby, Erika Kamper, Derrick Mastalka, Casey McCabe, Roberto Perez, Jacob Rasner, Charlotte Rivinius, Claudia Roman, Chanelle Sisia, Erik Torres, Natasha Wolfe, Ryan Adler, Amanda Arrington, Victoria Butterworth, Michelle Carral, Tiffany Casino, Elisabeth Castro, Yareli Chavez, Samantha Cray, Charles Dimino, Daniel Dupree, Amanda James, David Jayme, Octavio Maldonado, Michael MCGough, Stephanie Murga, Margaret Olheiser, Christopher Rabe, Jesse Rasner, Cameron Regan, Adam Roa, Jayson Robbins, Carlos Sandoval, Roman Schomberg, Adam Segura, Nicholas Triplett, Claire Walker, Cole Watson, Koelyn Weeks, Joshua Wilson, Lindsey Winner, Mark Zaski, Stevielyn Webber, Valerie Bayard de Volo-Fine, Jim Hulse, and Dorothy Gardner.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Morgan.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Browne and Karen Priest.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Johnson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Liveratti.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Bobbie Talso and Joyce Duncan.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lee and Janice Ayres.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Magaret McCall and Phyllis Jackson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 21, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:22 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 21, 2005

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

God, I must admit that as I sit here and listen, it quickly becomes just a maze of letters and numbers and words: S.B., A.B., 1, 2, 3, 4, 5, 6, Order of Business 8, 9, and 15. May it never be so for these dedicated servants. May they not lose interest. May they still see needs behind the letters and peoples' faces behind the numbers. 10-4, A.O.K.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 301 and 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 97; Senate Bills Nos. 4, 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 150, 181, 198, 201, 307, 316, 331, 339, 347, 382, 472.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 21, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 386 and 408.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 464.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by Senator Beers.

For: Senate Joint Resolution No. 5.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

With the following Conditions:

May only be passed out of house of origin on or before April 29, 2005.

Has been granted effective: April 21, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 4.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 43.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 150.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 181.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 198.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 201.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 307.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 316.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 331.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 339.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 347.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 382.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 472.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 307 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill Nos. 240, 301, 393, 444, 446, 483, 523, 546 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 473 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 51 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 421 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Mortenson moved that Assembly Joint Resolution No. 7 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 208 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 114 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 274 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 279 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 299 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 73 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senators McGinness, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assmablymen Sherer, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 20—Designating April 21, 2005, as Kiwanis Day in the State of Nevada.

WHEREAS, On January 21, 1915, the “Benevolent Order Brothers” was organized in Detroit, Michigan, with the goal of having “a mutual exchange of preferred treatment in professional and business dealings”; and

WHEREAS, The following year the name of the club was changed to “Kiwanis,” a form of “Nunc Kee-wanis,” an Ojibwe Native American phrase which means “We make a noise,” “We have a good time” or “We trade or advertise”; and

WHEREAS, The first Kiwanis clubs were organized to promote the exchange of business among the members, but soon a lively debate ensued between those who supported community service as the Kiwanis mission and those who supported the exchange of business, and by 1919, the service advocates won the debate; and

WHEREAS, The members of Kiwanis work toward six principles: (1) the primacy of spiritual values, (2) living by the Golden Rule, (3) adhering to high standards, (4) engendering strong citizenship, (5) building better communities through service, and (6) assisting in the formation of sound public opinion; and

WHEREAS, The Kiwanis District of California was organized in the fall of 1918, was joined by Nevada in 1923, welcomed the Hawaiian Division in 1950, with the approval of the Kiwanis International Board of Trustees, and became the California-Nevada-Hawaii District, CAL-NEV-HA, on January 1, 1951; and

WHEREAS, The State of Nevada is proud of its own divisions, which consist of Division 23 of Northern Nevada, Division 28 of Southern Nevada and Division 45 of Central Nevada, for their long history of service to communities in this State; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby designate April 21, 2005, as Kiwanis Day in the State of Nevada in recognition of the hours, resources and creative energy generously contributed by the members of Kiwanis clubs throughout the State, the nation and the world in the dedicated service to their communities; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Governor Larry “Mac” McClelland and Governor-Elect Patti Barsotti, Lieutenant Governor Celia Culver and Lieutenant Governor-Elect Neil Atkinson of Division 23, Lieutenant Governor John Fenner and Lieutenant Governor-Elect Linda Marx of Division 28, and Lieutenant Governor Dan Nevin and Lieutenant Governor-Elect Ann Delahay of Division 45.

Assemblyman Sherer moved the adoption of the resolution.

Remarks by Assemblymen Sherer and Carpenter.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 301.

Amend section 1, pages 1 and 2, by deleting lines 3 through 9 on page 1 and lines 1 and 2 on page 2 and inserting:

"1. The Director of the Department of Public Safety shall adopt regulations that prescribe, in accordance with any applicable federal standards or requirements, the appropriate safety restraints for each school bus that is purchased new on or after July 1, 2007.

2. Except as otherwise provided in subsection 3, each pupil who rides in a school bus that is equipped with the safety restraints prescribed pursuant to subsection 1 shall wear the appropriate safety restraint while the bus is in operation."

Amend section 1, page 2, between lines 14 and 15 by inserting:

"4. If a school bus is equipped with the safety restraints prescribed pursuant to subsection 1, neither the State, a county, a school district, a public school, a charter school, a private school or any employee or volunteer thereof is liable for injury to a passenger on the school bus caused solely because:

(a) The passenger was not wearing the safety restraint; or

(b) The passenger or another passenger used or misused the safety restraint in a dangerous or unsafe manner."

Amend sec. 2, page 2, line 38, by deleting "Motor Vehicles" and inserting "Public Safety".

Amend sec. 2, page 3, line 21, by deleting "Motor Vehicles" and inserting "Public Safety".

Amend sec. 3, page 3, lines 36 and 37, by deleting: "~~Public Safety~~ Motor Vehicles" and inserting "Public Safety".

Amend sec. 3, page 3, line 39, by deleting: "~~Public Safety~~ Motor Vehicles" and inserting "Public Safety".

Amend sec. 3, pages 3 and 4, line 45 on page 3 and line 1 on page 4, by deleting: "~~Public Safety~~ Motor Vehicles," and inserting "Public Safety,".

Amend sec. 4, page 5, by deleting lines 7 through 15 and inserting:

"3. In addition to the equipment required by subsection 1, each school bus that is purchased new on or after July 1, 2007, and that is operated for the transportation of pupils must be equipped with the safety restraints prescribed by the Director of the Department of Public Safety pursuant to section 1 of this act in a number that is sufficient to allow each pupil who rides on the school bus to use a separate safety restraint. To the extent

feasible, each school district shall ensure that the school buses purchased new on or after July 1, 2007, that are equipped with the safety restraint system, are used for the transportation of pupils enrolled in elementary schools in the school district. The provisions of this subsection do not apply if a school bus is purchased used."

Amend sec. 4, page 5, lines 20 and 21, by deleting "Motor Vehicles" and inserting: "~~[Motor Vehicles,]~~ Public Safety".

Amend sec. 4, page 5, line 29, by deleting "Motor Vehicles," and inserting: "~~[Motor Vehicles,]~~ Public Safety,".

Amend sec. 5, page 5, line 39, by deleting "Motor Vehicles," and inserting: "~~[Motor Vehicles,]~~ Public Safety,".

Amend sec. 5, page 6, line 1, by deleting "Motor Vehicles," and inserting: "~~[Motor Vehicles,]~~ Public Safety,".

Amend sec. 5, page 6, by deleting lines 3 through 7 and inserting:

"4. Except as otherwise provided in subsection 5, each pupil who rides in a school bus that is equipped with the safety restraints prescribed pursuant to subsection 1 shall wear the appropriate safety restraint while the bus is in operation."

Amend sec. 5, page 6, between lines 17 and 18 by inserting:

"6. Each school bus that is purchased new on or after July 1, 2007, and that is operated for the transportation of pupils must be equipped with the safety restraints prescribed by the Director of the Department of Public Safety pursuant to section 1 of this act in a number that is sufficient to allow each pupil who rides on the school bus to use a separate safety restraint. To the extent feasible, each private school shall ensure that the school buses purchased new on or after July 1, 2007, that are equipped with the safety restraint system, are used for the transportation of pupils enrolled in elementary schools, if applicable to the grade levels offered by the private school. The provisions of this subsection do not apply if a school bus is purchased used.

7. If a school bus is equipped with the safety restraints prescribed pursuant to subsection 1, neither the State, a county, a school district, a public school, a charter school, a private school or any employee or volunteer thereof is liable for injury to a passenger on the school bus caused solely because:

(a) The passenger was not wearing the safety restraint; or

(b) The passenger or another passenger used or misused the safety restraint in a dangerous or unsafe manner."

Amend sec. 7, page 7, line 43, by deleting "2006," and inserting "2007,".

Amend sec. 8, page 8, line 6, by deleting "2006," and inserting "2007,".

Amend sec. 8, page 8, line 9, by deleting "2006." and inserting "2007,".

Amend the title of the bill by deleting the second through eleventh lines and inserting: "Director of the Department of Public Safety to prescribe the appropriate safety restraints for school buses that are used for the transportation of pupils; requiring school buses that are purchased new on or

after July 1, 2007, to be equipped with the safety restraints; requiring pupils to use the safety restraints while riding on a school bus; providing an exception for certain pupils; providing”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 388.

Amend the bill as a whole by deleting sections 1 through 23 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

Each owner or operator of a charter bus which is not a fully regulated carrier shall:

1. Comply with the provisions of this chapter and any regulations adopted by the Authority pursuant to this chapter relating to safety;

2. Submit evidence satisfactory to the Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety in the time, amount and form required by the Authority for a common motor carrier of passengers pursuant to NRS 706.291; and

3. Within 30 days after beginning operation in this State, submit to the Authority a copy of its schedule or tariff setting forth the rates established by the owner or operator. If the owner or operator makes any changes to its schedule or tariff, the owner or operator shall submit an updated copy of the schedule or tariff to the Authority within 30 days after making those changes.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, *and section 1 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~of~~, *and section 1 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~of~~, *and section 1 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person

may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 4. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which is operating in this State on or before October 1, 2005, shall, on or before November 1, 2005, submit to the Transportation Services Authority:

1. Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

2. A copy of its schedule or tariff setting forth the rates established by the owner or operator.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising the provisions governing owners and operators of charter buses which are not fully regulated carriers; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing owners and operators of charter buses which are not fully regulated carriers. (BDR 58-55)”.

Assemblyman Ocegueda moved the adoption of the amendment.

Remarks by Assemblyman Ocegueda.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 338.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sections 4 and 5 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of ~~[\$2,000]~~ \$5,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000 assessed valuation of property in which such a person has any interest shall be deemed the property of that person.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the county assessors shall continue to grant exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor of each of the several counties of this State shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

8. Beginning with the ~~{2005-2006}~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~{December 2003 to the December}~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 2. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be submitted to the county assessor. It must be to the effect that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that he does not claim the exemption in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

- (a) The renewal of the exemption; and
- (b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; ~~and~~

(d) The surviving spouse is a bona fide resident of the State of Nevada ~~[-]~~;
and

(e) *The exemption is claimed in no other county within this State.*

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

8. If any person makes a false affidavit or produces false proof to the county assessor or a notary public, and as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

9. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 3. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of ~~[\$2,000]~~ \$5,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before

the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for:

- (a) The renewal of the exemption; and
- (b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption, and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

7. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he has a disability of 100 percent, the first \$20,000 of determined valuation.

(b) If he has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.

(c) If he has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.

2. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which an applicant has any interest ~~{-}~~ shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death; ~~and~~

(c) The surviving spouse has not remarried ~~{-}~~ ; and

(d) *The exemption is claimed in no other county within this State.*

The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is

allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; revising the provisions governing the veterans’ exemptions from the property tax and the governmental services tax; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing veterans’ exemptions from property tax and governmental services tax. (BDR 32-1002)”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 329.

Amend sec. 2, page 1, by deleting lines 4 through 7 and inserting:

“Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, “tax lien” means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest and costs which may accrue thereon are paid.*”.

Amend the bill as a whole by deleting sections 3 through 5 and adding:

“Secs. 3-5. (Deleted by amendment.)”.

Amend sec. 6, page 2, by deleting line 14 and inserting:

“2. *Except as otherwise provided in this section, a county may sell a tax lien to any purchaser. A county may not sell a tax lien to a government, governmental agency or political subdivision of a government, or to any insurer other*”.

Amend sec. 8, page 3, by deleting line 15 and inserting: “*parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.*”.

Amend sec. 8, page 3, line 17, after “*assessment*” by inserting: “*and any penalties, interest and costs accrued thereon*”.

Amend sec. 8, page 3, by deleting lines 22 and 23 and inserting:

“6. *A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.*”.

Amend sec. 15, page 6, line 35, by deleting “361.645,” and inserting “361.620,”.

Amend sec. 15, page 6, by deleting line 38 and inserting “costs.”.

Amend sec. 16, page 7, by deleting lines 26 and 27 and inserting:

“(2) A tax lien may be sold against the parcel”.

Amend sec. 17, page 8, by deleting lines 22 and 23 and inserting:

“(b) That a tax lien may be sold against the parcel”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 541.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

“(a) Establishing standards for the construction of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average; and

(b) Requiring the installation of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average.”.

Amend the title of the bill to read as follows:

“AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations establishing standards for the construction of liner and leachate collection systems for certain solid waste disposal sites and requiring the installation of a liner and leachate collection system at certain such sites; and providing other matters properly relating thereto.”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 192.

Amend sec. 2, page 3, by deleting lines 1 through 3 and inserting:

“(f) Received a passing grade on the National Verbatim Reporters Association’s examination for certified verbatim reporters.”.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 656.335 is hereby amended to read as follows:

656.335 A court reporter shall retain his *stenographic* notes ~~[and]~~ *or the official verbatim records*, whether or not transcribed, for 8 years if ~~[they]~~ *the notes or records* concern any matter subject to judicial review. ~~[These]~~ *The notes or records* must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.”.

Amend the title of the bill, seventh line, by deleting “voice writing” and inserting: “certified verbatim reporters”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 457.

Amend sec. 3, page 4, by deleting lines 28 through 30 and inserting: “Commissioner. The request must include:”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 561.

Amend sec. 5, page 5, line 39, by deleting “2005.” and inserting “2006.”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 543.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

“A local board of health may investigate complaints relating to the”.

Amend section 1, page 1, line 5, by deleting “safety” and inserting “operation”.

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill to read as follows:

“AN ACT relating to sanitation; authorizing the local boards of health to investigate complaints relating to the operation of any agricultural program

administered by the University and Community College System of Nevada; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes local boards of health to investigate complaints concerning agricultural programs of University and Community College System of Nevada. (BDR 40-1123)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 546.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 468.

Amend sec. 5, page 4, line 40, by deleting “1.” and inserting “[1.]”.

Amend sec. 5, page 4, line 42, by deleting “(a)” and inserting “[{a}] 1.”.

Amend sec. 5, page 5, line 1, by deleting “(b)” and inserting “[{b}] 2.”.

Amend sec. 5, page 5, line 4, by deleting “(c)” and inserting “[{c}] 3.”.

Amend sec. 5, page 5, line 6, by deleting “(d)” and inserting “[{d}] 4.”.

Amend sec. 5, page 5, line 9, by deleting “(e)” and inserting “[{e}] 5.”.

Amend sec. 5, page 5, by deleting lines 12 through 15 and inserting:

~~“[2.—Except as otherwise provided in NRS 281.477, 294A.345 and 294A.346, the Commission’s opinions may not include guidance to a public officer or employee on questions regarding the provisions of chapter 294A of NRS.]”.~~

Amend the bill as a whole by deleting sections 7 through 10 and renumbering sec. 11 as sec. 7.

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 and 14 as sections 8 and 9.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “or defeat of a question on a ballot; and providing other”.

Amend the summary of the bill to read as follows:

“SUMMARY—Repeals certain provisions enforced by Commission on Ethics. (BDR 23-899)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills on General File be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 208.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 571.

Amend sec. 5, page 5, by deleting lines 19 through 28 and inserting:

“3. The Board has grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:”.

Amend sec. 6, page 6, by deleting lines 1 through 10 and inserting:

“3. The Board has grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:”.

Amend the title of the bill, fourth line, by deleting “requiring” and inserting “authorizing”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Roll call on Assembly Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 19 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblymen Anderson and Hardy.

Roll call on Assembly Bill No. 51:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 51 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 113:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 113 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 180:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 180 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Remarks by Assemblymen Buckley, Mabey, Hardy, Leslie, Conklin, and Horne.

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

ASSEMBLYWOMAN BUCKLEY:

I rise in support of Assembly Bill 195. There are many reasons to support the bill before you, which is designed to protect the health of the people we represent.

Let us start with the most important issue, and that is price. On average, Americans pay five times more to fill their prescriptions than consumers in other countries. In the country with the largest market for pharmaceuticals in the world, American consumers pay the highest prices for brand-named pharmaceuticals in the world. In 2003, Americans spent more than \$163 billion in retail pharmacies. Nevadans alone spent more than \$930 million. Nationally, the average price of retail prescriptions in 2003 was \$52.97, a 6.7% increase from the previous year. Just across our northern border in Canada, drug prices are anywhere from 25% to 50% lower. Lipitor, the number-one drug issued to senior citizens, as an example: the lowest price of a 10mg dose of Lipitor under the Medicare card is \$64.67; in Canada, the price is \$35.04. Another prescription, Prevacid, is at the high end. Compare the price of Prevacid: \$110.30 is the low price under the Medicare card in the United States, yet it is available in Canada for \$43.79. It is hard enough for

people with insurance to pay these prices. With Nevada ranking the fifth-highest uninsured state in our nation, prescription drugs are now beyond the reach of many of the people we represent.

Safety concerns. Americans, including Nevadans, right now are buying their necessary medications at more affordable prices through foreign markets. Recently, the Executive Director of the Canadian International Pharmacy Association estimated that the Canadian industry is now serving approximately 1.8 million Americans. Yet, people who turn blindly to the Internet thinking they are getting safe Canadian drugs may think they are ordering from a Canadian operation, but may be sent to Web sites in different countries such as Pakistan, Sri Lanka, or other countries getting involved in this market.

We have many safety concerns about what is going on the Internet today, issues such as quality assurance, counterfeit medication, drugs that are not approved by foreign governments, labeling, language issues, and credit card fraud. We have all those issues today with buying prescription drugs on the Internet. These safety concerns do not exist when a person purchases medication from a licensed Canadian pharmacy that sells drugs approved by Canada Health, the equivalent to the USFDA. In fact, a 2004 federal GAO study found that of the eleven drugs purchased through the Internet from the United States, Canada, and other foreign countries, the United States and Canada consistently had the strongest standards, and in some cases the Canadian pharmacies were more restrictive than the United States pharmacies. Just yesterday during a hearing before the Senate Health Education Labor and Pensions Committee on a bill sponsored by both parties, the former FDA Commissioner, David Kessler, confirmed that many United States residents currently re-import prescription drugs without the safety provisions also being proposed in the federal bill.

By passing this legislation, we are not alone. Illinois, Kansas, Minnesota, Missouri North Dakota, Rhode Island, Wisconsin, and Vermont already allow importation of Canadian drugs and have links to Canadian pharmacies that meet the state standards for local state pharmacies. More than eleven cities and counties have created programs whereby their employees can buy less expensive drugs from Canada. The municipality then waives the co-pay if they buy their drugs from Canada. Legislation is pending throughout the country to expand this program.

Assembly Bill 195 builds on the experience of these other states and municipalities and uses existing Nevada law to license Canadian pharmacies. The state is not a participant. We merely ensure that the state licenses Canadian pharmacies. Then that information is made available to our constituents so they can choose a safer alternative. Under this bill, our State Board of Pharmacy will actually license the Canadian pharmacies so the same standards that are now in effect for licensing of pharmacies in the United States would apply to the Canadian pharmacies. The bill also includes additional consumer protection measures. It ensures that controlled substances cannot be imported, that prescription drugs must have been approved by the FDA or Canada Health, and it limits it to a three-month supply.

The last part of the bill then uses the Office of Consumer Health Assistance to create the links, and that will be anyone that will be licensed by the State Board of Pharmacy.

As I said earlier, Assembly Bill 195 is not designed to be a long-term fix for prescription drug prices. The bill simply offers a reasonable, viable option for Nevadans who choose to buy more affordable drugs from Canada and ensure that they can do so safely. As the former Federal Drug Administration (FDA) Commissioner, David Kessler, said yesterday, "The question is not whether we chose imports or no imports. We already have a system. It is importation of drugs that jeopardizes public health." The American public will be safer; Nevada will be safer with a regulated system rather than the current system of uncontrollable risk.

It is time to stand up for the rights of our citizens to buy more affordable drugs even in the onslaught of national and Nevada lobbying by the pharmaceutical industry to the contrary to stand up for the people we represent and say yes to more affordable drugs.

ASSEMBLYMAN MABEY:

First, I have a confession. I currently perform clinical research for pharmaceutical companies. For this reason and others, I have been trying to sneak out early on Friday afternoons. Unfortunately, the eagle-eyed press never misses even a small Republican mouse scurrying out of these chambers and caught me with razor-sharp hands. Second, some concerns. The cost of

pharmaceutical medicine is way too high. Many in our state simply cannot afford to purchase their medications.

Due to this outcry, our federal government passed the Medicare Prescription Benefit Drug Plan. I opposed it before, it passed, and I oppose it now. I am proud to say that both of our United States senators voted against it. This measure proposes to allow us to purchase medications from Canada. It needs to be noted that the Canadian government sets the price of medications. If every country in the world set prices that were artificially low, there would be no financial incentive to develop newer medications that improve and prolong our lives.

A Columbia University economist estimated that every dollar shifted from older to newer drugs saves about \$7.00 in other health care costs. I cannot think of one medication discovered or developed in Canada. Even the Canadian government has concerns regarding the re-importation. Canada simply does not have enough medications for their own citizens if widespread importation occurs. Canada will be forced to obtain drugs from other sources other than the United States, which may not be safe.

The Congressional Budget Office issued a report that concluded that widespread drug importation would force prices up. Eleven former federal Food and Drug Administration commissioners sent a letter to Congress opposing importation because of concerns for public health.

I applaud the Majority Leader's efforts to help all of us improve our lives and our health. This time, we disagree on the method. I am confident that we will find unanimity on other important issues in the future, especially on issues regarding our health. Thank you.

ASSEMBLYMAN HARDY:

I concur with the intent of this bill. In fact, I would go so far to say that this particular iteration has come closer than any I have seen or been aware of that gets at the heart protection of the consumers, and be able to pass on the cost. I like the intent of being able to license a pharmacy in that way, and as I said to the Majority Leader before, it almost puts us in a 51st state condition, meaning Canada. I feel like King Agrippa probably did with Paul: "Thou almost persuadest me." I appreciate the direction we are trying to go. One of the things we are up against is the concept that the Secretary of Health and Human Services has, so far, declined to allow these to be imported because of an issue relating to the additional risk to the public's health and safety—and whether or not it would reduce the cost of the covered products to the American consumer. I think we have heard evidence that it would improve the costs.

I will disclose that I am a doctor and that I will not benefit one way or the other on this, but pretend I am not. Pretend I am a just a regular person who reads *Time* magazine, April 18, 2005. I flip it over on the back and I see recently the Food and Drug Administration (FDA) ordered three medicines from Canada. When they arrived, one thing was clear: they were not from Canada.

1. After receiving a spam email from a Web site looking at generic drugs, the FDA ordered Ambien, Lipitor, and Viagra.
2. The medicines arrived postmarked from Dallas, but with a return address in Miami.
3. The FDA called the Web site company twice to find out where they are based. The first time they were told the United States. The second time they were told Belize.
4. The FDA checked the computer server for the Web site and discovered it is in China.
5. The FDA checked with the credit card company and was told a company in St. Kitts received the payment.
6. The FDA tested the products and found significant quality problems. The fake Ambien had too much medicine. The fake Lipitor and Viagra had too little medicine and had too many impurities.

So we are dealing with a lot of conflicting information. Even though I would like to be supportive of this, I will be voting against the bill. I appreciate the direction. I think that we need to look at phrasing the bill that would be enabling so that when the Secretary of HHS allows this,

we have something in place and we can actually act on the legislation. Thank you, Madam Speaker Pro Tempore.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker pro Tempore. I rise in strong support of AB 195. When this bill was first reported at the beginning of the session, my elderly neighbor, who lives two doors down, came and knocked on my door. You all have had that experience, I am sure, with your neighbors. He was carrying a bag and he asked to come in and sat at my kitchen table. He took his prescriptions out and lined them up. He said, "Don't make me a criminal." He informed me that he had been importing drugs from Canada for more than ten years at a savings of hundreds of dollars a month. If we close off access to the loophole that allows him to purchase the drugs from Canada (he thought we were going to close the loophole allowing him to buy drugs from Canada) and he is not able to purchase drugs from Canada, he will have to choose which medications he can afford to take because he cannot afford all his prescriptions at United States prices on his fixed income.

I guess my point today is that some of our constituents are already doing this. This man has been doing this for ten years because he cannot afford his medications any other way. Let us not forget what the Majority Leader said. We are not talking 5 percent higher; we are talking 5 times higher. Do the math—no wonder people cannot afford prescription drugs. The pharmaceutical companies want it both ways. They do not want us to have price controls here in the United States. That is what they have in Canada. That is why the prices are reasonable. They have a lock on Congress; we are not going to get price controls in the United States. I ask you why my elderly constituent should have to choose which medication he is not going to take. If he lived in Toronto, Canada, it is not a problem, but because he lives in Reno, we are going to force him to choose. I urge your support of this bill.

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker pro Tempore. I thought my colleague from Reno summed it up well, but I rise in support of Assembly Bill 195.

I have to agree with my colleague, the Assistant Minority Leader, when he says the price of prescription drugs in the United States is very, very high; drugs are very expensive. There are countries around the world, many in fact, that have price controls on pharmaceuticals; the exact same pharmaceuticals we have here in the United States. As a matter of fact, many of those companies are United States-based companies. They are pharmaceutical companies whose profits come here. I will tell you something I learned a long time ago when I was getting my degree in economics: the price of products is set based on your consumer base as a total. So, if I am a company and I have consumers around the world, but I have small markets here and there that will pay open market prices and I have some with closed market prices—in other words, price controls—I take whatever profit I lose from the price controls and I spread it out to those who have no price controls. So from that point of reasoning, the citizens of the United States are subsidizing the cost of pharmaceuticals for other countries that have price controls. I refuse to believe that the citizens of the State of Nevada should pay a higher price, not because they can afford to, but simply because they live here in the United States. For that reason and that reason alone, I rise in support of Assembly Bill 195, and I urge my colleagues to do the same.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker Pro Tempore. I rise in support of Assembly Bill 195.

At first I was not going to say anything, and then I felt a need to. My colleague from District 37 touched on part of why we should subsidize prescription drugs for Canada and the rest of the world; they are benefiting. I understand that research and development has to be done for these drugs. They are life-saving drugs and we all need them, but just because we live in America does not mean that we are the ones who have to pay the higher prices for them when the rest of the world has benefited from them.

I have a second question. We have addressed the problem of those on a fixed income who could not afford or were afraid that they could not stay in their homes anymore because of property taxes. We addressed that earlier in the session, so why would we not address the problem of the very same people on a fixed income who cannot afford their prescription drugs

here in America and they want to get them elsewhere? All we are doing is providing them with a safe way to do that. Why would we not do that? I urge your support.

Roll call on Assembly Bill No. 195:

YEAS—29.

NAYS—Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, Seale, Weber—12.

EXCUSED—Ohrenschall.

Assembly Bill No. 195 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblyman Perkins.

Potential conflict of interest declared by Assemblymen Perkins and Gerhardt.

Roll call on Assembly Bill No. 232:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 232 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 239:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 239 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 254:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 254 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Conklin, Perkins, and Gerhardt.

Potential conflict of interest declared by Assemblymen Perkins and Gerhardt.

Roll call on Assembly Bill No. 259:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 259 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 267:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 267 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblymen Horne and Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 280 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 287:

YEAS—26.

NAYS—Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—15.

EXCUSED—Ohrenschall.

Assembly Bill No. 287 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 290:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 290 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:08 p.m.

ASSEMBLY IN SESSION

At 1:19 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 304

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Hardy moved that Assembly Bill No. 304 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hardy.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 343:

YEAS—39.

NAYS—None.

NOT VOTING—Angle, Carpenter—2.

EXCUSED—Ohrenschall.

Assembly Bill No. 343 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351.

Bill read third time.

Remarks by Assemblymen Mortenson and Carpenter.

Roll call on Assembly Bill No. 351:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 363:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenscha.

Assembly Bill No. 363 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Assembly Bill No. 383:

YEAS—29.

NAYS—Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, Seale, Sibley, Weber—12.

EXCUSED—Ohrenscha.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 221 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 221.

Bill read third time.

The following amendment was proposed by Assemblyman Ocegüera:

Amendment No. 578.

Amend section 1, page 3, by deleting lines 6 and 7 and inserting:

"5. The liquor board may deny or refuse to renew the license of a person who has willfully violated the".

Amend sec. 2, page 3, by deleting lines 20 and 21 and inserting:

"2. An incorporated city may deny or refuse to renew the license of a person who has willfully violated the".

Amend sec. 3, page 3, line 27, by deleting "10," and inserting "11,".

Amend sec. 4, page 3, line 29, by deleting "10," and inserting "11,".

Amend sec. 6, page 3, by deleting lines 36 and 37 and inserting:

“program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.”.

Amend sec. 9, page 4, by deleting lines 12 through 18 and inserting:

“2. On and after January 1, 2008, a person who owns or operates an establishment shall not employ or continue to employ a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless the person has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act within 30 days after the employee is employed to sell or serve alcoholic beverages or perform the duties of a security guard.”.

Amend sec. 10, page 4, by deleting line 43 and inserting: *“the selling and serving of alcoholic beverages;”.*

Amend sec. 10, page 5, by deleting lines 18 through 20 and inserting:

“4. The Commission shall adopt such regulations:

(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and

(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. Except as otherwise provided in sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.”.

Amend the title of the bill, by deleting the second line and inserting: *“persons employed at certain establishments where alcoholic beverages are sold must”.*

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 395:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblymen Carpenter, Buckley, and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 407:

YEAS—28.

NAYS—Anderson, Atkinson, Buckley, Conklin, Giunchigliani, Hogan, Horne, Koivisto, Leslie, Ocegüera, Pierce, Smith—12.

NOT VOTING—Angle.

EXCUSED—Ohrenschall.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 421:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 427:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 427 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 437:

YEAS—39.

NAYS—None.

NOT VOTING—Angle, Carpenter—2.

EXCUSED—Ohrenschall.

Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 468:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 468 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 471:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 471 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 475:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 475 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 477:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 477 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 485:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 492:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 502:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 502 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 504:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblymen Mabey and Mortenson.

Roll call on Assembly Bill No. 555:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was re-referred Assembly Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 21; Senate Bills Nos. 73, 132; Senate Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Witt, Jordan Barnes, and Maataua Kingston.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Rees.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Coleman and D.J. Seely.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Hibbs and Alexa Zambon.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Blackham.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jami Cannon and Kevin Martin.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Darleen Clark and David Metz.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Anderson and Holly Marich.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Galleron, Patty Galleron, Patricia Grady, and Huey Carl Johnson.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Coburn and Jessalyn Poulsen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Hutchinson.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Caulfield and Kiersten McCall.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Griffin and Devante Valencia.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Graham and Cierra Trujillo.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Harmon and Zachary Snow.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nichole Coombe, Dave Howell, Denise Colby, Tony Mahomet, Carrie Hunter, Stephanie Crawford, Susan Sterett, Teresa Stultz, Vicki Fisher, Tammi Nelson, Jose Roman, Nea McGee, Vicki Peterson, Douglas Hensen, Christine Thomas, Jack McPartland, Gary Hutchinson, Danielle Shipp, Brittany Branson, Katie Cantrell, Autumn Franck, Sarah Higgins, Jesse Howell, Dalton Johnson, Andrea Lopez, Gabe Mahomet, Amber Mendoza, Denise Montes, Mill Powar, Billy Robles, Sergio Rodriguez, Alex Rodriguiz, Tyler Roth, Ashley Ruff, Riley Ruppert, Angela Schwitters, Jon Simpson, Nicole Taylor, Jaidyn Umphrey, Ashley Woodard, Sadie Young, Rachelle Sonnier, Brandon Boykin, Grant Colby, Cindy Bowers, Stuart Cates, Haley Gibbs, Daniel Griffin, Danny Jarrett, Edward Kindrick, Taylor Leach, Hans Lund, J.J. Mariano,

Levi McDonald, Kelsey Miller, Scott Muenzenmay, Birianne Nelson, Crystal Priddy, Thomas Rauch, Zulemia Roman, Ashley Rutherford, Angie Simons, Jason Sterett, Lacey Stultz, Hannah Thomas, Caitlyn Triplett, Sean Troup, Brandon Warner, Sierra Warzer, Adrian Wyatt, Allyson Alexander, Marlene Bernal, Hunter Croneis Moreno, Claudia Garcia, T.J. Gutierrez, Austin Hensen, Troy Hiatt, Lea Hutchinson, Aksel Jimenez, Addiesha Knoblock, Chinette Lee, Samantha McPartland, Erica Medina, Kimberly Mejicanos, Jesus Montes, Jake Myers, Jose Navarro, Chance Nevarez, Sam Nichols, Carlee Payne, Jacie Shipp, Sierra Sobio, Bryce Yearman, Casey Reno, and C.J. Ellingwood.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Karyssa Hutchings.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Karra Ingle.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Dallas Hunt.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Anzalone, Sierra Blair, Adam Peterson, Patrick Daivson, Jessica Dodge, Danielle Good, Juan Jimenez-Soto, Stephanie Medina, Max Mueller, Hugo Ramirez, Carly Redmond, Hasum Rivera, Jaconn Rodriguez, Sierra Sheppard, Meghan Sparks, Todd Thomsen, Kandis Tuttle, Tami Redmond, Susan Good, Lisa Peterson, and Geri Moore.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Severt.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Blackham, Keirra Leshner, Austin Garcia, Joan Blosser, and Chloe Jordan.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 22, 2005, at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:09 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

**The
Journal of the
Assembly**

**OF THE
SEVENTY-THIRD SESSION**

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

2005



**BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE SIXTH DAY OF JUNE**

VOLUME 2

**THE SEVENTY-FIFTH DAY—
THE ONE HUNDRED AND NINTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
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THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 22, 2005

Assembly called to order at 10:55 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Giunchigliani, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, there have been quite a few religious events lately; Easter, Passover, weddings, funerals, and a new Pope. Today is Friday. Hallelujah! Father, help us to view all time as a gift from You to be used to Your glory and the good of our fellow man. Please bless these folks in their task. In the name of our Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 85, 397 and 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 31 and 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 452 and 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 28, 37, 47, 91, 135, 163, 191, 208, 225, 240, 295, 300, 332, 333, 335, 368, 396, 434, 444, 450, 458.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 22, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 114, 249, 274, 279, 299 and 411.

MARK STEVENS

Fiscal Analysis Division

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

Assembly in recess at 11:04 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 28.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 37.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 47.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 91.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 135.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 163.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 191.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 225.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 240.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 295.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 300.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 332.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 333.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 335.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 368.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 396.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 434.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 444.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 450.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 458.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 527.

Amend sec. 2, page 3, by deleting lines 20 and 21 and inserting: “be discharged ~~[by the making of payments in cash, or]~~ in part by making contributions to a third”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 523.

Amend section 1, page 2, by deleting lines 3 through 5 and inserting:

“1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:”

Amend section 1, page 2, line 6, after “number” by inserting “and type”.

Amend section 1, page 2, lines 8 and 9, by deleting: “facility during the most recent period of licensure,” and inserting “facility,”.

Amend section 1, page 2, by deleting lines 10 through 17 and inserting: “performed:

- (1) At a medical facility as that term is defined in NRS 449.0151; or
- (2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.”.

Amend section 1, page 2, line 18, by deleting “2.” and inserting “5.”.

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sections 5 and 6 as sections 3 and 4.

Amend sec. 5, page 5, by deleting lines 6 through 9 and inserting:

“1. The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:”.

Amend sec. 5, page 5, line 10, after “number” by inserting “and type”.

Amend sec. 5, page 5, lines 12 and 13, by deleting: “facility during the most recent period of licensure,” and inserting “facility,”.

Amend sec. 5, page 5, by deleting lines 14 through 21 and inserting: “performed:

(1) At a medical facility as that term is defined in NRS 449.0151; or

(2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.”.

Amend sec. 5, page 5, line 22, by deleting “2.” and inserting “5.”.

Amend sec. 6, page 6, line 10, by deleting “5” and inserting “3”.

Amend the bill as a whole by deleting sections 7 through 9.

Amend the title of the bill to read as follows:

“AN ACT relating to physicians; requiring a physician licensed to practice medicine or osteopathic medicine to report annually to the appropriate licensing board information concerning certain office-based surgery

performed by him; providing that the failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action; requiring the licensing boards of such physicians biennially to compile and report such information to the Governor and the Legislature; and providing other matters properly relating thereto.”.

Assemblywoman Gerhardt moved the adoption of the amendment.

Remarks by Assemblywoman Gerhardt.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 525.

Amend the bill as a whole by deleting sections 1 through 8 and renumbering sections 9 through 13 as sections 1 through 5.

Amend sec. 9, page 4, by deleting lines 14 through 21 and inserting: *“consumption in a county of, any:*

(a) Computer equipment;

(b) Article of clothing, the sales price of which does not exceed \$1,000; and

(c) School supplies,

sold from August 26, 2005, to August 28, 2005, inclusive.

2. For the purposes of this section:

(a) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(b) “Computer equipment” means:

(1) Computers.

(2) Computer software.

(3) Computer storage media, including, without limitation, diskettes and compact disks.

(4) Handheld electronic schedulers, except devices that are cellular phones.

(5) Personal digital assistants, except devices that are cellular phones.

(6) Computer printers.

(7) Printer supplies for computers, including, without limitation, printer paper and printer ink.

(c) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(d) “Clothing” means all human wearing apparel suitable for general use. The term:

(1) Includes, without limitation, household and shop aprons, athletic supporters, baby receiving blankets, bathing suits and caps, beach capes and

coats, belts and suspenders, boots, coats and jackets, costumes, diapers for children or adults, including disposable diapers, ear muffs, footlets, formal wear, garters and garter belts, girdles, gloves and mittens for general use, hats and caps, hosiery, insoles for shoes, lab coats, neckties, overshoes, pantyhose, rainwear, rubber pants, sandals, scarves, shoes and shoe laces, slippers, sneakers, socks and stockings, steel-toed shoes, underwear, athletic and non-athletic uniforms, and wedding apparel.

(2) Does not include:

- (I) Belt buckles sold separately;
- (II) Costume masks sold separately;
- (III) Patches and emblems sold separately;
- (IV) Sewing equipment and supplies, including, without limitation, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures and thimbles; and
- (V) Sewing materials that become part of clothing, including, without limitation, buttons, fabric, lace, thread, yarn and zippers.

(e) "School supplies" means the following items commonly used by a student in a course of study:

- (1) Binders.
- (2) Book bags.
- (3) Calculators.
- (4) Cellophane tape.
- (5) Blackboard chalk.
- (6) Compasses.
- (7) Composition books.
- (8) Crayons.
- (9) Erasers.
- (10) Folders, whether expandable, pocket, plastic or manila.
- (11) Glue, paste and paste sticks.
- (12) Highlighters.
- (13) Index cards.
- (14) Index card boxes.
- (15) Legal pads.
- (16) Lunch boxes.
- (17) Markers.
- (18) Notebooks.
- (19) Paper, whether loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board or construction paper.
- (20) Pencil boxes and other school supply boxes.
- (21) Pencil sharpeners.
- (22) Pencils.
- (23) Pens.
- (24) Protractors.
- (25) Rulers.

(26) *Scissors.*

(27) *Writing tablets.*”.

Amend sec. 12, page 4, line 40, by deleting “9” and inserting “1”.

Amend sec. 13, page 5, by deleting lines 1 through 4 and inserting:

“Sec. 5. This act becomes effective upon passage and approval and expires by limitation on August 31, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxes on retail sales; prescribing a sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prescribes sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies. (BDR 32-1201)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 410.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 2 through 6 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Homestead exemptions which are authorized by statute offer an important source of security to the residents of this State by protecting their ownership interests in property;

2. The current practice whereby many lenders require renunciation of a person’s declaration of homestead before allowing any financing that is secured by a home has caused many Nevadans to lose the protections to which they are rightfully entitled;

3. It is the intent of the Legislature to clarify the application of the homestead exemption so that a person is not required to provide such a renunciation or to refile a declaration of homestead to obtain financing; and

4. It is further the intent of the Legislature in so clarifying to ensure that the residents of this State retain the protections of the homestead exemption.”.

Amend section 1, page 1, line 16, by deleting “given;” and inserting: “given ~~to~~ , including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 31, 59, 85, 156, 201, 306, 331, 337, 353, 392, 397, 418, 452, 518, and 550 just reported out of committee, be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 208.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 208:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 221:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 240:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 473 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 411 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 65 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 546 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblywoman Koivisto moved that Assembly Joint Resolution No. 8 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 301 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 114 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 274 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 279 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 299 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 8.

Bill read third time.

The following amendment was proposed by Assemblywoman Koivisto:

Amendment No. 569.

Amend the resolution, page 2, by deleting lines 12 through 15 and inserting: "*of registered voters required to file the petition must be determined at the time the copy of the petition is filed with*".

Amend the resolution, page 2, line 16, by deleting "*subsection 1*" and inserting "*this Section.*".

Amend the resolution, page 3, by deleting lines 2 through 4 and inserting: "*number of registered voters required to file the petition must be*".

Amend the resolution, page 3, line 5, by deleting "*a*" and inserting "*the*".

Amend the resolution, page 3, line 6, by deleting: "*subsection 3 or 4.*" and inserting "*this Section.*".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 65.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 564.

Amend section 1, page 2, by deleting lines 11 through 13.

Amend section 1, page 2, line 14, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 2, line 16, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 19, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, pages 2 and 3, by deleting lines 21 through 28 on page 2 and lines 1 through 17 on page 3.

Amend section 1, page 3, line 18, by deleting "*4.*" and inserting "*3.*".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Hettrick, Conklin, and Buckley.

Roll call on Assembly Bill No. 393:

YEAS—33.

NAYS—Arberry, Atkinson, Buckley, Gerhardt, Koivisto, McCleary, Parks, Pierce—8.

EXCUSED—Giunchigliani.

Assembly Bill No. 393 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 444:

YEAS—40.

NAYS—Angle.

EXCUSED—Giunchigliani.

Assembly Bill No. 444 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 446 be taken
from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblymen Smith, Parks, and Hardy.

Roll call on Assembly Bill No. 483:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 483 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblymen Leslie and Carpenter.

Roll call on Assembly Bill No. 523:

YEAS—38.

NAYS—Angle, Goicoechea, Marvel—3.

EXCUSED—Giunchigliani.

Assembly Bill No. 523 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

The following amendment was proposed by Assemblymen Anderson and Buckley:

Amendment No. 603.

Amend section 1, page 2, by deleting lines 1 through 8 and inserting:

“2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “caused by the responsible parent; and providing other matters”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 528.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 602.

Amend section 1, page 2, line 10, after “*withholding*,” by inserting “*or*”.

Amend section 1, page 2, by deleting lines 11 through 14.

Amend section 1, page 2, by deleting “*(j)*” and inserting “*(i)*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 44 and 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bill No. 314; Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 426 and 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that Assembly Bills Nos. 44, 231, 271, 277, 314, 319, 340, 376, 464, 495, 554; Assembly Joint Resolution No. 5, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 306.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

“(a) *The records contain the name, address, telephone number or other identifying information of a natural person; and*

(b) The natural person whose name, address, telephone number or other identifying information is contained in”.

Amend section 1, page 2, by deleting lines 21 through 24 and inserting:

“2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation; or

(c) A request by a reporter or editorial employee for the disclosure of such records, if:

(1) The reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station; and

(2) The records will be used for a journalistic purpose.”.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “the local governmental entity; requiring the disclosure of such information for certain purposes; and providing other matters”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblymen Kirkpatrick, Anderson, and Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 508.

Amend section 1, page 2, line 3, by deleting ““Hospital-acquired” and inserting ““Facility-acquired”.

Amend sec. 3, page 2, line 22, by deleting “hospital-acquired” and inserting “facility-acquired”.

Amend the title of the bill, second line, by deleting “hospital-acquired” and inserting “facility-acquired”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 384.

Amend section 1, page 2, by deleting line 26 and inserting:

“(e) Is eligible for a millennium scholarship on or after June 1, 2008, submits a statement on or before June 1 of the year in which he will enroll in an eligible institution, which documents that he has”.

Amend section 1, page 2, by deleting line 30 and inserting: “in this State during the 4 years before he first becomes eligible for the”.

Amend section 1, page 2, line 44, by deleting “1.” and inserting: “1 and a process of appeal for students who are unable to complete the community service.”.

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 180.

Amend section 1, page 2, by deleting lines 23 and 24 and inserting: “additional insured in an insurance policy held by the design professional ~~and~~, if the policy allows such an addition.”.

Amend section 1, pages 2 and 3, by deleting lines 32 through 35 on page 2 and lines 1 through 4 on page 3, and inserting:

“5. ~~May~~ Except as otherwise provided in this subsection, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys’ fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. *If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney’s fees to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional. As used in this subsection, “agents” means those persons who are directly involved in and acting on behalf of the public body in furtherance of the contract or the public work to which the contract pertains.*”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 222.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent, safe and affordable housing for persons of low or moderate income and the counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition; ~~and~~

4. It is in the public interest to encourage the preservation and maintenance of housing in this State for persons of low or moderate income, in order to improve their living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State ~~[-]; and~~

5. *The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:*

(a) Develop affordable housing; and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 2. NRS 279A.030 is hereby amended to read as follows:

279A.030 1. The governing body of a county or city may adopt an ordinance establishing a program for the rehabilitation of residential neighborhoods in that county or city.

2. The ordinance must contain provisions:

(a) Establishing an agency, or designating an existing agency, of the county or city to administer the program.

(b) Creating a revolving fund for loans for the rehabilitation of residential property and designating the amount of the original allocation of money by the governing body for the fund.

(c) Providing the criteria and procedures for allocating additional money to the fund.

(d) Providing the maximum amount of a loan from the fund and the period and rate of interest of each loan.

(e) Setting forth the criteria for determining the eligibility of an applicant for a loan and of property for rehabilitation.

(f) Setting forth that, with respect to a residential property rehabilitated pursuant to this chapter, the monthly mortgage payment or monthly rent, as applicable, must not, during the term of any loan made pursuant to this

chapter, exceed 30 percent of the gross monthly income of the household occupying the residential property.

(g) Establishing such other requirements for participation in the program as the governing body considers necessary.”.

Amend section 1, page 2, by deleting lines 9 through 12 and inserting:

“(2) Is a member of a household having a gross income of less than 80 percent of the median gross income for households of the same size ~~[within]~~ residing in the same ~~[geographic area or rent]~~ county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households ~~[.]~~”.

Amend section 1, page 2, by deleting line 28 and inserting:

“501(c)(3) or 501(c)(4);”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 9 through 12 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent, safe and affordable housing for persons of low or moderate income and the counties and cities of this State have an obligation to provide such persons with an opportunity to obtain residential property; ~~[and]~~

4. It is in the public interest to encourage the preservation and maintenance of housing in this State for persons of low or moderate income, in order to improve their living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State ~~[.]~~; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing; and

(b) Rehabilitate abandoned residential properties.”.

Amend sec. 6, page 4, by deleting lines 24 through 27 and inserting:

“(2) Is a member of a household having a gross income of less than 80 percent of the median gross income for households of the same size ~~[within]~~ residing in the same ~~[geographic area;~~

~~(c) Intent]~~ county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;”.

Amend sec. 6, page 4, by deleting line 42 and inserting: “501(c)(3) or 501(c)(4);”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 251.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the feasibility of consolidating local governmental entities and services within urbanized areas of a county.

2. In conducting the study, the subcommittee shall:

(a) Determine the appropriate procedures for the consolidation of the local governmental entities and the governmental structure of the consolidated entity;

(b) Examine and evaluate the financial impacts related to consolidation, including, without limitation, the applicable tax rates and revenue and bonded indebtedness;

(c) Analyze the types of services to be provided by the consolidated entity; and

(d) Consider any other matter that the subcommittee determines is relevant to the study.

3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The tremendous growth experienced in the urban areas of Nevada has created contiguously populated areas with no clear local governmental boundaries; and

WHEREAS, The duplication of services provided by multiple local governments has created inefficiencies and redundancy in urban areas; and

WHEREAS, Residents of large urban areas experience excessive bureaucracy caused by the overlapping and confusing jurisdictional boundaries of local governmental entities; and

WHEREAS, Residents of large urban areas also experience different property tax rates within different jurisdictions; and

WHEREAS, It is economically efficient to consolidate the multiple local governmental entities within urbanized areas of a county and the services that those local governmental entities provide; now, therefore”.

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; directing the Legislative Commission to conduct an interim study of the feasibility of consolidating certain local governmental entities and services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study of feasibility of consolidating certain local governmental entities and services. (BDR S-892)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Assemblywoman McClain moved that upon return from the printer Assembly Bill No. 306 be rereferred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 546 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 449.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the water resources in this State.

2. The study must include, without limitation:

(a) An evaluation of the feasibility and desirability of quantifying, using existing information, the groundwater resources in this State;

(b) A review of statewide water usage and the efficiency of water usage, including, without limitation:

- (1) Per capita water consumption;
- (2) Water usage by economic sector; and
- (3) Potential methods of increasing the efficiency of water usage; and

(c) A study of the effectiveness of existing systems for administering, controlling, allocating, distributing and protecting the water resources in this State.

3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate appointed to the subcommittee and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; directing the Legislative Commission to conduct an interim study concerning the water resources in this State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study concerning water resources in State. (BDR S-490)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Assemblywoman Pierce moved that upon return from the printer Assembly Bill No. 331 be rereferred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 511.

Amend section 1, page 2, line 3, by deleting ““Agency” and inserting:

“1. “Agency”.

Amend section 1, page 2, line 4, by deleting “person” and inserting: “person, other than a natural person,”.

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: “elderly persons or persons with mental or physical disabilities to assist those persons with activities of daily living,”.

Amend section 1, page 2, by deleting lines 21 through 25 and inserting:

“2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees; or

(b) A microboard, as defined by regulations adopted by the Board.”.

Amend the bill as a whole by deleting sec. 3 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes ~~the~~ :

1. A facility for the treatment of abuse of alcohol or drugs ~~the~~ ;
2. A halfway house for recovering alcohol and drug abusers ~~the~~ ;
3. A facility for the care of adults during the day ~~the~~ ;
4. A residential facility for groups ~~the~~ ; and
5. *An agency to provide personal care services in the home.”.*

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 512.

Amend section 1, pages 1 and 2, by deleting lines 3 through 5 on page 1 and lines 1 and 2 on page 2, and inserting:

“1. Each major hospital in this State shall, on or before January 1 of each year, submit to the Department in the manner and form prescribed by the Director a complete charge master for the hospital that will be effective on January 1 of that year.

2. Each major hospital in this State shall, on or before July 1 of each year, submit to the Department in the manner and form prescribed by the Director:”.

Amend section 1, page 2, line 3, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 2, line 8, by deleting “(c)” and inserting “(b)”.

Amend section 1, page 2, by deleting lines 12 through 29 and inserting:

“3. Each time a major hospital in this State revises any of its policies and procedures described in subsection 2, the major hospital shall submit to the Department in the manner and form prescribed by the Director a statement of its revised policies and procedures.

4. On or before October 1 of each year, the Director shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Committee on Health Care and to either the Legislature, or to the Legislative Commission and the Interim Finance Committee when the Legislature is not in regular session, a report concerning the information the

Department receives pursuant to this section. The report may be included in the report the Director prepares pursuant to NRS 449.520 if the Director transmits that report to the Director of the Legislative Counsel Bureau for submission to the entities that must receive the report pursuant to this subsection. The report must include, without limitation:

(a) A review and comparison of the policies and procedures used by major hospitals in this State to provide discounted services to,”.

Amend section 1, page 2, line 32, by deleting “(d)” and inserting “(b)”.

Amend section 1, page 2, line 33, after “by” by inserting “major”.

Amend section 1, page 2, line 35, by deleting “4.” and inserting:

“5. The Director shall:

(a) Provide the public with access to the information the Department receives pursuant to this section in a form prescribed by the Director;

(b) To the extent reasonably possible, post the information the Department receives pursuant to this section on a website or other Internet site that is operated or administered by or on behalf of the Department; and

(c) Provide a copy of the information the Department receives pursuant to this section to the Director of the Office for Consumer Health Assistance.

6.”.

Amend sec. 2, page 2, line 42, by deleting “or outpatient”.

Amend sec. 2, page 3, by deleting lines 10 through 13 and inserting:

“3. ~~[A] Each major hospital shall [reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.] :~~”.

Amend sec. 2, page 3, line 21, by deleting “5” and inserting “4”.

Amend sec. 2, page 3, line 25, by deleting “5.” and inserting “4.”.

Amend sec. 2, page 3, line 28, by deleting “4.” and inserting “3.”.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring major hospitals to submit to the Director of the Department of Human Resources certain information concerning their charges, their provision of discounted services to or reduction of charges for persons without health insurance and their collection of unpaid charges; increasing the amount by which certain hospitals are required to reduce or discount the total billed charges for hospital services provided to certain uninsured patients; removing the requirement that certain hospitals reduce or discount the total billed charges of their outpatient pharmacies to patients who are eligible for Medicare; requiring certain hospitals to provide to persons receiving services certain information concerning the duty of those hospitals to reduce billed charges for certain patients; and providing other matters properly relating thereto.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 380.

Amend section 1, pages 2 and 3, by deleting lines 41 through 44 on page 2 and lines 1 and 2 on page 3.

Amend the bill as a whole by deleting sections 6 and 7.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; requiring the Nevada Tax Commission to adopt regulations governing the assessment of property for the purposes of taxation; requiring county boards of equalization and the State Board of Equalization to comply with such regulations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires adoption of and compliance with uniform regulations governing assessment of property for purposes of taxation. (BDR 32-275)”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 335.

Amend section 1, page 5, by deleting line 14 and inserting:

“~~[(3)]~~ (4) A certificate of ~~[attendance.]~~ credit completion.”.

Amend sec. 2, page 11, by deleting line 4 and inserting:

“~~[(3)]~~ (4) A certificate of ~~[attendance.]~~ credit completion.”.

Amend sec. 4, pages 13 and 14, by deleting line 45 on page 13 and lines 1 through 4 on page 14, and inserting:

“for graduation from high school and passes the high school proficiency examination administered pursuant to NRS 389.015.”.

Amend sec. 4, page 14, line 8, by deleting “school.” and inserting: “school and he:

(a) *Receives the minimum composite score established by the State Board; and*

(b) *Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 5.”.*

Amend sec. 4, page 14, line 17, by deleting “attendance” and inserting “credit completion”.

Amend sec. 4, page 14, by deleting lines 21 through 37 and inserting: “credit completion.

5. *The State Board shall adopt regulations that prescribe:*

- (a) *The alternative criteria for receipt of a standard diploma;*
- (b) *The composite score that a pupil must receive on the high school proficiency examination for receipt of a standard diploma; and*
- (c) *The endorsements that may be added to a diploma. A pupil must be allowed to receive more than one endorsement to his diploma if he satisfies the requirements for each endorsement.*

6. *A homeschooled child who desires to obtain a diploma designated as a Nevada homeschool diploma may take the high school proficiency examination. If a homeschooled child:*

- (a) *Passes all portions of the high school proficiency examination, he must be awarded an advanced Nevada homeschool diploma; or*
- (b) *Receives the composite score prescribed by the State Board, he must be awarded a standard Nevada homeschool diploma.”.*

Amend sec. 8, page 20, by deleting lines 13 through 15 and inserting: “limitation, an explanation that if the pupil fails the examination or does not receive the composite score prescribed by the State Board, he is not eligible to receive a [standard] high school diploma;”.

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 and 12 as sections 9 and 10.

Amend sec. 11, page 24, by deleting lines 22 and 23 and inserting: “who must pass the examination or receive the composite score established by the State Board of Education before the completion of grade 12 to graduate with a [standard] high”.

Amend sec. 12, page 24, line 25, by deleting “February” and inserting “January”.

Amend sec. 12, page 24, by deleting lines 27 and 28 and inserting: “the alternative criteria for receipt of a standard high school diploma, the composite score required for receipt of a standard high school diploma and the endorsements that may be added to a high school diploma. The regulations must be effective on January 1, 2006, for application to the pupils who graduate in 2006 and”.

Amend the bill as a whole by deleting sec. 13, renumbering sec. 14 as sec. 12 and adding a new section designated sec. 11, following sec. 12, to read as follows:

“Sec. 11. On or before the commencement of the 2006-2007 school year, the State Board of Education shall enter into an agreement or agreements necessary to allow a pupil to retake a portion or portions of the high school proficiency examination in lieu of retaking the entire examination.”.

Amend sec. 14, pages 24 and 25, by deleting lines 44 and 45 on page 24 and lines 1 through 7 on page 25, and inserting:

“Sec. 12. 1. This section and sections 10 and 11 of this act become effective on July 1, 2005.

2. Section 4 of this act becomes effective on July 1, 2005, for the purpose of adopting regulations and on January 1, 2006, for all other purposes.

3. Sections 1, 2, 3, 8 and 9 of this act become effective on January 1, 2006.

4. Sections 5 and 6 of this act become effective on July 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; designating the types of diplomas that may be issued to pupils; requiring the State Board of Education to establish alternative criteria and a composite score on the high school proficiency examination for the receipt of a standard diploma; authorizing homeschooled children to take the high school proficiency examination to receive a diploma; revising various other provisions governing the high school proficiency examination; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 381.

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

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

Amend sec. 2, page 2, line 13, after “5.” by inserting: “It is intended that 80 percent of any additional police officers employed and equipped pursuant to this act be assigned to uniform operations for marked patrol units in the community and for the control of traffic;

6. It is further intended that each police department that receives proceeds from any sales and use tax imposed pursuant to this act establish a

program that promotes community participation in protecting the residents of the community that includes, without limitation:

(a) A written policy of the department that sets forth its position on providing law enforcement services oriented toward the involvement of residents of the community;

(b) The provision of training for all police officers employed by the department that includes, without limitation, training related to:

(1) Methods that may be used to analyze, respond to and solve problems commonly confronted by police officers in the community;

(2) The cultural and racial diversity of the residents of the community;

(3) The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing law enforcement services; and

(4) Issues concerning not only the prevention of crime, but also concerning improving the quality of life for the residents of the community; and

(c) The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns related to the provision of law enforcement services;

7.”.

Amend sec. 2, page 2, line 20, by deleting “6.” and inserting “8.”.

Amend sec. 9, page 3, line 6, after “County.” by inserting: “As used in this paragraph, “population” means the estimated annual population determined pursuant to NRS 360.283.”.

Amend sec. 10, page 3, line 22, by deleting “or after”.

Amend sec. 10, page 3, by deleting line 24 and inserting: “which the increased rate must first be imposed is on or after July 1, 2009, and if the Legislature first approves the increased rate,”.

Amend the bill as a whole by deleting sec. 11 and inserting:

“Sec. 11. (Deleted by amendment).”.

Amend the bill as a whole by deleting sec. 13 and inserting:

“Sec. 13. (Deleted by amendment).”.

Amend sec. 17, page 6, by deleting lines 10 through 30 and inserting:

“Sec. 17. 1. The City Treasurers of Boulder City, Henderson, Mesquite and North Las Vegas and the Las Vegas Metropolitan Police Department shall deposit the money received from the County Treasurer pursuant to subsection 3 of section 16 of this act into a special revenue fund created for the use of the proceeds from the tax authorized by this act.

2. Each special revenue fund created for the use of the proceeds from the tax authorized by this act pursuant to subsection 1 must be accounted for as a separate fund and not as a part of any other fund.

3. Interest earned on a special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.”.

Amend the bill as a whole by deleting sections 18 and 19 and inserting:
 “Secs. 18 and 19. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 22 and inserting:
 “Sec. 22. (Deleted by amendment.)”.

Amend sec. 23, pages 7 and 8, by deleting lines 41 through 45 on page 7 and lines 1 through 5 on page 8, and inserting:

“Sec. 23. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2005, for all other purposes.

2. This act expires by limitation on July 1, 2025.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 12:58 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 411.

Amend section 1, page 2, line 26, by deleting “, *except for the civil right to vote*,”.

Amend section 1, page 2, by deleting lines 34 through 38 and inserting:

“(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which”.

Amend sec. 2, page 4, by deleting lines 2 through 34 and inserting:
 “dishonorable discharge.

2. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution . ~~[, but does not entitle the probationer to any privilege conferred by NRS 176A.850.]~~

3. *A person who has been dishonorably discharged from probation may petition a court of competent jurisdiction for an order granting the*

restoration of his civil rights. Except as otherwise provided in subsection 5, the court shall restore the civil rights of the person in the manner set forth in subsection 4 if the court finds that the person:

- (a) Has completed payment of any unpaid restitution; and
- (b) Has removed or satisfied any other condition which caused the dishonorable discharge.

4. If a court issues an order restoring the civil rights of a person pursuant to subsection 3, the person:

- (a) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (b) Four years after the date on which the order restoring his civil rights is issued, is restored to the right to hold office.
- (c) Six years after the date on which the order restoring his civil rights is issued, is restored to the right to serve as a juror in a criminal action.

5. A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably discharged from probation if the person has previously been convicted in this State:

- (a) Of a category A felony.
- (b) Of an offense that would constitute a category A felony if committed as of the date of his dishonorable discharge from probation.
- (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
- (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his dishonorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

6. An order issued by a court pursuant to this section restoring the civil rights of a person must include:

- (a) A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date on which the order restoring his civil rights is issued;
- (b) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 4; and
- (c) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 4.

7. Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from probation in this State or elsewhere and whose official documentation of his dishonorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section.

Upon verification that the person has been dishonorably discharged from probation and is eligible to be restored to his civil rights pursuant to subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

8. The Board may adopt regulations necessary or convenient for the purposes of this section.”.

Amend sec. 4, page 5, line 28, by deleting “, except for the civil right to vote,”.

Amend sec. 4, page 5, by deleting lines 36 through 40 and inserting:

“(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date that his pardon is granted.

(e) Two or more times of a felony, unless a felony for which”.

Amend sec. 5, page 7, by deleting lines 7 through 36 and inserting:

“3. A person who has been dishonorably discharged from parole and who has met any other conditions imposed by the court, may petition a court of competent jurisdiction for an order granting the restoration of his civil rights. Except as otherwise provided in subsection 5, the court shall restore the civil rights of a person in the manner set forth in subsection 4 if the court finds that the person has:

(a) Completed payment of any unpaid restitution; and

(b) Removed or satisfied any other condition which caused the dishonorable discharge.

4. If a court issues an order restoring the civil rights of a person pursuant to subsection 3, the person:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date on which the order restoring his civil rights is issued, is restored to the right to hold office.

(c) Six years after the date on which the order restoring his civil rights is issued, is restored to the right to serve as a juror in a criminal action.

5. A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably discharged from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his dishonorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his dishonorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

6. An order issued by a court pursuant to this section restoring the civil rights of a person must include:

(a) A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date on which the order restoring his civil rights is issued;

(b) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 3; and

(c) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 3.

7. Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from parole in this State or elsewhere and whose official documentation of his dishonorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been dishonorably discharged from parole and is eligible to be restored to his civil rights pursuant to subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

8. The Board may adopt regulations necessary or convenient for the purposes of this section.”.

Amend sec. 6, page 8, lines 15 and 16, by deleting: “3, except for the civil right to vote” and inserting “3”.

Amend sec. 6, page 8, lines 24 through 28, by deleting the brackets and strike-through.

Amend sec. 7, page 9, line 38, by deleting: “, except for the civil right to vote,”.

Amend sec. 7, page 10, lines 1 through 5, by deleting the brackets and strike-through.

Amend the bill as a whole by deleting sections 8 through 10 and renumbering sec. 11 as sec. 8.

Amend the title of the bill to read as follows:

“AN ACT relating to convicted persons; providing that certain ex-felons who have been dishonorably discharged from probation or parole may petition for the restoration of certain civil rights; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 518.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 336.

Amend sec. 2, page 3, line 39, by deleting “*prescribe*” and inserting:
“*adopt a policy prescribing*”.

Amend sec. 2, page 4, line 2, after “*grade.*” by inserting: “*If a board of trustees adopts such a policy for pupils enrolled in programs of remedial education, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in a program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil’s progress throughout the school year and a process for appealing a determination regarding a pupil’s need for remedial education.*”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 588.

Amend sec. 2, page 4, by deleting line 42 and inserting:

“(a) The blood tested was withdrawn by a *person, other than an arresting officer, who:*”.

Amend sec. 2, page 5, line 6, by deleting “*jurisdiction,*” and inserting:
“*jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;*”.

Amend sec. 3, pages 5 and 6, by deleting lines 20 through 44 on page 5 and lines 1 through 4 on page 6, and inserting:

“484.3943 1. Except as otherwise provided in ~~§~~ *subsections 2 and 5*, a court:

(a) May order a person convicted of a first or second violation of NRS 484.379 ~~if~~ *if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath*, for a period of not less than 3 months nor more than 6 months ~~;~~ *and*, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

(b) Shall order a person convicted of ~~§~~ :

(1) A first or second violation of NRS 484.379 *if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath;*

(2) A third or subsequent violation of NRS 484.379 ~~for a~~ ; or

(3) A violation of NRS 484.3795,

for a period of not less than 12 months nor more than 36 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to ~~[subsection 3 of]~~ NRS 483.490 ~~[-]~~ or as a condition of reinstatement of his driving privilege.

2. A court may ~~[order a person convicted of a violation of NRS 484.379 or 484.3795, for a period determined by the court, to install at his own expense a device in any motor vehicle which he owns or operates as a condition of reinstatement of his driving privilege.]~~ provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a first violation of NRS 484.379 to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) Transport himself or another member of his immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1 ~~[or 2:]~~ .”.

Amend sec. 3, page 6, by deleting lines 19 through 28 and inserting: “this section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which he is required to use the device; or

(b) If he was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days, to determine whether the device is operating properly. An”.

Amend sec. 3, page 7, line 9, by deleting “484.3745,” and inserting “484.3795,”.

Amend sec. 3, page 7, line 15, after “(b)” by inserting: ““Concentration of alcohol of less than 0.18 in his blood or breath” means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c)”.

Amend sec. 4, page 7, by deleting line 25 and inserting:

“(a) The blood tested was withdrawn by a person, other than an arresting officer, who:”.

Amend sec. 4, page 7, line 33, by deleting “jurisdiction;” and inserting: “jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;”.

Amend the title of the bill, ninth line, by deleting: “for certain periods of time”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 579.

Amend section 1, page 1, by deleting line 2 and inserting:

“608.018 1. ~~[Except as otherwise provided in this section, an]~~ An”.

Amend section 1, page 1, line 4, after “employee” by inserting: “who receives compensation for employment at a rate less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250”.

Amend section 1, page 1, by deleting line 9 and inserting:

“2. An employer shall pay one and one-half times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate not less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of ~~[subsection]~~ subsections 1 and 2 do not apply to:”.

Amend section 1, page 2, by deleting line 28 and inserting:

“~~[3. The provisions of this section do not apply to a]~~

(n) A mechanic or”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; making employees who earn one and one-half times minimum wage or more per hour subject to the jurisdiction of the Labor Commissioner for disputes regarding overtime; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 231.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 250.

Amend the bill as a whole by deleting sections 1 through 3, renumbering sec. 4 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. In a county whose population is 100,000 or more, the regional planning coalition created pursuant to NRS 278.02514 and the regional planning commission created pursuant to NRS 278.0262 shall each, in conjunction with the county school district and other local governments in the county, conduct a study of safe walking routes for pupils to public schools in the county.

2. The study must include, without limitation:

(a) A review and evaluation of the existing walking paths and sidewalks within a 1-mile radius of each public school located in the county;

(b) Recommendations for improvements to the conditions of those walking paths and sidewalks; and

(c) A review and evaluation of the programs currently implemented in the county to ensure safe walking routes for pupils to schools.

3. The regional planning coalition and regional planning commission shall each submit a report of the results of its study to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, There are over 385,000 pupils in the public school system in the State of Nevada; and

WHEREAS, Pupils who live within 2 miles of the school that they attend are not eligible for transportation by bus to and from school, and therefore many of those pupils must walk both ways; and

WHEREAS, The safety of pupils walking between their homes and their schools is of critical importance to the community; and

WHEREAS, The existence of paved walking paths and well-maintained sidewalks increases the safety of those pupils; and

WHEREAS, Safe walking paths and sidewalks may also encourage more pupils to walk to and from school, thus promoting their overall health; and

WHEREAS, Both school districts and local governments play an integral role in ensuring the safety of pupils as they travel to and from school; and

WHEREAS, An effective way of ensuring the safety of pupils is to encourage school districts and local governments to cooperate in developing safe walking routes and improving the conditions of walking paths and sidewalks for pupils; now, therefore,”.

Amend the title of the bill to read as follows:

“AN ACT relating to public schools; requiring local and regional governmental entities to conduct a study of safe walking routes for pupils in a certain area near schools; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires local and regional governmental entities to conduct study of safe walking routes in certain area near schools. (BDR S-262)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 509.

Amend section 1, pages 1 and 2, by deleting lines 4 and 5 on page 1 and lines 1 through 3 on page 2, and inserting:

“directed toward the control of pain and symptoms which provide the greatest degree of relief for the longest period while minimizing any adverse effects of the services and treatments, including, without limitation, any side effects of any medications given or administered.”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 422.304 is hereby amended to read as follows:

422.304 1. ~~{The}~~ *Except as otherwise provided in subsection 2, the Department, through the Division of Health Care Financing and Policy, shall pay, under the State Plan for Medicaid:*

(a) A facility for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care, including room and board, provided by that facility to a person who is eligible to receive Medicaid.

(b) A program for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care provided by that program to a person who is eligible to receive Medicaid.

2. *The Department, through the Division of Health Care Financing and Policy, is required to pay, under the State Plan for Medicaid, for the services for hospice care provided by a facility or program described in subsection 1 only to the extent that the Federal Government provides matching federal money under Medicaid for the services for hospice care.*

3. As used in this section:

(a) “Facility for hospice care” has the meaning ascribed to it in NRS 449.0033.

(b) “Hospice care” has the meaning ascribed to it in NRS 449.0115.”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 277.

Bill read second time and ordered to third reading.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 472.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, page 3, line 4, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 3, pages 3 and 4, by deleting line 44 on page 3 and line 1 on page 4, and inserting: “to which the office pertains began on a date at least [~~30~~] 90 days immediately preceding the date of the close of filing of”.

Amend sec. 3, page 4, by deleting lines 6 through 8 and inserting: “of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I”.

Amend sec. 3, page 5, line 18, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 3, page 5, by deleting lines 23 through 25 and inserting: “Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a”.

Amend sec. 3, page 6, lines 39 and 40, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction,”.

Amend sec. 3, page 6, lines 43 through 45, by deleting: “; [~~and, if so, whether he has had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and, if so, whether he has had his civil rights restored by a court of competent jurisdiction,”.

Amend sec. 3, page 7, lines 10 and 11, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction,”.

Amend sec. 4, page 7, line 41, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 4, page 8, by deleting lines 1 through 3 and inserting: “State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the”.

Amend sec. 4, page 9, lines 12 and 13, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting:

“and has not had his civil rights restored by a court of competent jurisdiction.”.

Amend sec. 4, page 9, lines 15 through 17, by deleting: “; ~~and, if so, whether he has had his civil rights restored by a court of competent jurisdiction;~~” and inserting: “and, if so, whether he has had his civil rights restored by a court of competent jurisdiction.”.

Amend sec. 4, page 9, lines 24 and 25, by deleting: “, ~~and has not had his civil rights restored by a court of competent jurisdiction;~~” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction.”.

Amend sec. 5, page 9, line 34, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend the bill as a whole by deleting sections 6 through 10 and renumbering sections 11 through 15 as sections 5 through 9.

Amend sec. 11, page 17, line 9, by deleting “6 months” and inserting “90 days”.

Amend sec. 12, page 17, line 33, by deleting “6 months” and inserting “90 days”.

Amend sec. 13, page 18, line 10, by deleting “6 months” and inserting “90 days”.

Amend sec. 14, page 19, by deleting lines 7 and 8 and inserting: “(d) Possesses his civil rights.”.

Amend sec. 15, page 19, line 33, by deleting “~~{1. — No}~~” and inserting “1. ~~{No}~~”.

Amend sec. 15, page 19, line 36, by deleting “~~{(a)} 1.~~” and inserting “(a)”.

Amend sec. 15, page 19, line 38, by deleting “~~{(b)} 2.~~” and inserting “(b)”.

Amend sec. 15, page 19, by deleting lines 39 through 42 and inserting:

“2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.”.

Amend the bill as a whole by deleting sec. 16 and renumbering sec. 17 as sec. 10.

Amend sec. 17, page 20, line 23, by deleting “~~{1. — No}~~” and inserting “1. ~~{No}~~”.

Amend sec. 17, page 20, line 26, by deleting “~~{(a)} 1.~~” and inserting “(a)”.

Amend sec. 17, page 20, line 28, by deleting “~~{(b)} 2.~~” and inserting “(b)”.

Amend sec. 17, page 20, by deleting lines 29 through 32 and inserting:

“2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.”.

Amend the bill as a whole by deleting sec. 18 and renumbering sections 19 through 34 as sections 11 through 26.

Amend sec. 21, page 23, line 4, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 22, page 23, lines 25 and 26, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 22, page 23, line 31, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 23, page 24, line 17, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 24, page 25, line 19, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 26, page 26, lines 22 and 28, by deleting "6 months" and inserting "90 days".

Amend sec. 27, page 27, line 1, by deleting "6 months" and inserting "90 days".

Amend sec. 28, page 27, line 34, by deleting "6 months" and inserting "90 days".

Amend sec. 29, page 28, lines 13 and 14, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 29, page 28, lines 22 and 23, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 32, page 30, lines 8 and 9, by deleting: "~~{30 days}~~ 6 months" and inserting: "~~{30}~~ 90 days".

Amend sec. 34, page 32, line 11, by deleting "1."

Amend sec. 34, page 32, by deleting lines 15 through 20.

Amend the title of the bill to read as follows:

"AN ACT relating to public officers; requiring elected public officers and members of public boards who are appointed by the Governor, the Legislature or members of the Legislature to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 90 days immediately preceding the date of the close of filing of declarations of candidacy or preceding the appointment; and providing other matters properly relating thereto."

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 576.

Amend the bill as a whole by deleting sections 1 through 45, renumbering sec. 46 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each employer shall post in a conspicuous location within the place of employment a notice informing employees of the rights and benefits available to persons who perform service in the uniformed services, including, without limitation, the rights and benefits available to such persons pursuant to:*

(a) *The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301 et seq.; and*

(b) *The Servicemembers Civil Relief Act, 50 App. U.S.C. §§ 501 et seq.*

2. *The Labor Commissioner shall, by regulation, prescribe the form and content of the notice required by subsection 1.*

3. *As used in this section:*

(a) *“Service in the uniformed services” means:*

(1) *The performance of duty on a voluntary or involuntary basis in uniformed service under competent authority, including active duty, active duty for training, initial active duty for training, inactive duty training and full-time National Guard duty, and includes any periods for which a person is absent from a position of employment for the purpose of an examination to determine his fitness to perform such a duty;*

(2) *Service in the Armed Forces of the United States pursuant to a declaration of war, authorization by the United States Congress or Presidential proclamation pursuant to the War Powers Resolution, 50 U.S.C. §§ 1541 et seq., or national emergency; and*

(3) *Active duty in the Nevada National Guard and, when called into active service by the Governor, the Nevada National Guard Reserve.*

(b) *“Uniformed services” means the Armed Forces of the United States, as defined in 10 U.S.C. § 101(a)(4), including, without limitation, reserve components of the Armed Forces, the Army National Guard and the Air National Guard, the Commissioned Corps of the United States Public Health Service and any other category of persons designated by the President of the United States in time of war or emergency.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; requiring an employer to post within the place of employment a notice informing employees of the rights and benefits available to persons who perform service in the uniformed services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires employer to post notice of rights and benefits available to persons who perform service in uniformed services. (BDR 53-352)”.

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblywoman Weber.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 340.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 528.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "thereto a new section to read as follows:

A registrant shall prominently display in each location at which the registrant does business a notice in such form and size as is prescribed by the Commissioner which provides a toll-free number to the Office of the Commissioner to handle concerns or complaints of borrowers."

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sec. 6 as sec. 2.

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sections 9 through 11 as sections 3 through 5.

Amend sec. 9, page 5, by deleting line 33 and inserting:

"(b) Payday loans, as that term is defined pursuant to section 6 of this act."

Amend sec. 10, page 5, lines 39 and 42, by deleting "9" and inserting "3".

Amend sec. 11, page 7, by deleting lines 9 and 10 and inserting: "thereto the provisions set forth as sections 6 and 7 of this act."

Amend the bill as a whole by deleting sections 12 through 17 and adding a new section designated sec. 6, following sec. 11, to read as follows:

"Sec. 6. 1. A licensee who makes payday loans shall prominently display in each location at which the licensee does business a notice in such form and size as is prescribed by the Commissioner which provides a toll-free number to the Office of the Commissioner to handle concerns or complaints of borrowers.

2. The Commissioner shall by regulation define the term "payday loans" for the purposes of this section."

Amend the bill as a whole by renumbering sec. 18 as sec. 7.

Amend the title of the bill by deleting the first through tenth lines and inserting:

"AN ACT relating to financial institutions; requiring businesses which offer certain services to post a notice including a toll-free number for concerns or complaints of borrowers; requiring local governing bodies".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 310.

Amend section 1, pages 2 and 3, by deleting lines 3 through 8 on page 2 and lines 1 through 12 on page 3, and inserting:

“1. There is hereby created in the State Treasury the Patriot Relief Fund to be administered by the Office.

2. The Patriot Relief Fund is a continuing fund without reversion. The money in the Patriot Relief Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Patriot Relief Fund, after deducting any applicable charges, must be credited to the Patriot Relief Fund. All claims against the Patriot Relief Fund must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Fund.

4. The money in the Patriot Relief Fund may only be used to provide:

(a) Reimbursement to members of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; and

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the University and Community College System of Nevada; and

(b) Monetary relief from economic hardships experienced by members of the Nevada National Guard who have been called into active service.

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Fund and to carry out a program to provide such reimbursement and monetary relief.”.

Amend the bill as a whole by deleting sections 2 through 10, renumbering sections 11 through 14 as sections 4 through 7 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 281.145 is hereby amended to read as follows:

281.145 Any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a period of not more than ~~{15}~~ 39 working days in any 1 calendar year. No such absence may be a part of the employee’s annual vacation provided for by law.

Sec. 3. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer or employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the

Governor of this State, including, without limitation, the Commissioned Corps of the United States Public Health Service, in time of war or emergency is entitled to civil leave with reduced pay for the period of such service.

2. The pay that an officer or employee is entitled to receive pursuant to this section is the difference between the pay that he would have otherwise received as an officer or employee and his pay for active military service. If his pay for active military service is greater than the pay that he would have otherwise received as an officer or employee, the officer or employee is not entitled to receive any additional pay pursuant to this section while he performs active military service.

3. As used in this section, "pay for active military service" means the base pay that a person receives for active military service as determined by the rank or grade of the person. The term does not include any other type of pay that a person may be entitled to receive for active military service, including, without limitation, imminent danger pay or family separation allowance."

Amend sec. 11, page 7, line 24, by deleting: "12 and 13" and inserting: "5 and 6".

Amend sec. 12, page 7, by deleting lines 25 through 28 and inserting:

"Sec. 5. In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is:".

Amend sec. 12, page 7, by deleting lines 33 and 34 and inserting:

"2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:".

Amend sec. 13, page 7, by deleting lines 40 and 41 and inserting: "pursuant to section 5 of this act must file an application".

Amend sec. 13, page 8, by deleting lines 2 through 14 and inserting: "the exemption provided pursuant to section 5 of this act, the Department shall issue a letter of exemption to the person. The letter of exemption expires on the date on which the person no longer meets the qualifications for eligibility.

3. To claim an exemption pursuant to section 5 of this act for the sale of tangible personal property to such a person:".

Amend sec. 14, page 8, line 22, by deleting: "15, 16 and 17" and inserting: "8 and 9".

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 19 as sections 8 through 11.

Amend sec. 16, page 8, by deleting lines 31 through 33 and inserting:

"Sec. 8. In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal

property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is:”.

Amend sec. 16, page 8, by deleting lines 38 and 39 and inserting:

“2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:”.

Amend sec. 17, page 8, by deleting line 45 and inserting: *“pursuant to section 8 of this act must file an application with the”.*

Amend sec. 17, page 9, line 5, by deleting “15” and inserting “8”.

Amend sec. 17, page 9, by deleting lines 7 through 14 and inserting: *“letter of exemption expires on the date on which the person no longer meets the qualifications for eligibility.*

3. To claim an exemption pursuant to section 8 of this act,”.

Amend sec. 18, page 9, lines 25 and 26, by deleting “\$264,000” and inserting “\$2,500,000”.

Amend sec. 19, page 9, by deleting lines 27 through 34 and inserting:

“Sec. 11. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the uniformed services; creating the Patriot Relief Fund to provide reimbursement to certain members of the Nevada National Guard for the cost of premiums paid for coverage under certain policies of group life insurance and certain textbooks and to provide certain other monetary relief; increasing the number of days of paid leave of absence that a public employer is required to grant to a public officer or employee for certain military duty; providing for additional pay for state officers and employees who perform certain active military service in certain circumstances; applying the exemption for the gross receipts from the sale, storage, use or other consumption of tangible personal property sold to the State of Nevada, its unincorporated agencies and instrumentalities to certain members of the Nevada National Guard and certain relatives of such members; making an appropriation; and providing other matters properly relating thereto.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 326.

Amend sec. 3, page 1, by deleting line 11.

Amend sec. 3, page 1, line 12, by deleting “3.” and inserting “2.”.

Amend sec. 3, page 2, by deleting lines 1 and 2 and inserting:

“3. Meeting any combination of the descriptions contained in subsections 1 and 2.”.

Amend sec. 9, page 2, line 31, after *“cigarette”* by inserting: *“into the United States”*.

Amend sec. 23, page 8, line 13, after *“act;”* by inserting *“and”*.

Amend sec. 23, page 8, line 16, by deleting *“container; and”* and inserting *“container.”*.

Amend sec. 23, page 8, by deleting lines 17 through 19.

Amend sec. 39, page 14, lines 16 and 20, by deleting *“10”* and inserting *“20”*.

Amend sec. 42, page 16, line 16, after *“states”* by inserting *“, Indian tribes”*.

Amend the bill as a whole by deleting sec. 51 and adding a new section designated sec. 51, following sec. 50, to read as follows:

“Sec. 51. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and for taking such other actions as are necessary to carry out the provisions of this act;

2. This section and sections 1 to 15, inclusive, 17, 24, 27, 29 to 37, inclusive, 39, 41, 43, 46, 48, 49 and 50 of this act become effective upon passage and approval; and

3. Sections 16, 18 to 23, inclusive, 25, 26, 28, 38, 40, 42, 44, 45 and 47 of this act become effective on January 1, 2006.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 560.

Amend section 1, page 1, line 2, by deleting *“11,”* and inserting *“12,”*.

Amend the bill as a whole by renumbering sections 12 through 16 as sections 13 through 17 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. 1. The Department shall:

(a) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit so that each Medicare beneficiary who is eligible for or enrolled in such a state program maintains his present coverage for prescription drugs and pharmaceutical services to the extent allowed by federal law; and

(b) *Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit in a manner that:*

(1) *Maximizes coverage for prescription drugs and pharmaceutical services for persons in this State;*

(2) *Minimizes disruptions in the enrollment of persons in this State in state and federal programs that provide coverage for prescription drugs and pharmaceutical services;*

(3) *Minimizes disruptions in the eligibility of persons in this State for state and federal programs that provide coverage for prescription drugs and pharmaceutical services;*

(4) *Minimizes out-of-pocket expenses for prescription drugs and pharmaceutical services for Medicare beneficiaries in this State; and*

(5) *Maximizes federal funding for coverage of prescription drugs and pharmaceutical services for persons in this State.*

2. *The Department shall submit a plan for coordinating the state programs with the Medicare Part D benefit as required by subsection 1 to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.*

3. *The Department may adopt such regulations as may be required to carry out the provisions of this section.”.*

Amend sec. 12, page 5, line 25, by deleting “3” and inserting “[3] 5”.

Amend sec. 13, page 6, by deleting lines 24 through 26 and inserting: “inclusive . [, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745.] From the money”.

Amend sec. 13, page 6, by deleting lines 31 through 35 and inserting: “439.690, inclusive . [, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745.] The Department shall”.

Amend sec. 13, page 6, by deleting lines 38 through 40 and inserting: “439.690, inclusive . [, and administering any program established pursuant to NRS 422.274 or 422.2745.] The Department shall submit a quarterly report to the”.

Amend sec. 14, page 9, line 34, after “439.630,” by inserting: “section 12 of this act.”.

Amend the title of the bill, third line, after “disabilities;” by inserting: “requiring the Department of Human Resources to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance and certain Medicare pharmaceutical benefits; increasing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning Fund for a Healthy Nevada and provision of prescription drugs and pharmaceutical services by this State. (BDR 40-1031)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 558.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 4, to read as follows:

“Sec. 4. NRS 363B.030 is hereby amended to read as follows:

363B.030 “Employer” means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter, except a financial institution, an Indian tribe, a nonprofit organization, ~~for~~ a political subdivision ~~or~~ *or any person who does not supply a product or service, but who only consumes a service.* For the purposes of this section:

1. “Financial institution” has the meaning ascribed to it in NRS 363A.050.

2. “Indian tribe” includes any entity described in subsection 10 of NRS 612.055.

3. “Nonprofit organization” means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

4. “Political subdivision” means any entity described in subsection 9 of NRS 612.055.”.

Amend sec. 5, page 6, between lines 5 and 6, by inserting:

“(k) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.”.

Amend sec. 6, page 6, line 22, by deleting “property acquired” and inserting: “property which is:

1. Worth \$100 or less; and

2. Acquired”.

Amend sec. 7, page 6, line 28, by deleting “property acquired” and inserting: “property which is:

1. *Worth \$100 or less; and*
2. *Acquired”.*

Amend sec. 8, page 7, by deleting lines 14 and 15 and inserting: “conveyed within the first degree of *lineal* consanguinity ~~[-] or affinity.~~”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; exempting certain community banks from the taxes imposed on branch offices of financial institutions; reducing the tax on financial institutions imposed on certain community banks located in smaller counties; clarifying the definition of “employer” for the purpose of the tax on business; revising the provisions governing the applicability and administration of the tax on live entertainment; clarifying the provisions governing the administration of the use taxes on certain personal property acquired free of charge at public events; expanding the exemptions from the taxes on the transfer of real property; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblyman Conklin moved that upon return from the printer Assembly Bill No. 554 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Joint Resolution No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 584.

Amend the resolution, page 2, by deleting lines 2 and 3 and inserting: “NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the

question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. *The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this section.* The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect. And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:".

Amend the resolution, page 3, line 39, by deleting "petition." and inserting: "petition [-] , and if 55 percent or more of such voters vote for the disapproval of such statute or amendment to a statute, an initiative petition must not be instituted to place a measure on the ballot at the next succeeding general election that is substantially similar to the statute or amendment to a statute that was disapproved by the voters.".

Amend the resolution, page 6, by deleting lines 18 through 22 and inserting: "voters vote for the disapproval of the measure, an initiative petition must not be instituted to place a measure on the ballot at the next succeeding primary or general election that is substantially similar to the measure which was disapproved by the voters.".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 430, 553, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 598.

Amend sec. 3, page 2, by deleting lines 28 through 35 and inserting:

“Section 1. Section 56.1 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, as added by Chapter 306, Statutes of Nevada 1969, at page 532, and as last amended by Chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances ~~and~~, *hearing aids and other auditory devices and appliances, corrective eyeglasses, contact lenses and other ophthalmic or ocular devices and appliances*, ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~[-]~~ *and durable medical equipment if prescribed by a licensed provider of health care acting within his scope of practice.*

(d) *Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his scope of practice.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) “Medicine” means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure,

mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

- (1) Any auditory, ophthalmic or ocular device or appliance.
- (2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.
- (3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.
- (4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section."

Amend sec. 4, page 3, by deleting line 7 and inserting: "consumption of auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care?"

Amend sec. 5, page 3, by deleting line 17 and inserting: "consumption of auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care. If this".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:

1. "Durable medical equipment" to mean equipment, including any repair and replacement parts therefor, which:

- (a) Can withstand repeated use;
- (b) Is primarily and customarily used to serve a medical purpose;
- (c) Generally is not useful to a person in the absence of illness or injury; and
- (d) Is not worn in or on the body.

2. "Mobility-enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:

- (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;
- (b) Is not generally used by persons with normal mobility; and
- (c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles."

Amend sec. 9, page 3, by deleting lines 38 through 40 and inserting:

“In administering the provisions of NRS 374.287, the Department shall construe the term:

1. “Durable medical equipment” to mean equipment, including any repair and replacement parts therefor, which:

- (a) Can withstand repeated use;*
 - (b) Is primarily and customarily used to serve a medical purpose;*
 - (c) Generally is not useful to a person in the absence of illness or injury;*
- and*
- (d) Is not worn in or on the body.*

2. “Mobility-enhancing equipment” to mean equipment which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;

(b) Is not generally used by persons with normal mobility; and

(c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.”.

Amend the bill as a whole by deleting sec. 10, renumbering sec. 11 as sec. 12 and adding a new section designated sec. 11, following sec. 9, to read as follows:

“Sec. 11. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances ~~and~~, hearing aids and other auditory devices and appliances, corrective eyeglasses, contact lenses and other ophthalmic or ocular devices and appliances, ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~+~~ and durable medical equipment if prescribed by a licensed provider of health care acting within his scope of practice.

(d) Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his scope of practice.

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section."

Amend sec. 11, page 4, by deleting line 5 and inserting:

"2. Sections 9, 10 and 11 of this act become effective on January 1,".

Amend the title of the bill by deleting the fourth line and inserting: "the tax for certain auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment; providing for".

Amend the summary of the bill to read as follows:

"SUMMARY—Proposes to exempt sales of certain auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment from sales and use taxes and analogous taxes. (BDR 32-1003)".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 1:24 p.m.

ASSEMBLY IN SESSION

At 1:25 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 430 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 600.

Amend sec. 4, page 2, between lines 28 and 29, by inserting:

“(d) “Supplier” means an establishment other than a rectifier or winery which manufactures liquors or wines or an establishment which acts as an agent of a rectifier or winery for the purpose of sales to wholesale dealers or exporters of liquors or wines from the State.”.

Amend Sec. 7, page 3, line 27, after “(1)” by inserting:

“holds a wholesale wine, beer and liquor license issued pursuant to this chapter;

(2)”.

Amend sec. 7, page 3, line 29, by deleting “(2)” and inserting “(3)”.

Amend sec. 7, page 3, line 31, by deleting “(3)” and inserting “(4)”.

Amend the bill as a whole by renumbering sections 9 and 10 as sections 12 and 13 and adding new sections designated sections 9 through 11, following sec. 8, to read as follows:

“Sec. 9. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not:*

(a) Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or

(b) Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.

2. *A person who violates any provision of subsection 1 is guilty of a misdemeanor.*

3. *As used in this section:*

(a) “Alcohol vaporizing device” means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.

(b) “Liquor” has the meaning ascribed to it in NRS 369.040.

Sec. 10. NRS 202.015 is hereby amended to read as follows:

202.015 For the purposes of NRS 202.015 to 202.065, inclusive, *and section 9 of this act*, “alcoholic beverage” means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing

one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced

Sec. 11. NRS 597.200 is hereby amended to read as follows:

597.200 1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. "Engage in" includes participation in a business, *directly or indirectly*, as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

4. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part."

Amend the title of the bill, sixth line, after "spirits;" by inserting: "prohibiting the sale, purchase, possession or use of an alcohol vaporizing device; prohibiting the use of the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to intoxicating liquors. (BDR 32-1314)".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 546.

Bill read third time.

The following amendment was proposed by Assemblywoman Koivisto:

Amendment No. 606.

Amend sec. 6, page 6, line 18, by deleting "~~willful~~" and inserting "willful".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. I rise today to remember our former colleague and friend, Jan Evans, who was the Speaker pro Tempore and Assemblywoman from Assembly District 30, and who passed away five years ago this Sunday, April 24. When we honored Jan in the 2001 Session, I read these words: "Some people come into our lives and quickly go. Some people move our souls to dance. They awaken us to new understanding with the passing whisper of their wisdom. Some people make the sky more beautiful to gaze upon. They stay in our lives for awhile, leave footprints on our hearts, and we are never, ever the same." In fact, Mr. Speaker, when you gave remarks to this Body, in your first session as Speaker of this Assembly, after Jan's passing, you told us that we had lost our moral compass. In honoring her in a resolution on this Floor in 2001, one of the things in the resolution said, "In the political arena, where the ability to unite those with diverse opinions looms awesome, this great lady was recognized as a builder of bridges toward consensus and as a 'power-sharer' who often did most of the work on a project but was the first to offer thanks to everyone who helped."

I wanted to remember Jan today because I think it is so important for us to remember those who came before us and the great work that they did. Jan was an extraordinary legislator. She always remained true to her vision and to her ideals, but she always reached out to others to find compromise and to build consensus. Jan found the first dedicated source of funding for domestic violence victims, and she also championed funding for School-to-Careers.

Jan was a staunch Democrat, but one of her best friends and political allies was our former Republican Lieutenant Governor, Sue Wagner. Jan was always a role model for women and fought on women's issues. She distinguished herself by attaining the highest level of a woman in this Body. At the same time, she was a great friend and political ally of Speaker Emeritus Joe Dini.

As we head into the last 40-something days of this session, I encourage my colleagues to consider these traits as we do our work. Remember our friends and families at home and, of utmost importance, guard our physical and mental health. Jan left a great legacy in those who worked with her and spent time with her, both when she was a lobbyist and activist, and when she served in this Body. She left behind a loving family and many friends, some of whom are in the gallery today, also honoring Jan.

I will close with this, also in the resolution in 2001: "That the name Jan Evans has become and will always remain synonymous with compassion, courage, and integrity, and that the person, Jan Evans, will always be alive in our hearts and minds."

Thank you, Mr. Speaker, for allowing this moment of personal privilege.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 97; Assembly Concurrent Resolution No. 22; Senate Bill No. 94; Senate Concurrent Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kirsten Gansert, Elizabeth Armstrong, Jennifer Bayless, Lucia Bevia, Emily Creighton, Matthew Egan, M.J. Farthing, Tisha Ferraro, Kristen Gansert, Emily Hartman, Austyn Herman, Patrick Hinojosa, Katie Rose Jacobus, Edward Kaufer, Alexandra Krmpotic, Emma Krump, Madison Kapitz,

Ashley Laughlin, Rhett Lawson, Bradley Lujan, Kelly Lujan, Katie McDonald, Julia Moreno, Gina Perano, Miranda Russell, Waverlee Smith, Shannon Sullivan, Shane Talbot, Jacob Tremewan, Xiomara Valencia, Joe Wallick, Hayden White, Michael Jacobus, Becky McDonald, Carolyn Ferraro, Rene Hinojosa, Cynthia Kaufer, Kelly Creighton, Lisa Laughlin, Jill White, Michele Krump, Monica Bevia, Esther Bedotto, Mrs. Sandra Armentrout, Miss Carol Winans, Ms. Tracey Frandsen, Lisa Buck, Nancy Gill, Janice Foulk, Keith Brown, Lisa Cody-Goade, Rita Higgins, Robin Adamson-Dutton, Patti Boorman, Louise Hogen, Carrie Jones, Eve King, Steven Kish, Laurie MacNamara, Jeanne Marks, Brigid Pierce, Sheri Vial, Alanna Fitzgerald, Lia Griffin, Linda Gardner, Karen Colombini, Gretchen Graybar, Debbie Klaich, Angelo Macaluso, Goyle Kern, Dawn Pappas, Kevin Raak, Laura Moore, Julie Scolari, Lynn McClellan, Camie Stosic, Gregory Avera, Sofia Baig, Elise Brodsky, Dylan Brunson, Corrie Calderon, Cordell Clarence-Young, Cory Colombini, Kyle Dhindsa, Brittany Dietz, Shelbie Faretto, Shelby Gardner, Oliver Graybar, Bruce Holbrook, Michael Johnston, Brennan Kern, Tiffany Klaich, Zachary Liske, Erika Macaluso, Taylor Meyer, James Moore, Roderick Morrison, Carson Mullins, Sarah Pappas, Mollie Pierce, Taylor Raack, Peyton Remedios, Cecily Rooker, Jenna Scolari, Tucker Stosic, Keegan Sullivan, Dakota Tom, Luke Smith, Kevin Boles, Britt Brown, Summer Buck, Jordan Cardenas, Marie Cody, Ben Belford, Katarina Vanderpool, Daniel Mills, Brett Drumright, Cassie Fould, Brittany Garcia, Eric Gill, Lindsey Harrison, Renay Hernandez, Jesse Higgins, Kuuipo Hunter, Jeff Ishi, Ranald MacDonald, Megan Urbano, Erin Moyle, Anna Nason, Ricky Olguin, Wesley Ott, Gayln Painter, Kylee Palmer, Kyle Pierce, Janet Salas, Uno Sung, Hannah Wilkening, Kendelle Abts, Caroline Boorman, Kelly Cascinai, Brandon Chang, Crystal Davis, Cole DeLong, David Diaz, Elizabeth Dutton, William Evermann, Monica Guerrero, Michael Jones, Angel-Antonio Keene, Jakob Keppelmann, Sophia King, Katarina LeCoque, Mildred Hoover, and Patricia Myers.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Lilia Sandoval, Bryan Sandoval, Felipe Sandoval, John Sanford, and Heath Sanford.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Jones and Lois Thran.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Godecke and Ruth Spikes.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Riviera.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Cordes and Donnis Thran.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 25, 2005, at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:29 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 25, 2005

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Stan Pesis.

Almighty God, by Your life-giving and life-renewing spirit bring life to this new day at the beginning of this new week. Freshen our spirits that we may live and act in life-giving ways for all Your people.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 66, 69, 183, 236, 249, 250, 260, 278, 338, 360, 364, 384, 501, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 443 and 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 188, 210, 371, 484 and 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 296, 322, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 83, 110, 126, 173, 199, 216, 266, 280, 281, 282, 306, 313, 353, 403, 408, 421, 422, 432, 460, 467, 493.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 320 and 430.

MARK STEVENS

Fiscal Analysis Division

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 4—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Shari Andreasen, Sylvia Brown, Gwenavere Dally, Steven Henricksen, Carolyn Maynick and Bruce Pfeiffer are elected as additional attaches of the Assembly for the 73rd Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

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

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 30.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 110.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 126.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 173.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 199.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 216.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 266.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 280.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 281.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 282.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 306.

Assemblyman Ocegueda moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 313.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 353.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 403.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 408.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 421.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 422.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 432.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 460.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 467.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 493.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 66, 69, 154, 183, 188, 202, 210, 236, 249, 250, 255, 260, 278, 296, 322, 338, 360, 364, 371, 384, 443, 454, 484, 497, 501, 508, 540 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 314 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McCleary.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 452 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 277 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 85 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblywoman Parnell.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 320 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 397.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 586.

Amend section 1, page 1, line 15, by deleting "appropriation," and inserting: "appropriation ~~or~~ or authorization,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 587.

Amend section 1, page 4, by deleting lines 25 through 27 and inserting: "existing state program , *other than a state program which has previously received a grant of money allocated from the Fund for a Healthy Nevada, and whose grant is continued at a level that maintains, but does not increase, the current level of services,* to the Interim Finance Committee for approval before the".

Amend section 1, page 4, by deleting lines 41 and 42 and inserting: "state program , *other than a state program which has previously received a grant of money allocated from the Fund for a Healthy Nevada, and whose grant is*

continued at a level that maintains, but does not increase, the current level of services, to the”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 195.

Amend section 1, page 2, line 1, by deleting “639” and inserting “228”.

Amend section 1, page 2, line 4, by deleting: “*shall file a report with the Board*” and inserting: “*licensed pursuant to chapter 639 of NRS shall file a report with the Attorney General’s Office*”.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting: “*provided, directly or indirectly, to a practitioner, including, without limitation, any physician, hospital, nursing home, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State, except that the*”.

Amend section 1, page 2, lines 29 and 32, by deleting “*Board.*” and inserting: “*Attorney General’s Office.*”.

Amend section 1, page 2, line 34, by deleting “*Board*” and inserting: “*Attorney General’s Office*”.

Amend section 1, page 3, lines 3 and 7, by deleting “*Board*” and inserting: “*Attorney General’s Office*”.

Amend section 1, page 3, lines 14 and 15, by deleting: “*is, in addition to any criminal penalty,*” and inserting “*is*”.

Amend section 1, page 3, line 16, after “*violation.*” by inserting: “*The Attorney General may bring a civil action to enforce the provisions of this section.*”.

Amend section 1, page 3, line 22, after “*7.*” by inserting: “*The Attorney General may adopt such regulations as are necessary and convenient for the enforcement of the provisions of this section, including, without limitation, regulations specifying the form and manner of the report required by this section.*

8.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Attorney General; requiring certain wholesalers or manufacturers of drugs to report to the Attorney General’s Office certain gifts and other economic benefits provided by the wholesalers or manufacturers to practitioners; providing civil penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires reporting of certain gifts and other economic benefits provided by wholesalers or manufacturers of drugs. (BDR 18-562)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 489.

Amend section 1, page 2, line 5, by deleting “each” and inserting “an”.

Amend section 1, page 2, by deleting lines 5 through 7 and inserting: “employee in a bargaining unit who is not a member of that labor organization to pay a service fee to the labor organization for any services that the labor organization provides to the employee upon the request of that employee.”.

Amend section 1, page 2, by deleting lines 9 through 15 and inserting: “represent the reasonable costs incurred by the labor organization for any services that the labor organization provides to the employee upon the request of that employee. The service fee must not include any fee for contributions relating to the election or”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; authorizing an employer to enter into a fair share agreement with a labor organization which requires an employee who is not a member of the labor organization and who requests and receives services from the labor organization to pay to the labor organization a service fee which represents the reasonable costs incurred by the labor organization in providing those services; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 359.

Amend sec. 2, page 2, by deleting lines 4 through 9 and inserting:

“Sec. 2. 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the subgroups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the University and Community College System of Nevada;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) *Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;*

(s) *To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and”.*

Amend sec. 2, page 2, line 10, by deleting “(b)” and inserting “(t)”.

Amend sec. 2, page 2, lines 12 and 22, by deleting “written”.

Amend sec. 2, page 2, line 25, by deleting “written summary” and inserting: “summary in an electronic format”.

Amend sec. 2, page 3, lines 11 and 12, by deleting: “school district or the charter school, as applicable,” and inserting “Department”.

Amend sec. 2, page 3, between lines 13 and 14, by inserting:

“5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.”.

Amend sec. 3, page 3, by deleting lines 14 through 22 and inserting:

“Sec. 3. 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) *The information set forth in subsection 1 of section 2 of this act, reported for the school district as a whole and for each school within the school district, including, without limitation, each charter school sponsored by the district;*

(b) *Information on the involvement of parents and legal guardians in the education of their children; and”.*

Amend sec. 3, page 3, line 23, by deleting “(b)” and inserting “(c)”.

Amend sec. 3, page 3, line 25, by deleting “written”.

Amend sec. 3, page 3, line 32, by deleting “shall” and inserting: “shall, in consultation with the Bureau and the school districts,”.

Amend sec. 3, page 3, by deleting lines 40 and 41 and inserting:

“(a) *Submit the summary in an electronic format to the:*”.

Amend sec. 3, page 4, by deleting lines 1 through 13 and inserting:

“(4) *Committee;*

(5) *Bureau; and*

(6) *Schools within the school district, including, without limitation, the charter schools sponsored by the school district.*

(b) *Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by*

the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.”.

Amend sec. 4, pages 4, 5 and 6, by deleting lines 14 through 45 on page 4, lines 1 through 45 on page 5 and lines 1 through 4 on page 6, and inserting:

“Sec. 4. 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of section 2 of this act, reported only for the school;

(b) Information on the involvement of parents and legal guardians in the education of their children; and”.

Amend sec. 4, page 6, line 5, by deleting “(i)” and inserting “(c)”.

Amend sec. 4, page 6, line 7, by deleting “written”.

Amend sec. 4, page 6, line 11, by deleting “shall” and inserting: “shall, in consultation with the Bureau and the school districts,”.

Amend sec. 4, page 6, by deleting lines 17 through 24 and inserting:

“4. On or before September 7 of each year:

(a) The principal of each public school shall submit the summary in electronic format to the:

(1) Department;

(2) Bureau; and

(3) Board of trustees of the school district in which the school is located.

(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. If the summary is not posted on the website of the school or the school district, the school district shall otherwise provide for public dissemination of the summary.

(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary before the distribution required by subsection 5.

5. On or before September 30 of each year, the principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.”.

Amend sec. 5, page 6, line 28, by deleting “significantly improved” and inserting: “an exemplary turnaround school”.

Amend sec. 6, page 6, line 35, by deleting “significantly improved” and inserting: “an exemplary turnaround school district”.

Amend sec. 9, page 8, line 38, by deleting “and” and inserting “[and]”.

Amend sec. 9, page 8, line 44, by deleting “State.” and inserting: “State []” ;

(4) For each middle school, junior high school and high school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level and subject area; and

(5) For each elementary school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level.”.

Amend sec. 9, page 11, lines 38 through 40, by deleting the brackets and strike-through.

Amend sec. 9, page 11, line 41, by deleting “[~~(c)~~] (b)” and inserting “(c)”.

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 10, following sec. 9, to read as follows:

“Sec. 10. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools ~~that~~ *sponsored by the school district*. The board of trustees of a school district shall report the information required by subsection 2 for each charter school ~~within~~ *sponsored by the school district* . ~~[, regardless of the sponsor of the charter school.]~~

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by the district*. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school ~~that~~ *sponsored by the district*, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) ~~[An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~

~~(3)]~~ A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

~~[(4)]~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~[(5)]~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~[(6)]~~ (5) The percentage of pupils who were not tested;

~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~[(4)]~~ (3);

~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~[(9)]~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~[(in)]~~ *sponsored* by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~[(10)]~~ (9) For each school in the district, including, without limitation, each charter school ~~[(in)]~~ *sponsored* by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school ~~[(in)]~~ *sponsored* by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a

whole, including, without limitation, each charter school ~~fin~~ sponsored by the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; ~~and~~

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State ~~[-]~~;

(4) For each middle school, junior high school and high school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level and subject area; and

(5) For each elementary school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school ~~fin~~ sponsored by the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school ~~{in}~~ *sponsored* by the district. For the purposes of this paragraph, a pupil is not

transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial ~~education~~ study* for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district.

(2) *An identification of each program of remedial study, listed by subject area.*

(s) For each high school in the district, including, without limitation, each charter school ~~fin~~ sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school ~~fin~~ sponsored by the district, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~fin~~ sponsored by the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school *sponsored by* the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school *sponsored by the district* that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and , to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before ~~April 1~~ *August 15* of each year, the board of trustees of each school district shall submit to:

~~(a) Each~~ *each* advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~{(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.}~~

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) ~~{Submit}~~ *Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:*

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) *by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school ~~that~~ sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~that~~ sponsored by the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.”.

Amend the bill as a whole by renumbering sections 15 through 21 as sections 19 through 25 and adding new sections designated sections 15 through 18, following sec. 14, to read as follows:

“Sec. 15. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ a charter school *that is sponsored by the board of trustees of a school district* shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~of the school district in which that sponsors the charter school [is located, regardless of the sponsor of the charter school,]~~ for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. ~~{On or before August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.}~~ *On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a separate report of accountability information for the charter schools sponsored by the State Board.*

3. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and

analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 16. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 . ~~{, including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;}~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~{located within a school district}~~ shall report the data to the ~~{school district for incorporation into the report of the school district, regardless of the}~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school

districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 17. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the ~~{school district in which the charter school is located}~~ *sponsor of the charter school* such information as is necessary for the ~~{school district}~~ *sponsor* to carry out the provisions of this subsection. ~~{, regardless of the sponsor of the charter school.}~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information ~~[submitted to the Commission by the board of trustees of each school district pursuant to subsection 7 of]~~ *reported pursuant to paragraph (t) of subsection 2 of NRS 385.347*; and

(d) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to

ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

7. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS."

Amend sec. 21, page 34, by deleting lines 11 through 14 and inserting: "information required of:

(a) The State Board of Education pursuant to section 2 of this act.

(b) The board of trustees of each school district pursuant to section 3 of this act.

(c) The principal of each public school pursuant to section 4 of this act."

Amend the bill as a whole by renumbering sec. 22 as sec. 27 and adding a new section designated sec. 26, following sec. 21, to read as follows:

"Sec. 26. The information required to be reported pursuant to subparagraphs (4) and (5) of paragraph (k) subsection 1 of section 9 of this act and subparagraphs (4) and (5) of paragraph (d) of subsection 2 of section 10 of this act is not required to be included in the reports of the State Board

of Education and the school districts until the reports that are made after January 1, 2006.”.

Amend sec. 22, page 34, line 20, by deleting “21” and inserting “25”.

Amend sec. 22, page 34, line 22, after “Sections” by inserting “2,”.

Amend sec. 22, page 34, by deleting line 26 and inserting:

“3. Sections 1, 5 to 10, inclusive, 12 to 24, inclusive, and 26 of this”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 533.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against:*

(a) The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:

(1) Reports to his immediate supervisor, in writing, that, in his professional judgment, an assignment to provide nursing services to a patient would harm the patient; and

(2) Refuses to provide the nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.

(b) The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:

(1) Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(2) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the licensee or nursing assistant concerning his competence to provide various nursing services, he does not possess the knowledge, skill or experience to comply with the

assignment to provide nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.

2. An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against the licensee or nursing assistant because the licensee or nursing assistant has taken an action described in subsection 1.

3. An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of the licensee or nursing assistant to take an action described in subsection 1.

4. As used in this section, “retaliate or discriminate”:

(a) Includes, without limitation, the following action if such action is taken solely because the licensee or nursing assistant took an action described in subsection 1:

(1) Frequent or undesirable changes in the location where the licensee or nursing assistant works;

(2) Frequent or undesirable transfers or reassignments;

(3) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(4) A demotion;

(5) A reduction in pay;

(6) The denial of a promotion;

(7) A suspension;

(8) A dismissal;

(9) A transfer; or

(10) Frequent changes in working hours or workdays.

(b) Does not include action described in subparagraphs (1) to (10), inclusive, of paragraph (a) if the action is taken in the normal course of employment or as a form of discipline.

Sec. 3. 1. A licensee or nursing assistant who believes that he has been retaliated or discriminated against in violation of subsection 2 or 3 of section 2 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.

2. If the licensee or nursing assistant prevails in such an action, he may be awarded as damages:

(a) Payment for any hours which he was unable to work as a result of the retaliation or discrimination, based on his current hourly rate of pay; and

(b) Any other amount deemed appropriate by the court.

Sec. 4. 1. Except as otherwise provided in subsection 2, in an action that is commenced against a person for violating the provisions of subsection 2 or 3 of section 2 of this act, the attorney for the complainant shall file an

affidavit with the court concurrently with the service of the first pleading in the action, stating that the attorney:

- (a) Has reviewed the facts of the case;*
- (b) Has consulted with an expert;*
- (c) Reasonably believes the expert who was consulted is knowledgeable in the matters involved in the action; and*
- (d) Has concluded on the basis of his review and the consultation with the expert that the action has a reasonable basis in law and fact.*

2. *The attorney for the complainant may file the affidavit required pursuant to subsection 1 at a later time if he could not consult with an expert and prepare the affidavit before filing the action without causing the action to be impaired or barred by the statute of limitations or repose, or other limitations prescribed by law. If the attorney must submit the affidavit late, he shall file an affidavit concurrently with the service of the first pleading in the action stating his reason for failing to comply with subsection 1 and the attorney shall consult with an expert and file the affidavit required pursuant to subsection 1 not later than 45 days after filing the action.*

3. *An expert consulted by an attorney to prepare an affidavit pursuant to this section must not be a party to the action.”.*

Amend the title of the bill by deleting the first through sixth lines and inserting:

“AN ACT relating to nursing; prohibiting employers and certain other persons from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination may recover certain ”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits employers and certain other persons from retaliating or discriminating unfairly against certain nurses and nursing assistants for refusing to provide nursing services under certain circumstances. (BDR 54-927)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 130.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section or by specific statute:*

(a) *If a person or his agent provides the electronic mail address of the person to a governmental entity for the purpose of or in the course of communicating electronically with that governmental entity, the governmental entity shall maintain the electronic mail address in a secure database.*

(b) *If a governmental entity receives a database pursuant to paragraph (b) of subsection 2, the governmental entity shall maintain the database in a secure manner.*

(c) *A database described in this subsection is confidential and not a public book or record within the meaning of NRS 239.010.*

2. *A governmental entity may disclose a database described in subsection 1:*

(a) *In response to an order issued by a court upon a finding that the disclosure of the database is necessary to protect the public safety or to prosecute a crime; or*

(b) *For any reason to any other governmental entity.*

3. *Unless otherwise prohibited by a specific statute, a governmental entity may disclose an individual electronic mail address in a database described in subsection 1 if the requester requests the electronic mail address of a specific person.*

4. *The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address of a person.”*

Amend the title of the bill to read as follows:

“AN ACT relating to public records; setting forth that certain databases which contain electronic mail addresses provided to a governmental entity are confidential and not subject to disclosure or public inspection; providing certain exceptions; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides that certain databases which contain electronic mail addresses are confidential and not public records open for public inspection. (BDR 19-595)”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 585.

Amend sec. 2, page 2, line 16, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 2, page 2, lines 18 and 19, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 2, page 3, by deleting lines 1 through 8.

Amend sec. 3, page 3, line 16, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 3, page 3, by deleting lines 18 through 26 and inserting:

“3. On or before September 1 of each year, submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.”.

Amend sec. 4, page 3, by deleting lines 30 through 37 and inserting:

“2. On or before October 1 of each year, submit the written compilation to the Attorney General.”.

Amend sec. 5, page 3, by deleting lines 39 through 42 and inserting: “*interfere with or prevent the disclosure of*”.

Amend sec. 5, page 4, by deleting lines 1 through 13 and inserting:

“2. As used in this section, “*school official*” means:”.

Amend sec. 5, page 4, line 14, by deleting “(1)” and inserting “(a)”.

Amend sec. 5, page 4, line 16, by deleting “(2)” and inserting “(b)”.

Amend sec. 6, page 4, by deleting lines 19 and 20 and inserting: “*NRS 388.135 unless the person who made the report acted with malice,*”.

Amend the bill as a whole by renumbering section 8 as section 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State’s high academic standards;

2. Any form of harassment or intimidation in public schools seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential; ~~and~~

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate harassment or intimidation; and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence, harassment or intimidation; and

4. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse and harassment.”.

Amend the bill as a whole by deleting sec. 9.

Amend sec. 10, page 5, line 17, after “act.” by inserting: “In prescribing the policy, the Department shall consider policies currently in use in school districts in this State.”.

Amend sec. 11, page 5, line 24, by deleting: “5, 6, 7” and inserting: “5 to 8, inclusive,”.

Amend sec. 11, page 5, line 29, by deleting “4, 8” and inserting “4”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 309.

Amend section 1, page 2, line 4, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 2, line 6, before “work,” by inserting: “work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public”.

Amend section 1, page 2, line 8, by deleting “7,” and inserting “8,”.

Amend section 1, page 2, line 17, after “subcontractor” by inserting: “who is required to prepare such a report”.

Amend section 1, page 3, line 9, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 3, line 15, by deleting “work;” and inserting: “work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public work;”.

Amend section 1, page 3, by deleting lines 16 through 19 and inserting:

“(d) Representatives appointed by the contractor engaged on the public work from a variety of groups that represent or promote the interests of minorities or women who are qualified to perform work on the public work.”.

Amend section 1, page 3, line 20, by deleting “may” and inserting “shall”.

Amend section 1, page 3, line 22, by deleting “month.” and inserting: “month, unless conditions affecting the public work would make the holding

of a meeting impractical, including, without limitation, delays on the public work caused by weather.”.

Amend section 1, page 3, by deleting lines 25 through 34 and inserting:

“5. A public body may withhold payment from a contractor or subcontractor engaged on a public work for failure to comply with the provisions of this section until such compliance is obtained. Upon compliance, the public body shall promptly pay the amount of money withheld pursuant to this subsection, without interest, to the contractor or subcontractor.”.

Amend section 1, page 3, line 36, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 3, line 38, by deleting “penalties” and inserting “penalty”.

Amend section 1, page 3, line 40, after “7.” by inserting: *“The public body shall not divide a public work into separate portions to avoid the requirements of this section.*

8.”.

Amend sec. 2, page 4, line 25, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 3, page 6, line 17, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 4, page 7, line 41, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 5, page 9, line 31, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 6, page 11, line 39, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 7, page 12, line 43, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 8, page 15, line 1, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and inserting a new section, designated sec. 9, following sec. 8, to read as follows:

“Sec. 9. The Legislative Auditor shall conduct an audit during the interim immediately following the fourth year after the commencement of the first public work that requires the filing of a report pursuant to section 1 of this act. The audit must assess:

1. The level of compliance with section 1 of this act;
2. The effectiveness of section 1 of this act in increasing the rate of employment of minorities and women on public works; and
3. The degree of burden, if any, experienced by public bodies, contractors and subcontractors as a result of compliance with section 1 of this act.”.

Amend the title of the bill by deleting the second through seventh lines and inserting: “certain subcontractors on certain public works in larger counties

to submit a monthly report concerning the demographics of the workmen employed on the public work to the public body that awarded the contract; requiring the establishment of a committee for each such public work to discuss the monthly reports; requiring that”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires contractor and certain subcontractors on certain public works to submit monthly report on demographics of persons employed on public work. (BDR 28-872)”.

Assemblyman Hogan moved the adoption of the amendment.

Remarks by Assemblyman Hogan.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 526.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 4 through 8 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area ~~[-~~

~~2.—A.] until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility’s peak capacity.~~

2. *If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 30 kilowatts, the utility:*

(a) Shall offer to make available to ~~each of its customer-generators who has accepted its offer for net metering~~ the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator’s minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. *If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 30 kilowatts, the utility may:*

(a) *Require the customer-generator to install at its own cost an energy meter that is capable of measuring generation output and customer load.*

(b) Charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering ~~{may be either}~~ must be a monthly period . ~~{or, with the written consent of the customer-generator, an annual period.}~~

~~2.—The}~~

2. If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the net energy measurement must be calculated in the following manner:

(a) The utility shall measure , in kilowatt hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period . ~~{; and}~~

(2) *The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.*

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a

renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

3. *If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:*

(a) *The utility shall:*

(1) *Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and*

(2) *Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.*

(b) *If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.*

(c) *If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:*

(1) *Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.*

(2) *The value of the excess electricity:*

(I) *Must not be shown as a credit on the customer-generator's bill for that billing period or carried forward to the next billing period as a credit balance in the customer-generator's account.*

(II) *Does not reduce any other fee or charge imposed by the utility.*

4. *A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator."*

Amend sec. 2, pages 2 and 3, by deleting line 22 on page 2 and line 1 on page 3, and inserting: "704.7811, as their primary source of energy to".

Amend sec. 4, page 4, line 23, by deleting: "Systems which use" and inserting: "A system that uses".

Amend sec. 4, page 4, lines 24 and 25, by deleting "one acre" and inserting "2 acres".

Amend sec. 4, page 4, between lines 35 and 36, by inserting:

"4. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (b) of subsection 2 unless he first obtains the written consent of each owner of property within 300 feet of any boundary of the unit."

Amend sec. 6, page 5, line 28, after "codes" by inserting: "and, if necessary, its zoning ordinances and regulations".

Amend the title of the bill, sixth line, after “codes” by inserting “and zoning ordinances”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 522.

Amend section 1, page 2, line 8, by deleting “Director” and inserting: “Director, or his designee,”.

Amend section 1, page 2, by deleting line 10 and inserting: “State Controller shall:

(a) Draw his warrant, payable to the Department; or

(b) Electronically transfer money to the appropriate account of the Department,
as appropriate, in”.

Amend sec. 12, page 3, by deleting line 13 and inserting: “fine of not more than \$10,000 against”.

Amend sec. 12, pages 3 and 4, by deleting lines 22 through 44 on page 3 and lines 1 through 8 on page 4, and inserting: “and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.”.

Amend sec. 12, page 4, line 9, by deleting “(i)” and inserting “(c)”.

Amend sec. 12, page 4, line 12, by deleting “(j)” and inserting “(d)”.

Amend sec. 12, page 4, line 14, after “3.” by inserting: “If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.

4.”.

Amend sec. 12, page 4, line 17, by deleting “4. The” and inserting:

“5. Except as otherwise provided in this subsection, the”.

Amend sec. 12, page 4, line 18, after “law.” by inserting: “*The Department may not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act.*”.

Amend sec. 16, page 7, by deleting lines 1 through 3 and inserting: “*bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety*”.

Amend sec. 16, page 7, by deleting lines 17 through 20 and inserting: “*distributor, rebuilder, manufacturer, representative or salesman may be executed through a writ of attachment.*”.

Amend the bill as a whole by deleting sec. 18 and adding:

“Sec. 18. (Deleted by amendment.)”.

Amend sec. 24, page 10, line 14, after “487.790” by inserting “1.”.

Amend sec. 24, page 10, line 15, by deleting “1.” and inserting “[1.] (a)”.

Amend sec. 24, page 10, line 16, by deleting “2.” and inserting “[2.] (b)”.

Amend sec. 24, page 10, line 17, after “repair” by inserting: “, not including any cost associated with painting any portion of the vehicle,”.

Amend sec. 24, page 10, by deleting lines 20 through 26 and inserting:

“2. The term does not include [a] :

(a) A nonrepairable vehicle ; ~~for other~~

(b) A motor vehicle which is 10 model years old or older and which ~~requires only the replacement of the hood, trunk lid, grill assembly or two or fewer quarter panels, doors, bumper assemblies, headlight assemblies, taillight assemblies, or any combination thereof, to restore the vehicle to its condition before it~~ , to restore the vehicle to its condition before it was wrecked, destroyed or otherwise damaged and regardless of cost, requires the replacement of only:

(1) The hood;

(2) The trunk lid;

(3) Two or fewer of the following parts or assemblies, which may be bolted or unbolted:

(I) Doors;

(II) A grill assembly;

(III) A bumper assembly;

(IV) A headlight assembly; or

(V) A taillight assembly; or

(4) Any combination of subparagraph (1), (2) or (3); or

(c) A motor vehicle, regardless of the age of the vehicle, for which the cost to repair the vehicle, not including any cost associated with painting any portion of the vehicle, is less than 65 percent of the fair market value of the vehicle immediately before the vehicle was wrecked, destroyed or otherwise damaged.

3. For the purposes of this section, the model”.

Amend the bill as a whole by deleting sections 26 and 27 and adding:
“Secs. 26 and 27. (Deleted by amendment.)”.

Amend sec. 28, page 11, by deleting lines 16 through 42 and inserting:
“Sec. 28. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department of Motor Vehicles may adopt such regulations as it deems necessary to ensure that persons who, pursuant to NRS 108.265 to 108.360, inclusive, have liens for storing, maintaining, keeping or repairing of vehicles required to be registered with the Department pursuant to chapter 482 of NRS, comply with all statutory provisions that are applicable to processing the lien.”.

Amend the bill as a whole by deleting sections 30 through 33 and adding:
“Secs. 30-33. (Deleted by amendment.)”.

Amend sec. 35, page 16, line 2, by deleting: “or should have known”.

Amend the bill as a whole by adding new sections designated sections 40 through 44, following sec. 39, to read as follows:

“Sec. 40. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

A civil penalty must not be imposed against any person who engages in a deceptive trade practice pursuant to NRS 598.0903 to 598.0999, inclusive, in a civil proceeding brought by the Commissioner, Director or Attorney General if a fine has previously been imposed against that person by the Department of Motor Vehicles pursuant to section 12 of this act, for the same act.

Sec. 41. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, and section 40 of this act, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the

Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. ~~{An}~~ Except as otherwise provided in section 40 of this act, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 43. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. ~~Ha~~ *Except as otherwise provided in section 40 of this act, in any action brought pursuant to NRS 598.0979 to 598.099, inclusive, if the court finds that a person has engaged in a deceptive trade practice directed toward an elderly or disabled person, the court may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than \$10,000 for each violation.*

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly or disabled person;

(b) The person knew or should have known that his conduct was directed toward an elderly or disabled person;

(c) The elderly or disabled person was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly or disabled person;

(d) The conduct of the person caused the elderly or disabled person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly or disabled person to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly or disabled person;

(3) The loss of the principal employment or source of income of the elderly or disabled person;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly or disabled person; or

(7) Any other interference with the economic well-being of the elderly or disabled person, including the encumbrance of his primary residence or principal source of income; or

(f) Any other factors that the court deems to be appropriate.

Sec. 44. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. ~~AA~~ *Except as otherwise provided in section 40 of this act, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains*

jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. ~~He~~ *Except as otherwise provided in section 40 of this act*, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

- (a) For the first offense, is guilty of a misdemeanor.
- (b) For the second offense, is guilty of a gross misdemeanor.
- (c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

- (a) The suspension of the person's privilege to conduct business within this State; or
- (b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

- (a) The suspension of the person's privilege to conduct business within this State; or
- (b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.”.

Amend the title of the bill to read as follows:

“AN ACT relating to vehicles; authorizing the Director of the Department of Motor Vehicles to expend money appropriated by the Legislature to assist in the acquisition of certain evidence; authorizing the Department to impose an administrative fine against a person who engages in certain deceptive trade practices relating to the purchase or sale of a vehicle under certain circumstances; authorizing a person who is injured by a bonded dealer, distributor, rebuilder, manufacturer, representative or salesman to bring an action or to apply to the Director for compensation from the bond; providing that a rebuilt vehicle may not be registered unless it is inspected and certified by a garageman or the owner of a body shop; prohibiting a person from removing certain markings on a certificate of title for a rebuilt vehicle; authorizing the Department to adopt certain regulations relating to liens on vehicles; revising the duties of a manufacturer or its agent or authorized dealer concerning the sale, lease or transfer of ownership of a vehicle that fails to conform to certain express warranties; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 249 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 196.

Amend sec. 8, page 2, line 43, by deleting “town.” and inserting: “town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.”.

Amend sec. 9, page 3, line 9, by deleting “five” and inserting: “at least six”.

Amend sec. 9, page 3, line 11, by deleting “Four” and inserting: “At least five”.

Amend sec. 9, page 3, by deleting line 13 and inserting: “At least two of whom represent northern Nevada and at least two of whom”.

Amend sec. 13, page 4, between lines 40 and 41, by inserting:

“3. The Board shall hire a full-time staff of investigators to conduct background investigations of applicants for a license in a timely manner, as determined by the Board, and to conduct routine unannounced inspections of massage therapists. The Board shall employ those investigators in both northern Nevada and southern Nevada.”.

Amend sec. 14, page 5, line 7, by deleting “and”.

Amend sec. 14, page 5, line 11, by deleting “examination.” and inserting: “examination; and

6. Reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license issued pursuant to this chapter and to the State Board of Cosmetology for a license issued pursuant to chapter 644 of NRS.”.

Amend sec. 19, page 7, line 6, by deleting “and”.

Amend sec. 19, page 7, line 10, by deleting “report; and” and inserting: “report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and”.

Amend sec. 19, page 7, between lines 20 and 21, by inserting:

“4. The Board or its designee shall:

(a) Fingerprint each applicant and conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation not more than 30 days after the Board receives a complete application; and

(d) Maintain the results of the investigation in a confidential manner. The results of an investigation must be available only to the Board and a peace officer of this State.”.

Amend sec. 20, page 7, by deleting lines 37 and 38 and inserting:

“(b) Offered not less than four times each year. The location of the examination must alternate between northern Nevada and southern Nevada. Upon request, the Board must provide a list of approved interpreters at the

location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.”.

Amend sec. 24, page 10, between lines 31 and 32, by inserting:

“4. An applicant who holds a license to practice massage therapy that is issued by a county, city or town in this State and who does not have a criminal background investigation approved by a local law enforcement agency must submit to a background investigation conducted pursuant to section 19 of this act.”.

Amend sec. 25, page 10, line 44, by deleting “48 120” and inserting “45 300”.

Amend sec. 26, page 11, line 16, by deleting: “location at each place” and inserting: “manner at each location”.

Amend sec. 29, page 12, by deleting lines 22 and 23 and inserting:

“3. Has been convicted of a crime involving violence, prostitution or any other sexual”.

Amend sec. 29, page 12, line 24, after “offense,” by inserting: “a crime involving any type of larceny,”.

Amend sec. 29, page 12, line 27, by deleting “turpitude; or” and inserting: “turpitude within the immediately preceding 10 years.”.

Amend sec. 29, page 12, by deleting lines 28 through 30.

Amend sec. 29, page 13, line 18, by deleting “training;” and inserting: “training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;”.

Amend sec. 32, page 14, line 27, by deleting “\$5,000;” and inserting: “\$1,000 per day for each day for which the Board determines that a violation occurred as charged in the complaint;”.

Amend sec. 32, page 14, after line 45, by inserting:

“4. The appropriate law enforcement agency of a city or county in which a massage therapist holds a business license issued by the city or county may temporarily suspend the license of a massage therapist immediately if the massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense. The temporary suspension of the license must not exceed 15 days. The Board may extend the temporary suspension if the Board determines that the suspension is required to protect the health, safety or welfare of the public. In any such case, the hearing must be held and a final decision rendered within 15 days after the law enforcement agency notifies the holder of the license of the temporary suspension.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 389.

Amend the bill as a whole by deleting sections 1 through 18 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

“Section 1. NRS 360A.030 is hereby amended to read as follows:

360A.030 1. If a person ~~{continues}~~ :

(a) *Continues* to engage in business in this State without a permit or license as required by chapter 365 or 366 of NRS, or after the license or permit has been suspended or revoked ~~{;}~~ ;

(b) *Knowingly sells at retail any fuel that is subject to taxation pursuant to chapter 365 or 366 of NRS for which the tax imposed by chapter 365 or 366 of NRS is not remitted; or*

(c) *Sells or otherwise distributes dyed special fuel in violation of section 6 of this act,*

the Department may, after providing notice to that person, order any place of business of the person to be locked and sealed. If notice is served by mail, it must be addressed to the person at his address as it appears in the records of the Department.

2. The order to lock and seal a place of business must be delivered to the sheriff of the county in which the business is located. The sheriff shall assist in the enforcement of the order.

Sec. 2. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. “*Dyed special fuel*” means special fuel which, in accordance with subsection 1 of NRS 366.203, must be dyed before it is removed for distribution from the rack.

Sec. 4. “*Retail station*” means any fixed facility or location that:

1. Operates in the retail business of selling or handling fuel; and
2. Dispenses fuel from a stationary pump or metered tank for which the access to the fuel is not controlled.

Sec. 5. “*Retailer*” means any person, other than a dealer or supplier, who is engaged in the business of selling or handling any special fuel at a retail station and who delivers or authorizes the delivery of fuel into the fuel supply tank of a motor vehicle that is not owned by that person.

Sec. 6. 1. A retailer or any other person who sells or distributes dyed special fuel shall not sell or distribute the dyed special fuel unless the retailer or person controls the access to the dyed special fuel.

2. A retailer or other person may sell or distribute the dyed special fuel only to a purchaser who has been approved to purchase the dyed special fuel from the retailer or other person. To be approved to purchase dyed special fuel from a retailer or other person, a purchaser must provide to the retailer

or other person a written statement of acknowledgement and intended use on a form provided by the Department and completed by the purchaser that includes:

- (a) The full name and address of the purchaser;
- (b) A description of the manner in which the purchaser intends to use the dyed special fuel;
- (c) An attestation indicating that the purchaser:
 - (1) Will only use the dyed special fuel for a purpose that is not taxable pursuant to this chapter; and
 - (2) Is aware of the penalties set forth NRS 366.735, a copy of which must be included on the statement; and
- (d) The signature of the purchaser.

3. A retailer or other person who sells or distributes dyed special fuel shall keep on file a completed statement of acknowledgment and intended use for each person approved to purchase dyed special fuel from the retailer or other person.

4. In addition to any action that may be taken pursuant to chapter 360A of NRS, the Department may impose on a retailer or any other person who violates the provisions of subsection 1 an administrative fine of not more than \$10,000 for each violation.

Sec. 7. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.025 to 366.100, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 366.140 is hereby amended to read as follows:

366.140 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter , ~~for~~ special fuel user and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers ~~used in the preparation of a report or return required pursuant to this chapter~~ described in subsection 1 must be preserved for 4 years after the ~~report or return is filed with the Department.~~ date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

Sec. 9. NRS 366.203 is hereby amended to read as follows:

366.203 1. Special fuel, other than compressed natural gas, liquefied petroleum gas or kerosene, which is exempt from the tax pursuant to subsection 3 or 4 of NRS 366.200 must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of

the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. Except as otherwise provided in subsections 3, 4 and 5, a person shall not operate or maintain on any highway in this State a motor vehicle which contains *dyed special fuel* in the fuel tank of that vehicle . ~~{special fuel which has been dyed.}~~ A person who operates or maintains a motor vehicle in violation of this subsection and the registered owner of the motor vehicle are jointly and severally liable for any taxes, penalties and interest payable to the Department.

3. A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200, is exempt from the tax imposed by this chapter may operate or maintain a motor vehicle on a highway in this State which contains *dyed special fuel* in the fuel tank of that vehicle . ~~{special fuel which has been dyed.}~~

4. To the extent permitted by federal law, a person may operate or maintain on a highway in this State any special mobile equipment or farm equipment that contains *dyed special fuel* in the fuel tank of the special mobile equipment or farm equipment . ~~{special fuel which has been dyed.}~~ As used in this subsection:

(a) “Farm equipment” means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:

- (1) Owned or leased by the operator of the farm equipment; and
- (2) Used to store or process the crops or agricultural products.

The term includes a tractor, baler or swather or any implement used to retrieve hay.

(b) “Highway” does not include a controlled-access highway as defined in NRS 484.041.

5. To the extent authorized by federal law, a person may operate or maintain a motor vehicle on a highway in this State that contains *dyed special fuel* in the fuel tank ~~{special fuel which has been dyed}~~ if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by the person to another parcel of land owned or controlled by the person.

6. There is a rebuttable presumption that all special fuel which ~~{has not been dyed}~~ is *not dyed special fuel* and which is sold or distributed in this State is for the purpose of propelling a motor vehicle.

Sec. 10. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter, it is unlawful for any:

(a) Special fuel supplier, special fuel dealer or special fuel user to sell or use special fuel within this State unless the special fuel supplier, special fuel

dealer or special fuel user is the holder of a special fuel supplier's, special fuel dealer's or special fuel user's license issued to him by the Department.

(b) Person to be a:

(1) Special fuel exporter unless the person is the holder of a special fuel exporter's license issued to him by the Department.

(2) Special fuel transporter unless the person is the holder of a special fuel transporter's license issued to him by the Department.

(c) *Retailer or other person to sell or distribute dyed special fuel unless the retailer or person controls the access to the dyed special fuel.*

2. The Department may adopt regulations relating to the issuance of any special fuel supplier's, special fuel dealer's, special fuel exporter's, special fuel transporter's or special fuel user's license and the collection of fees therefor.

Sec. 11. NRS 366.360 is hereby amended to read as follows:

366.360 1. The Department shall cancel any license to act as a special fuel supplier, special fuel dealer ~~for~~, *special fuel exporter, special fuel transporter or special fuel user* immediately upon the surrender thereof by the holder.

2. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall immediately notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department within 30 days or makes a deposit in lieu thereof as provided in NRS 366.235, the Department may cancel his license.

3. If a special fuel supplier or special fuel dealer becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond furnished by him, the Department may cancel his license immediately.

Sec. 12. NRS 366.735 is hereby amended to read as follows:

366.735 1. The Department may ~~impose an administrative fine of the greater of \$1,000 or \$10 per gallon of special fuel based on the maximum storage capacity of the storage tank that contains the special fuel if a person:~~

~~1.} take disciplinary action in accordance with subsection 2 against any person who:~~

(a) Sells or stores any *dyed special fuel* ~~{that has been dyed}~~ for a use which the person selling or storing such fuel knows, or has reason to know, is a taxable use of the fuel;

~~{2.} (b) Willfully alters or attempts to alter the strength of composition of any dye in any special fuel intended to be used for a taxable purpose; or~~

~~{3.} (c) Uses *dyed special fuel* {that has been dyed} for a taxable purpose.~~

2. *For any violation described in subsection 1, the Department may:*

(a) *If the violation is a first offense, impose an administrative fine of not more than \$2,500 and suspend any license issued to that person pursuant to this chapter for not more than 30 days;*

(b) If the violation is a second offense within a period of 4 years, impose an administrative fine of not more than \$5,000 and suspend any license issued to that person pursuant to this chapter for not more than 60 days; and

(c) If the violation is a third or subsequent offense within a period of 4 years, impose an administrative fine of not more than \$10,000 and revoke any license issued to that person pursuant to this chapter.

Sec. 13. NRS 366.740 is hereby amended to read as follows:

366.740 1. Except as otherwise provided in NRS 366.735 ~~and~~ *and section 6 of this act*, the Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of this chapter, or any regulation or order adopted or issued pursuant thereto.

2. The Department shall afford to any person fined pursuant to this section, ~~for~~ NRS 366.735 *or section 6 of this act* an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1, ~~for~~ NRS 366.735 *or section 6 of this act* must be deposited with the State Treasurer to the credit of the State Highway Fund.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and taking such other actions as are required to carry out the provisions of this act; and

2. On July 1, 2005, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; expanding the circumstances under which the Department of Motor Vehicles may order the locking and sealing of a business; prohibiting a retailer or other person from selling or distributing dyed special fuel unless he controls the access to the dyed special fuel; requiring the retailer or other person to approve each purchaser of dyed special fuel; requiring the preservation of certain records; authorizing the Department of Motor Vehicles to take certain disciplinary action; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to taxation of special fuels and dyed special fuels. (BDR 32-1258)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 599.

Amend sec. 6, page 2, line 38, by deleting “control;” and inserting: “control for a public health agency;”.

Amend sec. 6, page 3, line 4, after “performed” by inserting “by and”.

Amend sec. 6, page 3, line 9, by deleting: “remediation; or” and inserting “remediation;”.

Amend sec. 6, page 3, line 10, by deleting “engineering.” and inserting: “engineering;

(d) *Cleaning up and disposing of hazardous waste and substances performed by a person who is certified by the State Department of Conservation and Natural Resources pursuant to NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the clean up and disposal of the hazardous waste and substances is performed directly by and for a public health agency;*

(e) *Zoonotic disease ecology or vector-borne disease ecology, or both, when the practice in that field is performed as a specialty; or*

(f) *Mining performed by an employee of a mining company engaged in mining operations in this State.”.*

Amend sec. 19, pages 7 and 8, by deleting lines 34 through 43 on page 7 and lines 1 through 7 on page 8, and inserting: “environmental health specialist, an applicant ~~must have:~~

~~(a)–A:] :~~

(a) *Must:*

(1) *Possess a baccalaureate or higher degree from an ~~accredited college or university;~~*

~~(b) Satisfactorily] institution of higher education approved by the Board;~~

(2) *Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work ~~approved by the Board in environmental health and public hygiene or the physical and biological sciences, or a combination of both; and~~*

~~(c)–A:] in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;~~

(3) *Have passed the written examination pursuant to NRS 625A.120; and*

(4) *Have at least 2 years of experience approved by the Board in this field of public health ~~[-];~~*

(b) *Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and pass the written examination pursuant to NRS 625A.120; or*

(c) *Must possess a master's degree in public health from an institution of higher education approved by the Board and pass the written examination pursuant to NRS 625A.120.*"

Amend sec. 19, page 8, line 8, by deleting "may ~~register~~" and inserting: "~~may register~~ shall".

Amend sec. 19, page 8, line 10, by deleting: "~~if~~ if he:" and inserting: "~~if~~ *if the Board determines to its satisfaction that the person:*".

Amend sec. 19, page 8, line 15, by deleting "had" and inserting "~~had~~ completed".

Amend the title of the bill by deleting the eighth and ninth lines and inserting: "elected biennially on or before a certain date; requiring the issuance of a basic certificate of registration as an".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 535.

Amend section 1, page 2, by deleting lines 28 through 34 and inserting: "*the contrary, if a physical or mental condition of a tenant requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling and the tenant is 60 years of age or older or has a physical or mental disability:*

(a) *That tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates; and*

(b) *A cotenant of that tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates if:*

(1) *The cotenant became a tenant of the dwelling before the date on which the lease was signed by the tenant who is relocating and the cotenant is 60 years of age or older or has a physical or mental disability; or*

(2) *The cotenant became a tenant of the dwelling on or after the date on which the lease was signed by the tenant who is relocating.*"

Amend section 1, page 2, lines 37 and 38, by deleting "person" and inserting "tenant".

Amend section 1, page 2, by deleting line 39 and inserting:

" *the tenant may terminate the lease by giving the landlord 60*".

Amend section 1, page 2, line 40, by deleting "6" and inserting "3".

Amend section 1, page 3, by deleting lines 1 through 4 and inserting: "*the tenant or cotenant is entitled to terminate the lease. If the tenant or cotenant is terminating the lease pursuant to subsection 1, the tenant or cotenant shall include reasonable verification:*

(a) *Of the existence of the physical or mental condition of the tenant; and*
(b) *That the physical or mental condition requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling.”.*

Amend section 1, page 3, between lines 6 and 7, by inserting:

“6. As used in this section, “cotenant” means a tenant who, pursuant to a lease, is entitled to occupy a dwelling that another tenant who is 60 years of age or older or who has a physical or mental disability is also entitled to occupy pursuant to the same lease.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin, Arberry, and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 510.

Amend section 1, page 1, line 9, by deleting “and”.

Amend section 1, page 1, line 10, after “(b)” by inserting: “Was admitted to the major hospital; and
(c)”.

Amend section 1, page 2, line 1, after “provide” by inserting: “through a contract between the entity that issues the policy of insurance and the major hospital or through a contract between the third party and the major hospital”.

Amend section 1, page 2, by deleting lines 7 through 10 and inserting: “rate of 175 percent of the amount Medicare pays for such services”.

Amend section 1, page 2, line 26, after “a hospital” by inserting: “with 100 or more beds”.

Amend section 1, page 2, line 35, by deleting “hospital; and” and inserting “hospital;”.

Amend section 1, page 2, line 40, by deleting “NRS.” and inserting: “NRS; and

(4) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 430.

Amend section 1, page 1, line 1, by deleting “Title 40” and inserting “Chapter 439B”.

Amend section 1, page 1, line 2, by deleting: “a new chapter to consist of”.

Amend section 1, page 1, line 3, by deleting “16,” and inserting “7,”.

Amend sec. 2, page 1, lines 6, 8, 10 and 17, before “hospitals” by inserting “major”.

Amend sec. 2, page 2, line 4, by deleting “Hospitals” and inserting “Major hospitals”.

Amend sec. 2, page 2, lines 5 and 7, after “benefits” by inserting: “and charity care”.

Amend sec. 2, page 2, line 8, before “hospitals” by inserting “major”.

Amend sec. 2, page 2, by deleting line 9 and inserting: “every major hospital in this State shall provide community benefits and charity care in the”.

Amend sec. 3, page 2, line 11, by deleting “this chapter” and inserting: “sections 2 to 7, inclusive, of this act,”.

Amend sec. 3, page 2, line 12, by deleting: “4 to 9, inclusive,” and inserting: “4, 5 and 6”.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend sec. 6, page 2, line 20, by deleting “benefits” and inserting: “benefits and charity care”.

Amend sec. 6, page 2, line 21, before “hospitals” by inserting “major”.

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 6.

Amend the bill as a whole by deleting sections 9 through 16, renumbering sec. 17 as sec. 8 and adding a new section, designated sec. 7, following sec. 8, to read as follows:

“Sec. 7. 1. Each major hospital shall:

(a) Adopt a plan for the provision of community benefits and charity care during the following fiscal year; and

(b) For the fiscal year beginning on July 1, 2006, and for each succeeding fiscal year, provide community benefits and charity care, in that fiscal year, in an amount which represents at least 4 percent of the total operating revenue of the major hospital for that fiscal year.

2. On or before July 1 of each year, a major hospital shall submit to the Department a copy of:

(a) The plan for the provision of community benefits and charity care adopted by the major hospital pursuant to subsection 1;

(b) If the major hospital is a member or part of a system or company consisting of hospitals in more than one state, any plan for the provision of community benefits and charity care adopted by that system or company; and

(c) The policy and procedures established by the major hospital to ensure that the major hospital complies with the provisions of NRS 439B.260.

3. *On or before November 1 of each year, a major hospital shall submit to the Division of Health Care Financing and Policy of the Department a report on the community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1 during the preceding fiscal year. Any care for indigent patients provided without charge by a major hospital in compliance with the provisions of NRS 439B.320 is to be included in the calculation of the amount of community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1.*

4. *The Division of Health Care Financing and Policy of the Department shall:*

(a) *If a major hospital fails to provide the community benefits and charity care required pursuant to the provisions of paragraph (b) of subsection 1, assess the major hospital with a civil penalty in an amount equal to the difference between the amount of community benefits and charity care the major hospital was required to provide and the amount of community benefits and charity care the major hospital actually provided.*

(b) *Inform the Attorney General of all cases of suspected noncompliance with the requirements of this section. The Attorney General may investigate any suspected noncompliance and enforce the provisions of this section.*

5. *Any money recovered pursuant to subsection 4 as a civil penalty must be deposited in the State General Fund.”.*

Amend sec. 17, page 7, line 17, by deleting “Each” and inserting:

“1. Each major”.

Amend sec. 17, page 7, by deleting lines 18 and 19 and inserting: “plan for the provision of community benefits and charity care pursuant to section 7 of this act on or before July 1, 2006.

2. In addition to the reports required pursuant to subsection 3 of section 7 of this act, on or before February 1, 2007, each major hospital shall submit to the Division of Health Care Financing and Policy of the Department of Human Resources and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1 of section 7 of this act from July 1, 2006, to December 31, 2006, and the community benefits and charity care planned to be provided by the major hospital from January 1, 2007, to June 30, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring each major hospital to adopt a plan for providing community benefits and charity care; requiring each major hospital to provide a certain amount of community benefits and charity care; providing a civil penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires major hospitals to adopt and carry out plans to provide community benefits and charity care. (BDR 40-1074)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 323.

Amend sec. 8, page 3, line 44, by deleting “insurer.” and inserting: “insurer, health maintenance organization or prepaid limited health service organization pursuant to title 57 of NRS.”.

Amend sec. 12, page 5, by deleting line 2 and inserting: “cancel the plan.”.

Amend the bill as a whole by renumbering sections 17 through 31 as sections 62 through 76 and adding new sections designated sections 17 through 61, following sec. 16, to read as follows:

“Sec. 17. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 18 to 61, inclusive, of this act.

Sec. 18. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 19 to 40, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 19. *“Closed-end credit” means a credit transaction that is not open-end credit.*

Sec. 20. *“Collateral” means personal property in which a purchase money security interest is retained or personal property that is pledged as security for the satisfaction of a debt.*

Sec. 21. *“Compensation” means commissions, dividends, retrospective rate credits, service fees, expense allowances or reimbursements, gifts, furnishing of equipment, facilities, goods and services, or any other form of remuneration that is paid either directly or indirectly as a result of the sale of credit personal property insurance.*

Sec. 22. *“Credit agreement” means the written document that sets forth the terms of the credit transaction and includes the security agreement.*

Sec. 23. *“Credit personal property insurance” means a policy, endorsement, rider, binder, certificate, or other instrument or evidence of insurance written in connection with a credit transaction that:*

1. *Covers perils to the goods purchased through a credit transaction or used as collateral for a credit transaction and that concerns the interest of a creditor in the purchased goods or pledged collateral either in whole or in part; or*

2. *Covers perils to goods purchased in connection with an open-end credit transaction.*

Sec. 24. “Credit transaction” means any transaction for which the terms of repayment of money loaned or loan commitment made, or payment of goods, services or properties sold or leased, is to be made at a future date.

Sec. 25. “Creditor” means the lender of money or vendor or lessor of goods, services, property, rights or privileges for which payment is arranged through a credit transaction, and includes:

1. *The successor to the right, title or interest of;*
2. *An affiliate, associate or subsidiary of;*
3. *Any director, officer or employee of; or*
4. *Any other person in any way associated with, any such lender, vendor or lessor.*

Sec. 26. “Creditor-placed insurance” means single-interest insurance or dual-interest insurance that is purchased by the creditor, as the named insured, after a credit transaction:

1. *According to the terms of the credit agreement as a result of the debtor’s failing to provide required insurance, the cost for which is charged to the debtor; and*

2. *For coverage against loss, expense or damage to personal property used as collateral as a result of fire, theft, collision or other risk of loss that would impair the interest of the creditor or adversely affect the value of the collateral.*

Sec. 27. “Debtor” means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction.

Sec. 28. “Dual-interest insurance” means credit personal property insurance covering the interest of the creditor or seller and any portion of the interest of the borrower in goods purchased through the credit transaction or pledged as collateral for the credit transaction.

Sec. 29. “Experience” means earned premiums and incurred losses during the experience period.

Sec. 30. “Experience period” means the most recent period of time that is not more than 3 years and for which earned premiums and incurred losses are reported.

Sec. 31. “Finance charge” means any charge payable directly or indirectly as an incident to or condition of an extension of credit, including, without limitation, interest, time-price differentials, amounts payable under a discount system of additional charges, service, transaction or carrying charges, loan fees, points or similar charges, appraisal fees or charges incurred for investigating the creditworthiness of the consumer. The term does not include charges as a result of default, taxes, license fees, delinquency charges or filing fees.

Sec. 32. “Gross debt” means the sum of the remaining payments owed to a creditor by a debtor.

Sec. 33. “Identifiable charge” means a charge for credit personal property insurance that is made to debtors who have that insurance and not made to debtors who do not have that insurance. The term includes a charge for insurance that is disclosed in the credit agreement or other instrument furnished to the debtor which sets forth the financial elements of the credit transaction and any difference in the finance, interest, service or other similar charge made to debtors who are in similar circumstances except for the insured or noninsured status of the debtor.

Sec. 34. “Incurred losses” means total claims and claim adjustment expenses paid during the experience period plus any change in claim and claim adjustment expense reserves.

Sec. 35. “Loss ratio” means incurred losses divided by the sum of earned premiums.

Sec. 36. “Net debt” means the amount required to liquidate the remaining debt in a single lump-sum payment, excluding all unearned interest and other unearned finance charges.

Sec. 37. “Nonfiling insurance” means insurance that indemnifies the creditor for loss of its interest in the collateral due to failure to perfect a security interest in the collateral.

Sec. 38. “Open-end credit” means credit extended by a creditor under an agreement in which:

1. The creditor reasonably contemplates repeated transactions;
2. The creditor periodically imposes a finance charge on any outstanding unpaid balance; and
3. The amount of credit that may be extended to the debtor during the term of the agreement up to any limit set by the creditor is generally made available to the extent that any outstanding balance is repaid.

Sec. 39. “Reverse competition” means competition among insurers that regularly takes the form of insurers competing for the favor of a person who controls or may control the placement of insurance with insurers that tends to increase insurance premiums or prevents a decrease in insurance premiums in order to give greater compensation to a person who controls or may control the placement of insurance with insurers.

Sec. 40. “Single-interest insurance” means credit personal property insurance covering only the interest of the seller or creditor in goods purchased through a credit transaction or pledged as collateral in a credit transaction.

Sec. 41. All credit personal property insurance, including guaranteed asset protection insurance, written in connection with credit transactions for personal, family or household purposes is subject to the provisions of this chapter, except:

1. Credit transactions involving extensions of credit primarily for business or commercial purposes;
2. Insurance written in connection with a credit transaction that is secured by a real estate mortgage or deed of trust;

3. *Creditor-placed insurance;*
4. *Title insurance;*
5. *Nonfiling insurance;*
6. *Insurance purchased by a creditor after repossession or a similar event in which the creditor acquired possession of the property; and*
7. *Insurance for which an identifiable charge is not made to or collected from the debtor.*

Sec. 42. *For credit personal property insurance sold in conjunction with a closed-end credit transaction, an insurer shall not:*

1. *Issue credit personal property insurance unless the amount financed exceeds \$300;*
2. *Issue credit personal property insurance in an amount that exceeds the amount of the underlying credit transaction; and*
3. *Sell credit personal property insurance with a term that exceeds the scheduled term of the underlying credit transaction.*

Sec. 43. *Credit personal property insurance must:*

1. *At a minimum, include the coverage in the standard fire policy with coverage attachment and extended coverage endorsement; and*
2. *Cover a substantial risk of loss of or damage to the property related to the credit transaction.*

Sec. 44. 1. *An insurer shall not:*

- (a) *Require the bundling of other credit insurance coverage with the purchase of credit personal property insurance; and*
- (b) *Use gross debt in any manner to determine the premiums for credit personal property insurance.*

2. *A debtor must have a choice to purchase credit personal property insurance separately from other credit insurance coverage.*

Sec. 45. 1. *Before a debtor elects to purchase credit personal property insurance in connection with a credit transaction, the following information must be disclosed to the debtor in writing:*

(a) *That the purchase of credit personal property insurance from the creditor is not mandatory and is not a condition for obtaining credit approval;*

(b) *If more than one type of credit insurance is made available to the debtor, whether the debtor may purchase credit personal property insurance separately from any other credit insurance;*

(c) *The conditions of eligibility;*

(d) *That if the debtor has other insurance that covers the risk, the debtor may not want or need credit personal property insurance;*

(e) *That the debtor may cancel the insurance at any time, or if evidence of insurance is required for the extension of credit, upon proof of insurance that is acceptable to the creditor, and obtain a refund of;*

(1) *If the cancellation is not more than 30 days after the debtor receives the individual policy or certificate of insurance, any premium paid by the debtor; or*

(2) If the cancellation is more than 30 days after the debtor receives the individual policy or certificate of insurance, any unearned premium paid by the debtor;

(f) A brief description of the coverage, including a description of the amount, term, extensions, limitations, perils and exclusions, the insured event, any waiting or elimination period, any deductible, any applicable waiver of premium, the person who would receive any benefits, and the premium or premium rate for the credit personal property insurance; and

(g) If the premium or charge is for the insurance financed, that it will be subject to finance charges at the rate applicable to the credit transaction.

2. The disclosures required pursuant to subsection 1:

(a) If made in connection with credit personal property insurance offered at the same time as the extension of credit or offered through direct mail advertisements, must be made in writing and presented to the customer in a clear and conspicuous manner; or

(b) If made in connection with credit personal property insurance offered after the extension of credit other than through direct mail advertisements, may be provided orally or electronically if written disclosures are provided not later than the earlier of:

(1) Ten days after the debtor elects to accept the coverage; or

(2) The date any other written material is provided by the creditor to the debtor.

Sec. 46. An offer to extend coverage for an open-end credit transaction must include, at the time of the invitation to contract, a written disclosure or, if the solicitation is made by telephone and the written disclosure is mailed to the debtor not later than 10 days after enrollment, an oral summary of the written disclosure. The written disclosure must be in not smaller than 12-point type and be in substantially the following form:

This coverage may duplicate existing coverage if you have a residential property insurance policy. It applies to any item of covered property on which you owe a debt. This coverage is primary, so it is the first source to be used in the event of a loss on property it covers. You may cancel this coverage at any time by calling the insurer during business hours at the telephone number provided to you or by writing to the insurer. We are charging you a premium that may be based on subjects for which a claim cannot be made, such as services, meals or other consumables, entertainment, finance or service fees, loan interest, delivery charges or other insurance premiums.

Sec. 47. 1. All credit personal property insurance must be evidenced by an individual policy or a certificate of insurance that is delivered to the debtor.

2. The individual policy or certificate of insurance must, in addition to other requirements of law, include:

(a) The name and address of the home office of the insurer;

(b) The name of each debtor or, on a certificate of insurance, the identity by name or otherwise of each debtor;

(c) The amount of the premium or payment of the debtor or, for open-end credit, the premium rate, basis of the calculation of premiums and balance to which the premium rate applies;

(d) A complete description of the coverage or coverages, including the amount of coverage and any exceptions, limitations and exclusions;

(e) A statement that all benefits must be paid to the creditor to reduce or extinguish the unpaid debt or to repair or replace the property and that if the benefits exceed the unpaid debt, any excess benefit must be paid to the debtor;

(f) If the scheduled term of the insurance is less than the scheduled term of the credit transaction, a statement indicating that fact set forth on the face of the individual policy or certificate of insurance in not less than 10-point bold type; and

(g) If the policy is related to open-end credit, a statement that the debtor will, at least once each year, receive the statement as required pursuant to subsection 3.

3. For credit personal property insurance related to open-end credit, the creditor must provide to the debtor at least once each year with the account statement a statement in the following form in at least 12-point type:

You are paying a premium for credit personal property insurance based on the outstanding balance of this account. You may cancel this coverage at any time by calling the insurer during business hours at the telephone number provided to you or by writing to the insurer. You are being charged a premium that may be based on subjects for which a claim cannot be made, such as services, meals or other consumables, entertainment, finance or service fees, loan interest, delivery charges or other insurance premiums.

Sec. 48. 1. Except as otherwise provided in subsection 2, the individual policy or certificate of insurance must be delivered to the debtor upon acceptance of the insurance by the insurer.

2. An individual policy or certificate of insurance made in connection with an open-end credit agreement or any credit personal property insurance requested by the debtor after the date the debt is incurred must be delivered to the debtor not more than 30 days after the debtor requested the insurance.

Sec. 49. 1. All policies, certificates of insurance, applications for insurance, enrollment forms, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates related thereto must be filed with the Commissioner.

2. An item filed with the Commissioner pursuant to subsection 1 may not be issued until 60 days after it is filed with the Commissioner or until the written prior approval of the Commissioner is obtained.

3. The Commissioner shall, not more than 60 days after an item is submitted to him pursuant to subsection 1, disapprove the item if the benefits

are not reasonable in relation to the premium charged or if the item contains provisions that are unjust, unfair, inequitable, misleading or deceptive or encourage misrepresentation of the coverage or are contrary to any provision of the Code or any regulation adopted pursuant to the Code. If the Commissioner does not disapprove an item filed pursuant to subsection 1 in accordance with this subsection, the item shall be deemed to be approved.

4. If the Commissioner notifies an insurer that an item is disapproved pursuant to subsection 3, the insurer shall not use the item. The notice must include the reason for the disapproval and state that a hearing will be granted not less than 30 days after the insurer submits a written request for a hearing to the Commissioner, unless postponed by mutual consent or by order of the Commissioner.

5. The Commissioner may hold a hearing to withdraw approval of an item submitted pursuant to subsection 1 not less than 20 days after providing a written notice of the hearing to the insurer. The written notice must include one of the reasons described in subsection 3 for the proposed withdrawal of approval of the item. An insurer shall not use an item if approval of the item is withdrawn pursuant to this subsection.

Sec. 50. If an insurer revises its schedule of premium rates, it shall file the revised schedule with the Commissioner pursuant to section 49 of this act. An insurer shall not issue credit personal property insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.

Sec. 51. Benefits provided by credit personal property insurance must be reasonable in relation to the premium charged. Benefits shall be deemed to be reasonable if the premium rate charged develops or may reasonably be expected to develop a loss ratio of not less than 60 percent or such higher loss ratio as designated by the Commissioner to afford reasonable allowance for actual and expected loss experience, including a reasonable catastrophe provision and reasonable general and administrative expenses, acquisition expenses, creditor compensation, investment income, premium taxes, licenses, fees, assessments and profit for the insurer.

Sec. 52. For open-end credit transactions, the rating plan of the insurer must address, by the grouping of similar accounts, the expected variance in the ratio of goods purchased that are covered under the credit personal property insurance and goods that are not covered by that insurance. Accounts must be separated into groups that have or are expected to have a similar ratio of goods purchased that are covered under the credit personal property insurance and goods that are not covered by that insurance.

Sec. 53. An insurer shall not pay to a creditor compensation in excess of 20 percent of the premium. A reasonable level of creditor compensation may be lower than 20 percent. A reasonable level of compensation must be considered in determining the extent to which benefits are reasonable pursuant to sections 49 to 52, inclusive, of this act.

Sec. 54. *Each year, not later than the date specified in the Instructions to the Annual Statement published by the National Association of Insurance Commissioners, an insurer doing business in this State shall file with the Commissioner and the National Association of Insurance Commissioners a report of credit personal property insurance written on the basis of a calendar year. The report must be prepared using the Credit Insurance Supplement-Annual Statement Blank approved by the National Association of Insurance Commissioners and must contain separate data for each state.*

Sec. 55. *A rate that has been filed and approved pursuant to section 49 of this act is effective for a period not to exceed 3 years after the date of approval. The insurer shall file a rate for approval before the expiration of the 3-year period. The insurer may file a rate for approval at any time before the expiration of the 3-year period.*

Sec. 56. *Except as otherwise provided in this section, a debtor is entitled to a refund of unearned premiums calculated on a daily pro rata basis if the credit personal property insurance of the debtor is cancelled for any reason and if the amount of the refund is \$10 or more.*

Sec. 57. 1. *All claims must be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate files on all reported claims. All claims must be settled as soon as practicable and in accordance with the terms of the insurance contract.*

2. *All claims must be paid by draft drawn upon the insurer, by electronic funds transfer or by check of the insurer to the order of:*

(a) *The claimant to whom payment of the claim is due pursuant to the provisions of the policy; or*

(b) *Any other person designated by the claimant to whom payment is due.*

Sec. 58. *A plan or arrangement may not be used whereby a person other than the insurer or its designated claim representative is authorized to settle or adjust claims. The creditor may not be designated as the representative for the insurer in adjusting claims, except that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due the group policyholder subject to the periodic audit of the insurer.*

Sec. 59. *A claim made pursuant to credit personal property insurance must not be denied more than 90 days after the initiation of coverage because the debtor was ineligible for coverage unless the debtor misrepresented a material fact. If a claim is denied within 90 days after the initiation of coverage because the debtor was ineligible for coverage or because the debtor misrepresented a material fact, the insurer shall refund to the debtor any premium paid and the creditor shall refund to the debtor any finance charge paid on the premium.*

Sec. 60. *The Commissioner:*

1. *Shall, by regulation, establish reasonable rates as described in this chapter; and*

2. *May adopt any other regulations to carry out the provisions of this chapter.*

Sec. 61. *In addition to any other penalty provided by law, a person who violates a provision of this chapter or a final order of or a regulation adopted by the Commissioner pursuant to this chapter, after notice and a hearing, upon order of the Commissioner is subject to:*

1. *The imposition of an administrative fine not to exceed \$5,000 per violation, or \$10,000 per violation if the Commissioner determines that the violation was willful; and*

2. *Revocation of the license or certificate of authority held by the person.”.*

Amend sec. 20, page 13, line 27, by deleting “17” and inserting “62”.

Amend sec. 26, page 17, lines 12 and 20, by deleting “24” and inserting “69”.

Amend sec. 30, page 19, line 34, by deleting “expires” and inserting “[~~expires~~] terminates”.

Amend sec. 30, page 19, line 35, by deleting “at”.

Amend sec. 30, page 19, by deleting line 36 and inserting: “*not more than 30 days after the termination of the license, the associate*”.

Amend the bill as a whole by renumbering sections 32 through 42 as sections 80 through 90 and adding new sections designated sections 77 through 79, following sec. 31, to read as follows:

“Sec. 77. Chapter 685B of NRS is hereby amended by adding thereto a new section to read as follows:

Any producer of insurance or surplus lines broker licensed in this State who in this State knowingly represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category B felony and shall be punished as provided in NRS 193.130.

Sec. 78. NRS 685B.030 is hereby amended to read as follows:

685B.030 1. As used in this section , unless otherwise indicated, “insurer” includes:

(a) All corporations, associations, partnerships and natural persons engaged as principals in the business of insurance, including a fraternal benefit society, a nonprofit corporation offering dental, hospital and medical services, a health maintenance organization, a prepaid limited health service organization, an organization for dental care, a dental plan, an optometric plan or a similar health service plan; and

(b) Interinsurance exchanges and mutual benefit societies.

2. It is unlawful for any insurer to transact an insurance business in this State as set forth in subsection 3 [7] without a certificate of authority from the Commissioner. This section does not apply to:

(a) Any transaction for which a certificate of authority is not required pursuant to NRS 680A.070.

(b) Attorneys at law acting in the ordinary relation of attorney and client in the adjustment of claims or losses.

(c) Transactions in this State involving any policy of insurance or annuity contract issued before January 1, 1972.

(d) Transactions in this State relative to a policy issued or to be issued outside this State involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy.

3. Any of the following acts in this State effected by mail or otherwise by or on behalf of an unauthorized insurer ~~[constitutes]~~ *constitute* the transaction of an insurance business in this State:

(a) The making of or proposing to make, as an insurer, an insurance contract.

(b) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety.

(c) The taking or receiving of any application for insurance.

(d) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof.

(e) The issuance or delivery of contracts of insurance to residents of this State or to persons authorized to do business in this State.

(f) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurer in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters after effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurer in the transaction of insurance with respect to subjects of insurance that are resident, located or to be performed in this State. The provisions of this paragraph do not prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance on behalf of such an employer.

(g) The transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance.

(h) The transacting or proposing to transact any insurance business in substance equivalent to any of the provisions of paragraphs (a) to (g), inclusive, in a manner designed to evade the provisions of the statutes.

4. The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect.

5. The failure of an insurer transacting insurance business in this State to obtain a certificate of authority does not impair the validity of any act or contract of the insurer and does not prevent the insurer from defending any action at law or suit in equity in any court of this State, except that no insurer transacting insurance business in this State without a certificate of authority

may maintain an action in any court of this State to enforce any right, claim or demand arising out of the transaction of such business until the insurer has obtained a certificate of authority. In the event of a failure by an unauthorized insurer to pay any claim or loss within the provisions of an insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of the insurance contract is liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of the insurance contract.

6. *Any insurer who transacts any unauthorized business as set forth in this section is guilty of a category B felony and shall be punished as provided in NRS 193.130.*

Sec. 79. NRS 685B.080 is hereby amended to read as follows:

685B.080 1. Any unauthorized insurer who transacts any unauthorized act of an insurance business as set forth in the Unauthorized Insurers Act may be fined not more than \$10,000 for each act or violation.

2. ~~In addition to any other penalties provided in this Code:~~

~~(a) Any producer of insurance or surplus lines broker licensed in this State who in this State knowingly represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(b) Any person other than a producer of insurance or surplus lines broker licensed in this State who in this State represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) Any person who commits a second or subsequent violation of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~3.} In addition to the penalties provided in subsection {2,} 1, such a violator is liable, personally, jointly and severally with any other person liable therefor, for the payment of premium taxes at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers.”.~~

Amend sec. 39, page 27, line 24, by deleting “37” and inserting “85”.

Amend sec. 41, page 28, lines 20 and 22, by deleting “40” and inserting “88”.

Amend the bill as a whole by renumbering sections 43 through 84 as sections 124 through 165 and adding new sections designated sections 91 through 123, following sec. 42, to read as follows:

“Sec. 91. Chapter 690A of NRS is hereby amended by adding thereto the provisions set forth as sections 92 to 114, inclusive, of this act.

Sec. 92. “*Compensation*” means commissions, dividends, retrospective rate credits, service fees, expense allowances or reimbursements, gifts, furnishing of equipment, facilities, goods and services, or any other form of

remuneration that is paid directly or indirectly as a result of the sale of consumer credit insurance.

Sec. 93. “Credit accident and health insurance” means insurance on a debtor to provide indemnity for payments or debt becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

Sec. 94. “Credit transaction” means any transaction for which the terms of repayment of money loaned or loan commitment made, or payment of goods, services or properties sold or leased, is to be made at a future date or dates.

Sec. 95. “Credit unemployment insurance” means insurance on a debtor to provide indemnity for payments or a debt becoming due on a specific loan or other credit transaction while the debtor is involuntarily unemployed as defined in the policy.

Sec. 96. “Gross debt” means the sum of the remaining payments owed to a creditor by a debtor.

Sec. 97. “Identifiable charge” means a charge for consumer credit insurance that is made to debtors who have that insurance and not made to debtors who do not have that insurance. The term includes a charge for insurance that is disclosed in the credit agreement or other instrument furnished to the debtor which sets forth the financial elements of the credit transaction and any difference in the finance, interest, service or other similar charge made to debtors who are in similar circumstances except for the insured or noninsured status of the debtor.

Sec. 98. “Net debt” means the amount required to liquidate the remaining debt in a single lump-sum payment, excluding all unearned interest and other unearned finance charges.

Sec. 99. “Open-end credit” means credit extended by a creditor under an agreement in which:

1. The creditor reasonably contemplates repeated transactions;
2. The creditor periodically imposes a finance charge on any outstanding unpaid balance; and
3. The amount of credit that may be extended to the debtor during the term of the agreement up to any limit set by the creditor is generally made available to the extent that any outstanding balance is repaid.

Sec. 100. The types of consumer credit insurance defined in this chapter may be written separately or in combination with other types of consumer credit insurance on an individual policy or group policy basis. The Commissioner may by regulation prohibit or limit any combination.

Sec. 101. 1. Except as otherwise provided in this section, the amount of credit life insurance must not exceed the greater of the actual net debt or the scheduled net debt.

2. If coverage is written on the actual net debt, the amount payable at the time of loss must not be less than the actual net debt less any payments that are more than 2 months past due.

3. If the coverage is written on any scheduled net debt, the amount payable at the time of loss must not be less than:

(a) If the actual net debt is less than or equal to the scheduled net debt, the scheduled net debt;

(b) If the actual net debt is greater than the scheduled net debt but less than the scheduled net debt plus 2 months of payments, the actual net debt; or

(c) If the actual net debt is greater than the scheduled net debt plus 2 months of payments, the scheduled net debt plus 2 months of payments.

4. If a premium is assessed to the debtor on a monthly basis and is based on the actual net debt, the amount payable at the time of loss must not be less than the actual net debt on that date. If the premium is based on a balance that does not include accrued past due interest, the amount payable at the time of loss must not be less than the actual net debt less any accrued interest that is more than 2 months past due.

5. Insurance on agricultural loan commitments that do not exceed 1 year in duration may be written for not more than the amount of the loan on a nondecreasing or level term plan.

6. Insurance on educational loan commitments may be written for the net unpaid debt plus any unused commitment.

7. Coverage may be written for less than the net debt through the following methods:

(a) The amount of insurance may be the lesser of a stated level amount and the amount determined in accordance with subsection 2;

(b) The amount of insurance may be the lesser of a stated level amount and the amount determined in accordance with subsection 3;

(c) The amount of insurance may be a constant percentage of the amount determined in accordance with subsection 2;

(d) The amount of insurance may be a constant percentage of the amount determined in accordance with subsection 3; or

(e) In the absence of any exclusions for a preexisting condition, the amount of insurance payable in the event of death by natural causes may be limited to the balance as it existed 6 months before the date of death if:

(1) There have been one or more increases in the outstanding balance during the 6-month period other than increases resulting from the accrual of interest or late charges; and

(2) Evidence of individual insurability has not been required during the 6-month period.

8. Other amounts of insurance may be used if those amounts are not inconsistent with the provisions of this section.

Sec. 102. 1. Except as otherwise provided in this section, for consumer credit insurance that is made available to and elected by a debtor before or with the credit transaction to which it relates, the term of the insurance must, subject to acceptance by the insurer, commence on the date on which the debtor becomes obligated to the creditor. If the insurer requires evidence of

individual insurability and the evidence is provided to the insurer more than 30 days after the date on which the debtor becomes obligated to the creditor, the insurance may commence on the date on which the insurer determines the evidence to be satisfactory.

2. *Except as otherwise provided in this section, for consumer credit insurance that is made available to and elected by a debtor after the credit transaction to which it relates, the term of the insurance must, subject to acceptance by the insurer, commence on a date not earlier than the date the election is made by the debtor and not later than 30 days after the date on which the insurance company accepts the risk for coverage. If the coverage does not commence on the date on which the insurance company accepts the risk for coverage, the date that coverage commences must be related to an objective method for determining the date, including, without limitation, the billing cycle, the payment cycle or a calendar month.*

3. *If a group policy provides coverage with respect to debts existing on the effective date of the policy, the insurance related to a debt must not commence before the effective date of the group policy.*

4. *A creditor or insurer shall not charge or retain payment from a debtor before commencement of the insurance to which the charge is related.*

Sec. 103. 1. *The term of any consumer credit insurance must not extend beyond the date of termination specified in the policy. The date of termination of the insurance must not occur more than 15 days after the scheduled maturity date of the debt to which it relates unless:*

(a) The date is extended at no additional cost to the debtor; or

(b) The date is extended pursuant to a written agreement signed by the debtor and relates to a variable rate credit transaction or a deferral, renewal, refinancing or consolidation of debt.

2. *If a debt is discharged because of any renewal, refinancing or consolidation before the scheduled date of termination of the consumer credit insurance, the insurance must be cancelled before any new consumer credit insurance is written in relation to the renewed, refinanced or consolidated debt.*

3. *If consumer credit insurance is terminated before the scheduled termination date, unless the insurance is terminated because of the performance by the insurer of all obligations with respect to the insurance, the insurer shall make an appropriate refund or credit to the debtor of any unearned charge that was paid by the debtor.*

4. *A debtor may cancel consumer credit insurance at any time by providing a request to the insurer. The insurer may require the request to be submitted in writing and may require the debtor to surrender any individual policy or group certificate. The right of the debtor to cancel the insurance may be subject to the terms of the credit transaction.*

Sec. 104. 1. *Before a debtor elects to purchase consumer credit insurance in connection with a credit transaction, the following information must be disclosed to the debtor in writing:*

(a) That the purchase of consumer credit insurance from the creditor is not mandatory and is not a condition for obtaining credit approval;

(b) If more than one type of consumer credit insurance is made available to the debtor, whether the debtor may purchase each separately or only as a package;

(c) The conditions of eligibility;

(d) That if the debtor has other insurance that covers the risk, the debtor may not want or need consumer credit insurance;

(e) That the debtor may cancel the insurance at any time, or if evidence of insurance is required for the extension of credit, upon proof of insurance that is acceptable to the creditor, and obtain a refund of:

(1) If the cancellation is not more than 30 days after the debtor receives the individual policy or certificate of insurance, any premium paid by the debtor; or

(2) If the cancellation is more than 30 days after the debtor receives the individual policy or certificate of insurance, any unearned premium paid by the debtor;

(f) A brief description of the coverage, including a description of the amount, term, extensions, limitations, perils and exclusions, the insured event, any waiting or elimination period, any deductible, any applicable waiver of premium, the person who would receive any benefits, and the premium or premium rate for the consumer credit insurance; and

(g) If the premium or insurance charge is financed, that it will be subject to finance charges at the rate applicable to the credit transaction.

2. The disclosures required pursuant to subsection 1:

(a) If made in connection with consumer credit insurance offered at the same time as the extension of credit or offered through direct mail advertisements, must be made in writing and presented to the customer in a clear and conspicuous manner; or

(b) If made in connection with consumer credit insurance offered after the extension of credit other than through direct mail advertisements, may be provided orally or electronically if written disclosures are provided not later than the earlier of:

(1) Ten days after the debtor elects to accept the coverage; or

(2) The date any other written material is provided by the creditor to the debtor.

Sec. 105. 1. All consumer credit insurance must be evidenced by an individual policy or a group certificate that is delivered to the debtor.

2. The individual policy or group certificate must, in addition to other requirements of law, include:

(a) The name and address of the home office of the insurer;

(b) The name of each debtor or, on a certificate of insurance, the identity by name or otherwise of each debtor;

(c) The amount of the premium or payment of the debtor stated separately for each type of coverage or as a package or, for open-end credit, the

premium rate, basis of the calculation of premiums and balance to which the premium rate applies;

(d) A complete description of the coverage or coverages, including the amount of coverage and any exceptions, limitations and exclusions;

(e) A statement that all benefits must be paid to the creditor to reduce or extinguish the unpaid debt and that if the benefits exceed the unpaid debt, any excess benefit must be paid to the debtor; and

(f) If the scheduled term of the insurance is less than the scheduled term of the credit transaction, a statement indicating that fact set forth on the face of the individual policy or certificate of insurance in not less than 10-point bold type.

3. The insurer shall deliver the individual policy or group certificate to the debtor upon acceptance of insurance by the insurer and not more than 30 days after the debtor elects to purchase the insurance. An individual policy or group certificate related to open-end credit or consumer credit insurance that is requested by the debtor after the date of the credit transaction to which it is related shall be deemed to have been delivered at the time the debtor elected to purchase insurance if the delivery is made not more than 30 days after the date on which the insurer accepts the insurance.

Sec. 106. 1. If the individual policy or group certificate is not delivered to the debtor at the time the debt is incurred or at such other time as the debtor purchases consumer credit insurance, a copy of the application or a notice of proposed insurance, signed by the debtor, must be delivered to the debtor. The application or notice of proposed insurance must include:

(a) The name and address of the home office of the insurer;

(b) The name of each debtor;

(c) The premium or amount of payment by the debtor for the insurance;

(d) The amount, term and a brief description of the coverage; and

(e) A statement that upon acceptance by the insurer, the insurance will become effective as described in section 102 of this act.

2. The application or notice of insurance provided pursuant to subsection 1 must:

(a) Refer exclusively to consumer credit insurance; and

(b) Be separate from the loan, sale or other credit statement, instrument or agreement unless the information required pursuant to subsection 1 is prominently set forth in the statement, instrument or agreement.

3. The application or notice of insurance provided pursuant to subsection 1 may be used to meet the requirements of sections 104 and 105 of this act if it includes the information required by those sections.

Sec. 107. 1. If a named insurer does not accept the insurance and another insurer accepts the insurance, the insurer shall provide an individual policy or group certificate that includes the name and address of the home office of the insurer who accepted the insurance and the amount of the premium to be charged. If the premium is less than the premium paid by the

debtor, the insurer shall provide a refund of the excess premium not more than 30 days after the date it was paid by the debtor.

2. If a named insurer does not accept the insurance and no other insurer accepts the insurance, a person who received any premium payment related to the insurance shall refund the payment not more than 30 days after the date it was paid by the debtor.

Sec. 108. 1. All policies, certificates of insurance, applications for insurance, enrollment forms, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates related thereto must be filed with the Commissioner.

2. An item filed with the Commissioner pursuant to subsection 1 may not be issued or used until 60 days after it is filed with the Commissioner or until the written prior approval of the Commissioner is obtained.

3. The Commissioner shall, not more than 60 days after an item is submitted to him pursuant to subsection 1, disapprove the item if the benefits are not reasonable in relation to the premium charged or if the item contains provisions that are unjust, unfair, inequitable, misleading or deceptive or encourage misrepresentation of the coverage or are contrary to any provision of the Code or any regulation adopted pursuant to the Code. If the Commissioner does not disapprove an item filed pursuant to subsection 1 in accordance with this subsection, the item shall be deemed to be approved.

4. If the Commissioner notifies an insurer that an item is disapproved pursuant to subsection 3, the insurer shall not use the item. The notice must include the reason for the disapproval and state that a hearing will be granted not less than 30 days after the insurer submits a written request for a hearing to the Commissioner, unless postponed by mutual consent or by order of the Commissioner.

5. The Commissioner may hold a hearing to withdraw approval of an item submitted pursuant to subsection 1 not less than 20 days after providing a written notice of the hearing to the insurer. The written notice must include one of the reasons described in subsection 3 for the proposed withdrawal of approval of the item. An insurer shall not use an item if approval of the item is withdrawn pursuant to this subsection.

Sec. 109. If an insurer revises its schedule of premium rates, it shall file the revised schedule with the Commissioner pursuant to section 108 of this act. An insurer shall not issue consumer credit insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.

Sec. 110. Each individual policy or group certificate must provide for a refund if the insurance is terminated before the scheduled termination date of the insurance. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of termination of the insurance. The Commissioner shall establish by regulation a minimum refund. A refund that is less than the minimum refund established by the Commissioner is not required to be refunded. The formula

used to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.

Sec. 111. *If a creditor requires a debtor to make a payment for consumer credit insurance and an individual policy or group certificate is not issued, the creditor shall immediately notify the debtor in writing and make an appropriate credit to the account of the debtor or issue a refund.*

Sec. 112. *The amount charged to a debtor for any consumer credit insurance must not exceed the amount of the premiums charged by the insurer as determined at the time that the charge was made to the debtor.*

Sec. 113. *Except as otherwise prohibited by law, any duty imposed on an insurer pursuant to this chapter may be carried out by a creditor who is acting as an agent of the insurer.*

Sec. 114. *The Commissioner:*

1. *Shall, by regulation, establish reasonable rates as described in this chapter; and*

2. *May adopt any other regulations to carry out the provisions of this chapter.*

Sec. 115. NRS 690A.010 is hereby amended to read as follows:

690A.010 Any consumer credit insurance issued in connection with loans or other credit transactions for personal, family or household use is subject to the provisions of this chapter ~~unless the insurance is issued~~ except:

1. Insurance written in connection with a ~~loan or other~~ credit transaction ~~[of more than 15 years' duration or the issuance of the insurance is]~~ that is:

(a) Secured by a first mortgage or deed of trust; and

(b) Made to finance the purchase of real property or the construction of a dwelling thereon, or to refinance a prior credit transaction made for that purpose;

2. Insurance that is sold as an isolated transaction on the part of the insurer and not related to an agreement or a plan for insuring debtors of the creditor ~~[;]~~;

3. Insurance for which no identifiable charge is made to the debtor; or

4. Insurance on accounts receivable.

Sec. 116. NRS 690A.011 is hereby amended to read as follows:

690A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[690A.012 to 690A.028,]~~ 690A.015 to 690A.018, inclusive, and sections 92 to 99, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 117. NRS 690A.015 is hereby amended to read as follows:

690A.015 "Credit insurance" or "consumer credit insurance" means ~~[credit]~~ any or all of the following:

1. Credit life insurance ~~[, credit disability insurance, involuntary];~~

2. Credit accident and health insurance;

3. Credit unemployment insurance ~~{and any other similar form of insurance.}~~; or

4. Any other insurance defined in this chapter.

Sec. 118. NRS 690A.016 is hereby amended to read as follows:

690A.016 “Credit life insurance” means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction ~~{}~~ to provide for satisfaction of a debt, in whole or in part, upon the death of an insured debtor.

Sec. 119. NRS 690A.050 is hereby amended to read as follows:

690A.050 1. Except as otherwise provided in subsection 2, the total amount of periodic indemnity payable pursuant to a policy of credit ~~{disability}~~ accident and health insurance or credit unemployment insurance in the event of disability ~~{}~~ or unemployment, as defined in the policy, ~~{or pursuant to a policy of involuntary unemployment insurance in the event of involuntary unemployment as defined in the policy.}~~ must not exceed the aggregate of the periodic scheduled unpaid installments of the ~~{indebtedness.}~~ gross debt, and the amount of each periodic indemnity payment must not exceed the original ~~{indebtedness}~~ gross debt divided by the number of periodic installments.

2. ~~{Credit disability insurance or involuntary.}~~ For credit accident and health insurance or credit unemployment insurance ~~{may be}~~ written in connection with ~~{a commitment for an educational credit transaction if the monthly indemnity does not exceed the amount that results when the total commitment is divided by the number of months in the term of the transaction.}~~ an open-end credit agreement, the amount of insurance must not exceed the gross debt which would accrue on that amount using the periodic indemnity. Subject to any policy maximum, the periodic indemnity must not be less than the minimum repayment schedule of the creditor.

Sec. 120. NRS 690A.120 is hereby amended to read as follows:

690A.120 All policies and certificates of consumer credit insurance may be delivered or issued for delivery in this State only by an insurer authorized to do an insurance business in this State, and may be issued only through holders of licenses or certificates of authority issued by the Commissioner.

Sec. 121. NRS 690A.130 is hereby amended to read as follows:

690A.130 1. All claims must be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate files on all reported claims. All claims must be settled as soon as ~~{possible}~~ practicable and in accordance with the terms of the insurance contract.

2. All claims must be paid ~~{either}~~ by draft drawn upon the insurer, by electronic funds transfer or by check of the insurer to the order of:

(a) The claimant to whom payment of the claim is due pursuant to the provisions of the policy; or

(b) Any other person designated by the claimant to whom payment is due.

3. ~~{No}~~ A plan or arrangement may not be used whereby ~~{any}~~ a person other than the insurer or its designated claim representative is authorized to

settle or adjust claims. The creditor may not be designated as the representative for the insurer in adjusting a claim, ~~but~~ *except that* a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due the group policyholder subject to the periodic audit of the insurer.

Sec. 122. NRS 690A.140 is hereby amended to read as follows:

690A.140 When any form of *consumer* credit insurance is required as additional security for any ~~[indebtedness,]~~ *debt*, the debtor may furnish the required amount of insurance through existing policies of insurance owned or controlled by him or procure or furnish the required coverage through any insurer authorized to transact the business of insurance in this State.

Sec. 123. NRS 690A.280 is hereby amended to read as follows:

690A.280 In addition to any other penalty provided by law, any person who violates any provision of this chapter or a regulation adopted or a final order of the Commissioner issued pursuant to this chapter shall, after notice and hearing, pay a civil penalty:

1. In an amount not to exceed ~~[\$2,500,]~~ \$5,000; or
2. If the violation is willful, in an amount not to exceed \$10,000, and the Commissioner may, after notice and a hearing, revoke or suspend the license or certificate of authority of that person.”.

Amend sec. 43, page 29, line 14, by deleting: “44 to 62,” and inserting: “125 to 143,”.

Amend sec. 59, page 33, line 42, by deleting “*formed.*” and inserting “*domiciled.*”.

Amend sec. 63, page 34, line 43, by deleting: “44 to 53,” and inserting: “125 to 134,”.

Amend sec. 76, page 40, line 28, by deleting “55” and inserting “136”.

Amend sec. 77, page 42, line 7, by deleting “Ten” and inserting: “[~~Ten~~] Twenty-five”.

Amend sec. 79, page 43, by deleting lines 25 through 27 and inserting: “mutual nonassessable ~~[legal reserve disability]~~ life or health insurers.”.

Amend sec. 83, page 45, line 7, by deleting “689B.190” and inserting: “689B.190, 690A.012, 690A.013, 690A.014, 690A.019, 690A.021, 690A.022, 690A.023, 690A.024, 690A.025, 690A.026, 690A.027, 690A.028, 690A.030, 690A.040, 690A.060, 690A.070, 690A.080, 690A.090, 690A.100, 690A.110, 690A.150, 690A.160, 690A.170, 690A.180, 690A.190, 690A.200, 690A.210, 690A.220, 690A.230, 690A.240, 690A.250, 690A.260, 690A.270”.

Amend sec. 84, page 45, by deleting lines 8 through 13 and inserting:

“Sec. 165. 1. This section and sections 1 to 16, inclusive, 62, 63, 65 to 69, inclusive, 71 to 74, inclusive, 77, 78, 79, 81, 82, 83, 87 to 90, inclusive, 124 to 159, inclusive, and 161 of this act become effective upon passage and approval.

2. Sections 64, 70, 76, 80, 84, 85, 86, 160, 162 and 164 of this act become effective on October 1, 2005.

3. Sections 17 to 61, inclusive, and 91 to 123, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are required to carry out the provisions of this act; and

(b) On October 1, 2005, for all other purposes.

4. Sections 74 and 162 of this act expire by limitation on the”.

Amend sec. 84, page 45, by deleting line 24 and inserting:

“5. Sections 75 and 163 of this act become effective on the date”.

Amend the bill as a whole by deleting the text of repealed sections and adding the leadlines of repealed sections to read as follows:

“

LEADLINES OF REPEALED SECTIONS

689B.190 Renewal of converted policy: Request for information on sources of other benefits; grounds for refusal to renew; notice concerning cancellation of other coverage.

690A.012 “Compensation” defined.

690A.013 “Contingent compensation” defined.

690A.014 “Credit disability insurance” defined.

690A.019 “Gross coverage” defined.

690A.021 “Indebtedness” defined.

690A.022 “Involuntary unemployment insurance” defined.

690A.023 “Joint life insurance” defined.

690A.024 “Level term plan” defined.

690A.025 “Outstanding balance basis” defined.

690A.026 “Primary compensation” defined.

690A.027 “Producer” defined.

690A.028 “Single premium basis” defined.

690A.030 Limitations on form of issuance and type of insurance.

690A.040 Amounts of credit life insurance.

690A.060 Term.

690A.070 Policies and certificates of insurance: Contents; delivery.

690A.080 Forms, schedules and formulas: Filing; approval; regulations; withdrawal of approval.

690A.090 Premiums and refunds.

690A.100 Collection of premium or other charge.

690A.110 Premiums and gains not deemed interest.

690A.150 Maintenance of statistics regarding insurance and records regarding creditors.

690A.160 Use or continuation of compensating balances or accounts of special deposits prohibited.

690A.170 Insurer required to conduct audits and reviews; retention of results; payment of costs; Commissioner may order audit or review.

690A.180 Order issued by Commissioner for noncompliance with chapter.

690A.190 Excessive rates; approval of higher rate; filing of statistical experience for higher rate; restrictive provisions in policy.

690A.200 Rates: Credit life insurance.

690A.210 Rates: Credit disability insurance.

690A.220 Rates: Involuntary unemployment insurance.

690A.230 Restrictions based on age.

690A.240 Payment of compensation to producer.

690A.250 Formula for refund.

690A.260 Transfers to unauthorized insurer.

690A.270 Foreign insurers.

690B.060 Reports to Commissioner.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; providing for the regulation of discount health plans; providing the tax rate on premiums for risk retention groups; providing for the regulation of credit personal property insurance; decreasing certain fees for risk retention groups; authorizing an insurer to invest in bonds or notes secured by second liens upon real property under certain circumstances; setting forth the circumstances under which a producer of insurance may pay a commission for selling, soliciting, procuring or negotiating insurance in this State; authorizing the Nevada Insurance Guaranty Association to perform certain acts requested by the Commissioner of Insurance; providing that coverage under a conversion health benefit plan must be renewed by the carrier that issued it under certain circumstances; providing for the regulation of consumer credit insurance; providing for the establishment and regulation of sponsored captive insurers; providing for the establishment and regulation of branch captive insurers; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 530.

Amend the bill as a whole by deleting sections 1 through 49 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 644.024 is hereby amended to read as follows:

644.024 “Cosmetology” includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, demonstrator of cosmetics and

manicurist. *The term does not include the occupation of permanent cosmetics subject to the provisions of section 2 of this act.*

Sec. 2. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not practice permanent cosmetics in this State unless he is certified by the Society of Permanent Cosmetic Professionals or its successor, the American Academy of Micropigmentation or its successor, or an equivalent national certifying organization recognized by the health authority. Any person who violates the provisions of this subsection is guilty of a misdemeanor.*

2. *A person certified to practice permanent cosmetics in accordance with subsection 1 shall not use equipment that uses infrared or laser technology to perform permanent cosmetics unless he uses the equipment under the direction of a physician licensed pursuant to chapter 630 of NRS. A person who violates a provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

3. *A health authority may adopt ordinances or regulations, as appropriate, governing the practice of permanent cosmetics in its jurisdiction.*

4. *As used in this section, "permanent cosmetics" means cosmetic tattooing that includes applications of pigments to or under the skin of a human being to enhance the appearance of the eyes, eyebrows or lines of the eyes, or to simulate the natural appearance of the skin after surgery or scarring. The term includes, without limitation, micropigmentation, implantation of micropigments and dermagraphics.*

Sec. 3. Notwithstanding any amendatory provision of this act to the contrary, a person who engages in the practice of permanent cosmetics is not required to be certified as required by section 2 of this act before July 1, 2006."

Amend the title of the bill to read as follows:

"AN ACT relating to permanent cosmetics; prohibiting a person from practicing permanent cosmetics unless he is certified by a certain organization; prohibiting the person from using equipment that uses infrared or laser technology under certain circumstances; authorizing a health authority to adopt ordinances or regulations governing the practice of permanent cosmetics in its jurisdiction; providing penalties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Provides for regulation of persons who practice permanent cosmetics. (BDR 43-925)".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 551.

Amend sec. 4, page 2, by deleting lines 27 and 28 and inserting:

“Sec. 4. An insurer that makes payments of compensation to an injured employee for a permanent total disability shall provide to the injured employee a quarterly accounting in the form of a letter that sets forth with respect to the payments.”.

Amend sec. 5, page 3, line 1, after “demonstrates” by inserting: “by a preponderance of the evidence”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to industrial insurance; requiring an insurer that makes payments of compensation to an injured employee for a permanent total disability to provide a quarterly accounting to the injured employee that sets forth certain information; requiring an”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 253.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 3 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 353.325 is hereby amended to read as follows:

353.325 1. Each state agency, within 10 days after receiving an audit report pertaining to that agency, including a management letter and the agency’s reply, shall submit one copy of the audit report to:

~~{1.}—(a) The Chief of the Budget Division of the Department of Administration {;~~

~~2.};~~

~~(b) The State Controller {;~~

~~3.}; and~~

~~(c) The Legislative Auditor.~~

2. *The audit report, including, without limitation, the opinion and findings of the auditor contained in the audit report, may be disseminated by or on behalf of the state agency for which the report was prepared by inclusion, without limitation, in or on:*

(a) *An official statement or other document prepared in connection with the offering of bonds or other securities;*

(b) *A filing made pursuant to the laws or regulations of this State;*

(c) *A filing made pursuant to a rule or regulation of the Securities and Exchange Commission of the United States; or*

(d) *A website maintained by a state agency on the Internet or its successor,*

without the consent of the auditor who prepared the audit report. A provision of a contract entered into between an auditor and a state agency that is contrary to the provisions of this subsection is against the public policy of this State and is void and unenforceable.

Sec. 2. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its financial statements. A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 6 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the Department of Taxation to any local government that submits an application for an extension to the Department. If the local government fails to provide for an audit in accordance with the provisions of this section, the Department of Taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a certified public accountant or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:

(a) Be concluded and the report submitted to the board of trustees as provided in subsection 6 not later than 4 months after the close of the fiscal year for which the audit is conducted.

(b) If the school district has more than 150,000 pupils enrolled, include an audit of the expenditure by the school district of public money used:

(1) To design, construct or purchase new buildings for schools or related facilities;

(2) To enlarge, remodel or renovate existing buildings for schools or related facilities; and

(3) To acquire sites for building schools or related facilities, or other real property for purposes related to schools.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated, and notification of the auditor or firm designated must be sent to the Department of Taxation not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards in the United States,

including findings on compliance with statutes and regulations and an expression of opinion on the financial statements. The Department of Taxation shall prescribe the form of the financial statements, and the chart of accounts must be as nearly as possible the same as the chart that is used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989;

(b) A comparison of the operations of the local government with the approved budget, including a statement from the auditor that indicates whether the governing body has taken action on the audit report for the prior year; and

(c) If the local government is subject to the provisions of NRS 244.186, a report showing that the local government is in compliance with the provisions of paragraphs (a) and (b) of subsection 1 of NRS 244.186.

5. Each local government shall provide to its auditor:

(a) A statement indicating whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

(1) An enterprise fund.

(2) An internal service fund.

(3) A fiduciary fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount.

(b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

(c) If the local government is subject to the provisions of NRS 244.186, a declaration indicating that the local government is in compliance with the provisions of paragraph (c) of subsection 1 of NRS 244.186.

6. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The Department of Taxation; and

(d) In the case of a school district, the Department of Education.

7. *The report of the audit, including, without limitation, the opinion and findings of the auditor contained in the report of the audit, may be*

disseminated by or on behalf of the local government for which the report was prepared by inclusion, without limitation, in or on:

- (a) An official statement or other document prepared in connection with the offering of bonds or other securities;
- (b) A filing made pursuant to the laws or regulations of this State;
- (c) A filing made pursuant to a rule or regulation of the Securities and Exchange Commission of the United States; or
- (d) A website maintained by a local government on the Internet or its successor,

without the consent of the auditor who prepared the report of the audit. A provision of a contract entered into between an auditor and a local government that is contrary to the provisions of this subsection is against the public policy of this State and is void and unenforceable.

8. If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.

~~8.~~9. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.”.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: “Exchange Commission ~~and~~, has been approved by the State Board of Finance ~~and~~ pursuant to subsection 4 and has entered into a contract with the State Treasurer relating to the purchase and investment of securities.”.

Amend sec. 2, page 3, by deleting line 10 and inserting: “local government or a qualified bank ~~as provided in subsection 2,~~ or trust”.

Amend sec. 2, page 3, line 19, before “to” by inserting “or trust”.

Amend sec. 2, page 3, lines 21 and 27, after “bank” by inserting “or trust”.

Amend sec. 2, page 3, line 30, after “bank” by inserting “or trust”.

Amend sec. 2, page 3, by deleting lines 36 through 41 and inserting:

“4. For the purposes of this section, a bank or trust is qualified to hold securities for a local government if the bank or trust is rated by a nationally recognized rating service as “AA” or its equivalent, or better.”.

Amend sec. 5, page 6, by deleting line 23 and inserting:

“(b) Ten percent of the next ~~\$2,000~~ \$10,000 of the excess”.

Amend sec. 6, page 6, by deleting line 40 and inserting:

“Sec. 8. 1. This section and sections 1 and 2 of this act become effective upon passage and approval.

2. Sections 3 to 7, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public financial administration; authorizing the dissemination of certain reports of audits of state agencies and local governments without the consent of the auditor; providing criteria for the

approval of investment advisers to make certain investments for local governments; authorizing certain banks and trusts to hold certain securities on behalf of local governments under certain circumstances; establishing requirements for agreements to locate, deliver, recover or assist in the recovery of certain property held in trust by a county treasurer; providing that a deed made to the county treasurer as trustee for the State and county is, except as against actual fraud, conclusive evidence of certain matters; increasing the payment to the county general fund from the proceeds of the sale of properties for delinquent taxes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning public financial administration. (BDR 31-605)”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 324.

Amend the bill as a whole by deleting sections 1 through 94 and adding new sections designated sections 1 through 84, following the enacting clause, to read as follows:

“Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 74, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Cashing” means providing currency or a negotiable instrument in exchange for a check.*

Sec. 4. 1. *“Check” means:*

(a) A draft, other than a documentary draft, payable on demand and drawn on a bank; or

(b) A cashier’s check or teller’s check.

2. *An instrument may be a check even though it is described on its face by another term, such as “money order.”*

Sec. 5. *“Check-cashing service” means any person engaged in the business of cashing checks for a fee, service charge or other consideration.*

Sec. 6. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 7. “Customer” means any person who receives or attempts to receive check-cashing services, deferred deposit loan services, short-term loan services or title loan services from another person.

Sec. 8. 1. “Default” means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement and any grace period that complies with the provisions of section 23 of this act or under the terms of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of section 23 of this act; or

(b) Pay a loan in full on or before:

(1) The expiration of the initial loan period as set forth in a lawful loan agreement and any grace period that complies with the provisions of section 23 of this act; or

(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of section 23 of this act, provided that the due date of the extension or repayment plan is not later than 8 weeks after the expiration of the initial loan period.

2. A default occurs on the day immediately following the date of the customer’s failure to perform as described in subsection 1.

Sec. 9. “Deferred deposit loan” means a transaction in which, pursuant to a written agreement:

1. A customer tenders to another person:

(a) A personal check drawn upon the account of the customer; or

(b) Written authorization for an electronic transfer of money for a specified amount from the account of the customer; and

2. The other person:

(a) Provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; and

(b) Agrees, for a specified period, not to cash the check or execute the electronic transfer of money for the amount specified in the written authorization.

Sec. 10. “Deferred deposit loan service” means any person engaged in the business of making deferred deposit loans for a fee, service charge or other consideration.

Sec. 11. “Electronic transfer of money” means any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

Sec. 12. 1. “Extension” means any extension or rollover of a loan beyond the date on which the loan is required to be paid in full under the original terms of the loan agreement, regardless of the name given to the extension or rollover.

2. The term does not include a grace period.

Sec. 13. “Grace period” means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of section 23 of this act.

Sec. 14. “Licensee” means any person who has been issued one or more licenses to operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service pursuant to the provisions of this chapter.

Sec. 15. “Loan” means any deferred deposit loan, short-term loan or title loan, or any extension or repayment plan relating to such a loan, made at any location or through any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 16. “Motor vehicle” has the meaning ascribed to it by the Commissioner pursuant to section 28 of this act.

Sec. 17. 1. “Short-term loan” means a loan made to a customer pursuant to a loan agreement which, under its original terms:

(a) Charges fees or a rate of interest, or any combination thereof, that when calculated as an annualized percentage rate is more than 40 percent; and

(b) Requires the loan to be paid in full in less than 1 year.

2. The term does not include:

(a) A deferred deposit loan; or

(b) A title loan.

Sec. 18. “Short-term loan service” means any person engaged in the business of providing short-term loans for a fee, service charge or other consideration.

Sec. 19. 1. “Title loan” means a loan made to a customer who secures the loan with the title to a motor vehicle and who gives possession of the title to the person making the loan or to any agent, affiliate or subsidiary of the person.

2. The term does not include a loan which is secured by a lien or other security interest that attaches to a motor vehicle or appears on its title, including, without limitation, a loan to finance the purchase of the motor vehicle, if the person making the loan, or any agent, affiliate or subsidiary of the person, does not take possession of the title.

Sec. 20. “Title loan service” means any person engaged in the business of providing title loans for a fee, service charge or other consideration.

Sec. 21. “Title to a motor vehicle” or “title” means a certificate of title issued by the Department of Motor Vehicles that identifies the legal owner of a motor vehicle or any similar document issued pursuant to the laws of another jurisdiction.

Sec. 22. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense, including, without limitation, calling a loan by any other name or using any agents,

affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter.

Sec. 23. The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan, except that the licensee shall not charge the customer:

1. Any fees for granting such a grace period; or
2. Any fees or interest on the outstanding loan during such a grace period.

Sec. 24. 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to provide for, to the extent practicable, uniform regulation of the loans and transactions that are subject to the provisions of this chapter.

2. If there is a conflict between the provisions of this chapter and the provisions of any other general law regulating loans and similar transactions, the provisions of this chapter control.

Sec. 25. This chapter or any part thereof may be modified, amended or repealed by the Legislature so as to effect a cancellation or alteration of any license or right of a licensee under this chapter, provided that such cancellation or alteration shall not impair or affect the obligation of any preexisting lawful loan agreement between any licensee and any customer.

Sec. 26. Any loan lawfully made outside this State as permitted by the laws of the state in which the loan was made may be collected or otherwise enforced in this State in accordance with its terms.

Sec. 27. The provisions of this chapter do not apply to:

1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies or insurance companies.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than \$2; and

(b) Does not hold himself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 28. 1. The Commissioner shall adopt by regulation a definition of the term "motor vehicle" as that term is used in the definition of "title loan" for the purposes of this chapter.

2. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

3. The Commissioner shall adopt any other regulations as are necessary to carry out the provisions of this chapter.

Sec. 29. 1. A person, including, without limitation, a person licensed pursuant to chapter 675 of NRS, shall not operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.

2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 30. 1. A licensee shall post in a conspicuous place in every location at which he conducts business under his license, a notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, short-term loan services or title loan services.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, the licensee

shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:

(a) The types of loans the licensee offers and the fees he charges for making each type of loan; and

(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.

3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.

Sec. 31. 1. Before making any loan to a customer, a licensee shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:

(a) English, if the transaction is conducted in English; or

(b) Spanish, if the transaction is conducted in Spanish.

2. The loan agreement must include, without limitation, the following information:

(a) The name and address of the licensee and the customer;

(b) The date of the loan;

(c) The nature of the security for the loan, if any;

(d) The amount of the loan obligation, including, without limitation, an itemization of the interest, charges and fees the customer must pay if the licensee makes a loan to the customer;

(e) The description or schedule of payments on the loan;

(f) A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;

(g) A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(h) Disclosures required for a similar transaction by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq.; and

(i) Disclosures required under any other applicable state statute or regulation.

Sec. 32. 1. If a customer defaults on a loan, the licensee may collect the debt owed to the licensee only in a professional, fair and lawful manner. When collecting such a debt, the licensee must act in accordance with and must not violate sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the licensee is not otherwise subject to the provisions of that Act.

2. If a licensee initiates a civil action against a customer to collect a debt, the court may award:

(a) Court costs;

(b) Costs of service of process, except that the costs must not exceed the amount of the fees charged by the sheriff or constable for service of process

in the county where the action was brought or, if the customer is not served in that county, in the county where the customer was served; and

(c) Reasonable attorney's fees. In determining the amount of the attorney's fees and whether they are reasonable, the court shall consider the complexity of the case, the amount of the debt and whether the licensee could have used less costly means to collect the debt.

Sec. 33. 1. *If a customer is called to active duty in the military, a licensee shall:*

(a) Defer for the duration of the active duty all collection activity against the customer and his property, including, without limitation, any community property in which the customer has an interest; and

(b) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.

2. *When collecting any defaulted loan, a licensee shall not:*

(a) Garnish any wages or salary paid to a customer for active service in the military; or

(b) Contact the military chain of command of a customer in an effort to collect the defaulted loan.

3. *As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.*

Sec. 34. *A licensee shall not:*

1. *Make a loan that exceeds 25 percent of the expected gross monthly income of the customer during the term of the loan unless justified by particular circumstances. A licensee is not in violation of the provisions of this subsection if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that the loan does not exceed 25 percent of the expected gross monthly income of the customer during the term of the loan.*

2. *Make more than one loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:*

(a) The customer is seeking multiple loans that do not exceed the limit set forth in subsection 1;

(b) The licensee charges the same rate of interest for any additional loans as he charged for the initial loan;

(c) Except for the interest charged pursuant to paragraph (b), the licensee does not impose any other charge or fee to initiate any additional loans; and

(d) If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment, the licensee does not charge any fees to the customer pursuant to section 45 of this act, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment.

Sec. 35. *A licensee shall not:*

1. *Accept:*

(a) Collateral as security for a loan, except that a title to a motor vehicle may be accepted as security for a title loan.

(b) An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a loan.

(c) A check as security for a short-term loan or title loan.

(d) More than one check or written authorization for the electronic transfer of money for each deferred deposit loan.

(e) A check or written authorization for the electronic transfer of money for any deferred deposit loan in an amount which exceeds the amount of total payments set forth in the disclosure statement required by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, a schedule or description of the payments to be made thereon and the rate or aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer. Compliance with the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., constitutes compliance with this subsection.

3. Take any instrument, including a check or written authorization for the electronic transfer of money, in which blanks are left to be filled in after the loan is made.

4. Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the loan.

5. Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.

6. Charge any fee to cash a check representing the proceeds of a loan made by the licensee or any agent, affiliate or subsidiary of the licensee.

Sec. 36. A licensee shall not:

1. Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.

2. Commence a civil action before the expiration of the original term of a loan agreement or before the expiration of any repayment plan, extension or grace period negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.

3. Take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the customer in a judicial proceeding.

4. Include in any written agreement:

(a) A promise by the customer to hold the licensee harmless;

(b) A confession of judgment by the customer;

(c) An assignment or order for payment of wages or other compensation due the customer; or

(d) A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.

5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

Sec. 37. A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the motor vehicle securing the title loan.

2. Make a title loan without regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.

3. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations and employment; and

(b) The customer has the ability to repay the title loan.

Sec. 38. 1. Except where in conflict with the provisions of this chapter, the provisions of chapter 104 of NRS apply to any title loan between a licensee and a customer.

2. Except as otherwise provided in this section, if a customer defaults on a title loan, or on any extension or repayment plan relating to the title loan, the sole remedy of the licensee who made the title loan is to commence a legal action to seek repossession and sale of the motor vehicle which the customer used to secure the title loan. The licensee may not pursue the customer personally for:

(a) Payment of the loan, unless the licensee proves the customer prevented the repossession and sale of the motor vehicle by any means, including, without limitation, hiding the motor vehicle; or

(b) Any deficiency after repossession and sale of the motor vehicle which the customer used to secure the title loan, unless the licensee proves the customer damaged or otherwise committed or permitted waste on the motor vehicle. For the purposes of this paragraph, it shall not be deemed waste for the customer to continue to use the motor vehicle in the same manner it was used before he entered into the title loan or to make necessary repairs to the motor vehicle.

3. After repossession and sale of the motor vehicle securing the title loan, the licensee shall return to the customer any proceeds from the sale of the motor vehicle which exceed the amount owed on the title loan.

4. If a customer uses fraud to secure a title loan, the licensee may bring a civil action against the customer for any or all of the following relief:

(a) The amount of the loan obligation, including, without limitation, the aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer;

(b) Reasonable attorney's fees and costs; and

(c) Any other legal or equitable relief that the court deems appropriate.

5. As used in this section, "fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the customer with the intent to deprive the licensee of his rights or property or to otherwise injure the licensee. The term includes, without limitation, giving to a licensee as security for a title loan the title to a motor vehicle which does not belong to the customer.

Sec. 39. 1. A customer may rescind a loan on or before the close of business on the next day of business at the location where the loan was initiated. To rescind the loan, the customer must deliver to the licensee:

(a) A sum of money equal to the face value of the loan, less any fee charged to the customer to initiate the loan: or

(b) The original check, if any, which the licensee gave to the customer pursuant to the loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the loan.

2. If a customer rescinds a loan pursuant to this section, the licensee:

(a) Shall not charge the customer any fee for rescinding the loan; and

(b) Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a short-term loan, a copy of the promissory note stamped "void" or the receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a motor vehicle to initiate the title loan, the title.

Sec. 40. 1. A customer may pay a loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date his final payment on the loan, or any extension thereof, is due.

2. If a customer pays the loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer, the licensee shall:

(a) Give to the customer:

(1) If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or the written authorization stamped "void";

(2) If the customer gave to the licensee a promissory note to initiate a short-term loan, the promissory note stamped "void" or a receipt stamped "paid in full"; or

(3) If the customer gave to the licensee a title to a motor vehicle to initiate a title loan, the title; and

(b) Give to the customer a receipt with the following information:

(1) The name and address of the licensee;

(2) The identification number assigned to the loan agreement or other information that identifies the loan;

(3) The date of the payment;

(4) The amount paid;

(5) An itemization of interest, charges and fees;

(6) A statement that the loan is paid in full; and

(7) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 41. 1. A customer may make a partial payment on a loan, or any extension thereof, at any time without an additional charge or fee.

2. If a customer makes such a partial payment, the licensee shall give to the customer a receipt with the following information:

(a) The name and address of the licensee;

(b) The identification number assigned to the loan agreement or other information that identifies the loan;

(c) The date of the payment;

(d) The amount paid;

(e) An itemization of interest, charges and fees;

(f) The balance due on the loan; and

(g) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 42. 1. The licensee and customer may enter into a repayment plan if:

(a) The customer defaults on the original loan, or any extension thereof; or

(b) Before such a default, the customer indicates that he is unable to pay the original loan in full pursuant to the terms set forth in the original loan agreement, or any extension thereof.

2. If the customer defaults on the original loan or any extension thereof, or indicates that he is unable to pay in full the original loan or any extension thereof, the licensee:

(a) Shall provide written notice in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish, to the customer of his right to enter into a repayment plan; and

(b) Shall not commence any civil action to collect on the outstanding loan unless:

(1) Such a notice has been sent to the customer; and

(2) The customer fails to exercise his right to enter into a repayment plan within 15 days after receipt of the notice.

3. If the licensee and customer enter into a repayment plan pursuant to this section, the customer may pay the remaining balance on the outstanding loan:

- (a) In four equal monthly installments; or
- (b) Under any other terms negotiated and agreed to by the licensee and customer that comply with the provisions of this section.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Provide to the customer a document which confirms that the customer has entered into a repayment plan and which states the date and terms of the repayment plan; and

(b) If the repayment plan is for a deferred deposit loan, return to the customer the check or written authorization for an electronic transfer of money that the customer used to initiate the deferred deposit loan, with the check or written authorization stamped "void."

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, other than the interest charged pursuant to the original loan agreement, regardless of the name given to the interest; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Accept any security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in subsection 1 of section 34 of this act; or

(e) Commence a civil action against the customer during the term of the repayment plan.

6. Each time a customer makes a payment pursuant to a repayment plan, the licensee shall give to the customer a receipt with the following information:

- (a) The name and address of the licensee;
- (b) The identification number assigned to the loan agreement or other information that identifies the loan;
- (c) The date of the payment;
- (d) The amount paid;

(e) The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and

(f) If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 43. If a customer agrees to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new loan to pay the balance of the outstanding loan, the licensee shall not establish or extend such a period beyond 8 weeks after the expiration of the initial loan period.

Sec. 44. 1. If a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer:

(a) The principal amount of the loan.

(b) The interest accrued before the expiration of the initial loan period at the rate of interest set forth in the disclosure statement required by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., that is provided to the customer. If there is an extension or repayment plan relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 8 weeks after the expiration of the initial loan period.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to paragraph (b), whichever is later, at a rate of interest not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 12 weeks. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to section 45 of this act for a check that is not paid upon presentment because the account of the customer contains insufficient funds or has been closed.

2. Except for the interest and fees permitted pursuant to subsection 1, the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such an amount includes, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Sec. 45. 1. A licensee may collect a fee of not more than \$25 if a check is not paid upon presentment because the account of the customer contains insufficient funds or has been closed.

2. If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each regardless of the number of times the check is presented for payment.

3. If the account of the customer has been closed, the licensee may collect only one fee of \$25 regardless of the number of times the check is presented for payment.

4. A customer is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.

Sec. 46. In addition to any other provision in this chapter, each time a customer makes a payment to a licensee, the licensee shall give to the customer a receipt with the following information:

1. The name and address of the licensee;
2. The identification number assigned to the loan agreement or other information that identifies the loan;
3. The date of the payment;
4. The amount paid;
5. The balance due on the loan or, when the customer makes a final payment, a statement that the loan is paid in full; and
6. If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.

Sec. 47. 1. A person shall not act as an agent for or assist a licensee in the making of a loan unless the licensee complies with all applicable federal and state laws, regulations and guidelines.

2. The provisions of this section do not apply to the agent or assistant to a state or federally chartered bank, thrift company, savings and loan association or industrial loan company if the state or federally chartered bank, thrift company, savings and loan association or industrial loan company:

- (a) Initially advances the loan proceeds to the customer; and
- (b) Does not sell, assign or transfer a preponderant economic interest in the loan to the agent or assistant or an affiliate or subsidiary of the state or federally chartered bank, thrift company, savings and loan association or industrial loan company, unless selling, assigning or transferring a preponderant economic interest is expressly permitted by the primary regulator of the state or federally chartered bank, thrift company, savings and loan association or industrial loan company.

3. If a licensee acts as an agent for or assists a state or federally chartered bank, thrift company, savings and loan association or industrial loan company in the making of a loan and the licensee can show that the standards set forth in subsection 2 are satisfied, the licensee must comply with all other provisions in this chapter to the extent they are not preempted by other state or federal law.

Sec. 48. 1. *An application for a license pursuant to the provisions of this chapter must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

(a) If the applicant is a natural person, the name and address of the applicant.

(b) If the applicant is a business entity, the name and address of each:

(1) Partner;

(2) Officer;

(3) Director;

(4) Manager or member who acts in a managerial capacity; and

*(5) Registered agent,
of the business entity.*

(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:

(1) Partners;

(2) Officers;

(3) Directors; and

(4) Managers or members who act in a managerial capacity.

(d) The address of each location at which the applicant proposes to do business, including, without limitation, each location where the applicant will operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

(e) If the applicant is or intends to be licensed to provide more than one type of service pursuant to the provisions of this chapter, a statement of that intent and which services he provides or intends to provide.

2. *Each application for a license must be accompanied by:*

(a) A nonrefundable application fee;

(b) Such additional expenses incurred in the process of investigation as the Commissioner deems necessary; and

(c) A fee of not less than \$100 or more than \$500, prorated on the basis of the licensing year.

All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

3. *The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.*

Sec. 49. 1. *Except as otherwise provided in section 50 of this act, each application for a license pursuant to the provisions of this chapter must be accompanied by a surety bond payable to the State of Nevada in the amount of \$50,000 for the use and benefit of any customer receiving the services of the licensee.*

2. *The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must*

secure the faithful performance of the obligations of the licensee respecting the provision of the services.

3. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against him by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after:

(a) The death of the licensee or the dissolution or liquidation of his business; or

(b) The termination of the bond,
whichever event occurs first.

7. A licensee or his surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.

Sec. 50. 1. In lieu of any surety bond, or any portion of the principal sum thereof as required pursuant to the provisions of this chapter, a licensee may deposit with the State Treasurer or with any bank, credit union or trust company authorized to do business in this State as the licensee may select, with the approval of the Commissioner:

(a) Interest-bearing stocks;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State or guaranteed by this State,

in an aggregate amount of, based upon principal amount or market value, whichever is lower, of not less than the amount of the required surety bond or portion thereof.

2. The securities must be held to secure the same obligation as would the surety bond, but the depositor may receive any interest or dividends and, with the approval of the Commissioner, substitute other suitable securities for those deposited.

Sec. 51. 1. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.

2. This section applies, without limitation, to any office or other place of business located outside this State from which the applicant will conduct business in this State at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 52. 1. Upon the filing of the application and the payment of the fees required pursuant to section 48 of this act, the Commissioner shall investigate the facts concerning the application and the requirements provided for in section 54 of this act.

2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the date the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as he may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other persons as the Commissioner may see fit, at least 10 days before the date set for the hearing.

3. The Commissioner shall make his order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.

Sec. 53. *If the Commissioner finds that any applicant does not possess the requirements specified in this chapter, he shall:*

1. *Enter an order denying the application and notify the applicant of the denial.*

2. *Within 10 days after the entry of such an order, file his findings and a summary of the evidence supporting those findings and deliver a copy thereof to the applicant.*

Sec. 54. 1. *The Commissioner shall enter an order granting an application if he finds that the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently.*

2. *If the Commissioner grants an application, the Commissioner shall:*

(a) *File his findings of fact together with the transcript of any hearing held pursuant to the provisions of this chapter; and*

(b) *Issue to the licensee a license in such form and size as is prescribed by the Commissioner for each location at which the licensee proposes to do business.*

3. *Each licensee shall prominently display his license at the location where he does business. The Commissioner may issue additional licenses to the same licensee for each branch location at which the licensee is authorized to operate under the license, including, without limitation, each branch location where the licensee is authorized to operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means. Nothing in this subsection requires a license for any place of business devoted to accounting, recordkeeping or administrative purposes only.*

4. *Each license shall:*

(a) *State the address at which the business is to be conducted; and*

(b) *State fully:*

(1) *The name and address of the licensee;*

(2) *If the licensee is a copartnership or association, the names of its members; and*

(3) *If the licensee is a corporation, the date and place of its incorporation.*

5. *A license is not transferable or assignable.*

Sec. 55. 1. *A license issued pursuant to the provisions of this chapter expires annually on the anniversary of the issuance of the license. A licensee must renew his license on or before the date on which the license expires by paying:*

(a) *A renewal fee; and*

(b) *An additional fee for each branch location at which the licensee is authorized to operate under the license.*

2. A licensee who fails to renew his license within the time required by this section is not licensed pursuant to the provisions of this chapter.

3. The Commissioner may reinstate an expired license upon receipt of the renewal fee and a fee for reinstatement.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

Sec. 56. 1. A licensee shall immediately notify the Commissioner of any change of control of the licensee.

2. A person who acquires stock, partnership or member interests resulting in a change of control of the licensee shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements for obtaining a license pursuant to the provisions of this chapter will be satisfied after the change of control. If the Commissioner determines that those requirements will not be satisfied, he may deny the application and forbid the applicant from participating in the business of the licensee.

3. As used in this section, "change of control" means:

(a) A transfer of voting stock, partnership or member interests which results in giving a person, directly or indirectly, the power to direct the management and policy of a licensee; or

(b) A transfer of at least 25 percent of the outstanding voting stock, partnership or member interests of the licensee.

Sec. 57. A licensee shall not conduct the business of making loans under any name, at any place or by any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except as permitted in the license or branch license issued to the licensee.

Sec. 58. 1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as:

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage broker is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage banker if:

(1) *The licensee and the mortgage banker:*

- (I) *Maintain separate accounts, books and records;*
- (II) *Are subsidiaries of the same parent corporation; and*
- (III) *Maintain separate licenses; and*

(2) *The mortgage banker is licensed by this State pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.*

3. *If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he conducts business as a pawnbroker pursuant to chapter 646 of NRS.*

Sec. 59. 1. *A licensee who wishes to change the address of an office or other place of business for which he has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. *Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.*

3. *If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed \$500.*

4. *This section applies, without limitation, to any office or other place of business at which the licensee intends to operate a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.*

Sec. 60. 1. *Each licensee shall keep and use in his business such books and accounting records as are in accord with generally accepted accounting practices.*

2. *Each licensee shall maintain a separate record or ledger card for the account of each customer and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.*

3. *Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.*

4. *Each licensee who operates outside this State an office or other place of business that is licensed pursuant to provisions of this chapter shall:*

(a) *Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or*

(b) *Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any*

investigation or examination made at the office or place of business located outside this State.

The licensee must be allowed to choose between the provisions of paragraph (a) or (b) in complying with this subsection.

5. As used in this section, "amount of cash advance" means the amount of cash or its equivalent actually received by a customer or paid out at his direction or in his behalf.

Sec. 61. 1. Except as otherwise provided in subsection 3, an officer or employee of the Division of Financial Institutions of the Department of Business and Industry shall not:

- (a) Be directly or indirectly interested in or act on behalf of any licensee;
- (b) Receive, directly or indirectly, any payment from any licensee;
- (c) Be indebted to any licensee;
- (d) Engage in the negotiation of loans for others with any licensee; or
- (e) Obtain credit or services from a licensee conditioned upon a fraudulent practice or undue or unfair preference over other customers.

2. An employee of the Division of Financial Institutions in the unclassified service of the State shall not obtain new extensions of credit from a licensee while in office.

3. Any officer or employee of the Division of Financial Institutions may be indebted to a licensee on the same terms as are available to the public generally.

4. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his appointment or employment, or obtains it during his employment, he shall terminate it within 120 days after the date of his appointment or employment or the discovery of the prohibited act.

Sec. 62. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

- (a) Any licensee;
- (b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; and
- (c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan,

short-term loan or title loan is presumed to be engaged in the business of making loans.

Sec. 63. 1. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any check-cashing service or loan service regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.

2. The Commissioner may require the production of books, accounts, papers and records for any audit, examination, investigation or hearing.

Sec. 64. At least once each year, the Commissioner or his authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, accounts, papers and records of the licensee so far as they pertain to the business for which he is licensed pursuant to the provisions of this chapter.

Sec. 65. 1. The Commissioner shall charge and collect from each licensee a fee of \$40 per hour for any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

2. The Commissioner shall bill each licensee upon the completion of the activity for the fee established pursuant to subsection 1. The licensee shall pay the fee within 30 days after the date the bill is received. Except as otherwise provided in this subsection, any payment received after the date due must include a penalty of 10 percent of the fee plus an additional 1 percent of the fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.

3. The failure of a licensee to pay the fee required pursuant to subsection 1 as provided in this section constitutes grounds for revocation of the license of the licensee.

Sec. 66. If the Commissioner finds that probable cause for revocation of any license exists and that enforcement of the provisions of this chapter requires immediate suspension of a license pending investigation, he may, upon 5 days' written notice and a hearing, enter an order suspending a license for a period not exceeding 20 days, pending a hearing upon the revocation.

Sec. 67. 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 68. 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee a fine of \$500 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his license within 180 days after the date his license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 69. A licensee may surrender any license issued pursuant to the provisions of this chapter by delivering it to the Commissioner with written notice of its surrender, but a surrender does not affect his civil or criminal liability for acts committed prior thereto.

Sec. 70. A revocation, suspension, expiration or surrender of any license does not impair or affect the obligation of any preexisting lawful loan agreement between the licensee and any customer. Such a loan agreement and all lawful charges thereon may be collected by the licensee, its successors or assigns.

Sec. 71. 1. Annually, on or before April 15, each licensee shall file with the Commissioner a report of operations of the licensed business for the preceding calendar year.

2. The licensee shall make the report under oath and on a form prescribed by the Commissioner.

3. If any person or affiliated group holds more than one license in this State, it may file a composite annual report.

Sec. 72. 1. A court of this State may exercise jurisdiction over a party to a civil action arising under the provisions of this chapter on any basis not inconsistent with the Constitution of the State of Nevada or the Constitution of the United States.

2. Personal service of summons upon a party outside this State is sufficient to confer upon a court of this State jurisdiction over the party so served if the service is made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a person of like kind within this State.

3. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

4. This section provides an additional manner of serving process and does not invalidate any other service.

Sec. 73. 1. Except as otherwise provided in this section, if a licensee willfully:

(a) Enters into a loan agreement for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;

(b) Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or

(c) Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,

the loan is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the loan.

2. The provisions of this section do not apply if:

(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 74. In addition to any other remedy or penalty, if a licensee violates any provision of section 29, 31 to 47, inclusive, 49, 50, 57 or 58 of this act or any regulation adopted pursuant thereto, the customer may bring a civil action against the licensee for any or all of the following relief:

1. Actual and consequential damages;
2. An additional amount, as statutory damages, which is equal to \$1,000 for each violation;
3. Punitive damages, which are subject to the provisions of NRS 42.005;
4. Reasonable attorney's fees and costs; and
5. Any other legal or equitable relief that the court deems appropriate.

Sec. 75. NRS 598D.130 is hereby amended to read as follows:

598D.130 A mortgage, deed of trust or other instrument that encumbers home property as security for repayment of a home loan must expressly indicate in writing in a size equal to at least 14-point bold type on the front page of the mortgage, deed of trust or other instrument that the home loan is a home loan as defined in NRS 598D.040 ~~[-]~~ and is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 76. NRS 232.545 is hereby amended to read as follows:

232.545 1. An Investigative Account for Financial Institutions is hereby created in the State General Fund. The Account consists of money which is:

(a) Received by the Department of Business and Industry in connection with the licensing of financial institutions and the investigation of persons associated with those institutions; and

(b) Required by law to be placed therein.

2. The Director of the Department of Business and Industry or his designee may authorize expenditures from the Investigative Account to pay the expenses incurred:

(a) In investigating applications for licensing of financial institutions and in investigating persons associated with those institutions;

(b) In conducting special investigations relating to financial institutions and persons associated with those institutions; and

(c) In connection with mergers, consolidations, conversions, receiverships and liquidations of financial institutions.

3. As used in this section, “financial institution” means an institution for which licensing or registration is required by the provisions of titles 55 and 56 ~~[and chapters 604 and 649]~~ of NRS ~~[-]~~, *chapter 649 of NRS and sections 2 to 74, inclusive, of this act.*

Sec. 77. NRS 363A.050 is hereby amended to read as follows:

363A.050 1. Except as otherwise provided in subsection 2, “financial institution” means:

(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of *title 55 or 56 of NRS or chapter 604,* 645B, 645E or 649 of NRS or ~~[title 55 or 56 of NRS,]~~ *sections 2 to 74, inclusive, of this act,* or a similar institution chartered or licensed pursuant to federal law and doing business in this State;

(b) Any person primarily engaged in:

(1) The purchase, sale and brokerage of securities;

(2) Originating, underwriting and distributing issues of securities;

(3) Buying and selling commodity contracts on either a spot or future basis for the person’s own account or for the account of others, if the person is a member or is associated with a member of a recognized commodity exchange;

(4) Furnishing space and other facilities to members for the purpose of buying, selling or otherwise trading in stocks, stock options, bonds or commodity contracts;

(5) Furnishing investment information and advice to others concerning securities on a contract or fee basis;

(6) Furnishing services to holders of or brokers or dealers in securities or commodities;

(7) Holding or owning the securities of banks for the sole purpose of exercising some degree of control over the activities of the banks whose securities the person holds;

(8) Holding or owning securities of companies other than banks, for the sole purpose of exercising some degree of control over the activities of the companies whose securities the person holds;

(9) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain a provision requiring redemption by the company upon request of the holder of the security;

(10) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain no provision requiring redemption by the company upon request by the holder of the security;

(11) Issuing unit investment trusts or face-amount certificates;

(12) The management of the money of trusts and foundations organized for religious, educational, charitable or nonprofit research purposes;

(13) The management of the money of trusts and foundations organized for purposes other than religious, educational, charitable or nonprofit research;

(14) Investing in oil and gas royalties or leases, or fractional interests therein;

(15) Owning or leasing franchises, patents and copyrights which the person in turn licenses others to use;

(16) Closed-end investments in real estate or related mortgage assets operating in such a manner as to meet the requirements of the Real Estate Investment Trust Act of 1960, as amended;

(17) Investing; or

(18) Any combination of the activities described in this paragraph, who is doing business in this State;

(c) Any other person conducting loan or credit card processing activities in this State; and

(d) Any other bank, bank holding company, national bank, savings association, federal savings bank, trust company, credit union, building and loan association, investment company, registered broker or dealer in securities or commodities, finance company, dealer in commercial paper or other business entity engaged in the business of lending money, providing credit, securitizing receivables or fleet leasing, or any related business entity, doing business in this State.

2. The term does not include a credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

Sec. 78. NRS 645B.0119 is hereby amended to read as follows:

645B.0119 “Financial services license or registration” means any license or registration issued in this State or any other state, district or territory of the United States that authorizes the person who holds the license or registration to engage in any business or activity described in the provisions of this chapter, *title 55 or 56 of NRS or chapter [604,] 645, 645A, 645C, 645E or 649 of NRS or [title 55 or 56 of NRS,] sections 2 to 74, inclusive, of this act.*

Sec. 79. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit *loan* service that is supervised pursuant to ~~chapter 604 of NRS;~~ *sections 2 to 74, inclusive, of this act;*

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company that is supervised pursuant to chapter 669 of NRS;

(e) Development corporation that is supervised pursuant to chapter 670 of NRS;

(f) Corporation for economic revitalization and diversification that is supervised pursuant to chapter 670A of NRS;

(g) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(h) Savings and loan association that is supervised pursuant to chapter 673 of NRS;

(i) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(j) Person engaged in the business of debt adjusting that is supervised pursuant to chapter 676 of NRS;

(k) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(l) Credit union that is supervised pursuant to chapter 678 of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 80. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. A person doing business under the authority of any law of this State or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. *A person licensed to do business pursuant to sections 2 to 74, inclusive, of this act.*

Sec. 81. NRS 675.060 is hereby amended to read as follows:

675.060 1. No person may engage in the business of lending in this State without first having obtained a license from the Commissioner *pursuant to this chapter* for each office or other place of business at which the person engages in such business ~~[-]~~, *except that if a person intends to engage in the business of lending in this State as a deferred deposit loan service, short-term loan service or title loan service, as those terms are defined in sections 2 to 74, inclusive, of this act, the person must obtain a license from the Commissioner pursuant to sections 2 to 74, inclusive, of this act before the person may engage in any such business.*

2. For the purpose of this section, a person engages in the business of lending in this State if he:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

Sec. 82. NRS 604.010, 604.020, 604.030, 604.040, 604.050, 604.060, 604.070, 604.080, 604.090, 604.100, 604.110, 604.120, 604.130, 604.140, 604.150, 604.160, 604.162, 604.164, 604.166, 604.170, 604.180 and 604.190 are hereby repealed.

Sec. 83. 1. If a person:

(a) On July 1, 2005, holds a valid certificate of registration or license that was issued by the Commissioner of Financial Institutions pursuant to chapter 604 or 675 of NRS before July 1, 2005; and

(b) Operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service, as those terms are defined in the provisions of sections 2 to 74, inclusive, of this act,

the person's certificate of registration or license shall be deemed to be a license issued by the Commissioner of Financial Institutions pursuant to the provisions of sections 2 to 74, inclusive, of this act until the date on which

the person would have been required to renew his certificate of registration or license pursuant to chapter 604 or 675 of NRS.

2. A person described in subsection 1 shall:

(a) On and after July 1, 2005, comply with all provisions of sections 2 to 74, inclusive, of this act relating to transactions with customers, including, without limitation, all provisions relating to loans, extensions, repayment plans, interest, fees, charges and collections; and

(b) On and after October 1, 2005, comply with all other provisions of sections 2 to 74, inclusive, of this act, except that the person does not have to renew his certificate of registration or license until the date on which the person would have been required to renew his certificate of registration or license pursuant to chapter 604 or 675 of NRS.

Sec. 84. This act becomes effective on July 1, 2005.”.

Amend the title of the bill, fourth line, by deleting “payday” and inserting “certain short-term”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 470.

Amend the bill as a whole by renumbering sections 1 through 12 as sections 2 through 13 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Charter of the City of Carlin, being Chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new article to be designated Article X, immediately following Article IX, to read as follows:

ARTICLE X

TRANSITIONAL PROVISIONS

Sec. 10.010 *Continuation of certain officers.*

1. *The two members of the City Council elected at the general municipal election held on the Tuesday after the first Monday in June 2001, shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 1 of section 5.010.*

2. *The Mayor and two members of the City Council elected at the general municipal election held on the Tuesday after the first Monday in June 2003, shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.”.*

Amend section 1, page 2, line 4, by deleting “December” and inserting “January”.

Amend sec. 2, page 2, by deleting lines 22 through 26 and inserting: "*provided in section 10.010.*"

4. ~~{The Mayor and Councilmen first holding office under this Charter shall each receive a monthly salary of \$35 during the terms for which they were elected, selected or appointed. Thereafter, subject}~~ Subject to the provisions of subsection 5 of section".

Amend sec. 3, page 2, line 33, by deleting "June" and inserting "~~{June}~~".

Amend sec. 3, page 2, by deleting line 34 and inserting: "~~{1973,}~~ November 2006, and at each successive interval of 4 years thereafter,".

Amend sec. 3, page 2, line 35, by deleting "2005,".

Amend sec. 3, page 2, line 38, by deleting "qualified ~~{,}~~" and inserting "qualified.".

Amend sec. 3, page 2, by deleting line 39.

Amend sec. 3, page 2, line 40, by deleting "June" and inserting "~~{June}~~".

Amend sec. 3, page 2, by deleting line 41 and inserting: "~~{1975,}~~ November 2008, and at each successive interval of 4 years thereafter,".

Amend sec. 3, page 2, line 42, by deleting "2007,".

Amend sec. 3, pages 2 and 3, by deleting line 44 on page 2 and lines 1 through 20 on page 3, and inserting: "and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.".

Amend sec. 4, page 3, line 43, by deleting "December" and inserting "January".

Amend sec. 6, page 4, by deleting line 37 and inserting "5.010.".

Amend sec. 9, page 6, line 33, by deleting "December" and inserting "January".

Amend sec. 10, page 7, by deleting line 7 and inserting: "*provided in section 10.010.*".

Amend sec. 11, page 7, line 14, by deleting "June" and inserting "~~{June}~~".

Amend sec. 11, page 7, by deleting line 15 and inserting: "~~{1975,}~~ November 2008, and at each successive interval of 4 years thereafter,".

Amend sec. 11, page 7, line 16, by deleting "2007,".

Amend sec. 11, page 7, lines 18 and 19, by deleting: "~~{for a period of 4 years and}~~" and inserting: "for a period of 4 years and".

Amend sec. 11, page 7, by deleting line 20 and inserting "qualified.".

Amend sec. 11, page 7, line 21, by deleting "June" and inserting "~~{June}~~".

Amend sec. 11, page 7, by deleting line 22 and inserting: "~~{1977,}~~ November 2010, and at each successive interval of 4 years thereafter,".

Amend sec. 11, page 7, line 23, by deleting "2005,".

Amend sec. 11, page 7, line 26, by deleting "qualified ~~{,}~~" and inserting "qualified.".

Amend sec. 11, page 7, by deleting lines 27 through 45.

Amend sec. 12, page 8, line 23, by deleting "December" and inserting "January".

Amend the bill as a whole by deleting sections 13 and 14 and the text of the repealed section and adding a new section designated sec. 14, following sec. 12, to read as follows:

“Sec. 14. Section 10.010 of the Charter of the City of Wells, being Chapter 431, Statutes of Nevada 1973, at page 626, is hereby amended to read as follows:

Sec. 10.010 Continuation of certain officers.

1. The *Mayor and the Councilman* elected ~~[at large to a 4 year term]~~ at the general municipal election held ~~[June 3, 1969,]~~ *on the Tuesday after the first Monday in June 2003* shall continue in office ~~[as a Councilman]~~ until the election, and qualification thereafter, of ~~[his successor at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successor shall serve a 4 year term until the election, and qualification thereafter, in turn, of his successor]~~ *their successors* pursuant to subsection ~~[2]~~ 1 of section 5.010.

2. The ~~[two]~~ *three* Councilmen elected ~~[at large for 2 year terms each]~~ at the general municipal election held ~~[June 8, 1971,]~~ *on the Tuesday after the first Monday in June 2001* shall continue in office ~~[as Councilmen]~~ until the election, and qualification thereafter, of their successors ~~[at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successors shall each serve a 4 year term until the election, and qualification thereafter, in turn, of their successors]~~ pursuant to subsection 2 of section 5.010.

~~[3.—The Councilman elected at large to a 4 year term at the general municipal election held June 8, 1971, shall continue in office as a Councilman until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.~~

~~4.—The Mayor, elected to a 4 year term at the general municipal election held June 8, 1971, shall continue in the office of Mayor until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.]”.~~

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 542.

Amend sec. 6, page 2, by deleting lines 24 and 25 and inserting:
“*limitation, regulations that set forth:*

(a) *Standards for the provision of quality care by providers of supported living arrangement services;*

(b) *The requirements for the issuance and renewal of a certificate to provide supported living arrangement services; and*

(c) *The rights of consumers of supported living arrangement services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing such a complaint.”.*

Amend sec. 8, page 2, line 40, by deleting “*premises, facilities,*”.

Amend sec. 8, page 3, line 5, by deleting “*premises, facilities,*”.

Amend sec. 18, page 5, line 32, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend sec. 19, page 5, line 45, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend sec. 20, page 6, line 11, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend the title of the bill, tenth line, by deleting: “*providing a penalty;*”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 463.

Amend the bill as a whole by deleting sections 1 through 13, renumbering sections 14 through 21 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 40, inclusive, of this act.”.

Amend sec. 14, page 6, line 1, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 14, page 6, line 3, by deleting: “*15 to 25,*” and inserting “*3 to 15,*”.

Amend sec. 16, page 6, by deleting lines 9 through 11 and inserting:

“Sec. 4. “*Board*” means the Public Employment Relations Board created pursuant to NRS 288.080.”.

Amend sec. 17, page 6, line 15, by deleting “*collective bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 17, page 6, line 16, by deleting “*bargaining.*” and inserting: “*discussions of workplace relations.*”.

Amend sec. 18, page 6, line 17, by deleting ““*Collective bargaining*”” and inserting: ““*Discussions of workplace relations*””.

Amend sec. 18, page 6, lines 19 and 21, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 18, page 6, by deleting line 22 and inserting “*this chapter.*”.

Amend sec. 19, page 6, line 27, after “*Nevada;*” by inserting “*or*”.

Amend sec. 19, page 6, line 30, by deleting “*State; or*” and inserting “*State.*”.

Amend sec. 19, page 6, by deleting lines 31 through 36.

Amend sec. 20, page 7, line 15, after “*has*” by inserting “*the*”.

Amend sec. 20, page 7, line 16, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 20, page 7, line 18, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend the bill as a whole by renumbering sections 22 through 25 as sections 11 through 14 and adding a new section designated sec. 10, following sec. 21, to read as follows:

“Sec. 10. “*Grievance*” means an act, omission or occurrence which an employee or the exclusive representative feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.”.

Amend the bill as a whole by renumbering sec. 26 as sec. 16 and adding a new section designated sec. 15, following sec. 25, to read as follows:

“Sec. 15. “*Workplace relations unit*” means a collection of employees that the Board has established as a workplace relations unit pursuant to section 25 of this act.”.

Amend sec. 26, page 8, by deleting line 21 and inserting: “*State and its employees; and*

(b) *Increase the efficiency of State*”.

Amend the bill as a whole by renumbering sections 27 through 44 as sections 20 through 37 and adding new sections designated sections 17 through 19, following sec. 26, to read as follows:

“Sec. 17. 1. *The Board may make rules governing:*

(a) *Proceedings before it;*

(b) *Procedures for fact-finding;*

(c) *The recognition of exclusive representatives;*

(d) *The determination of workplace relations units; and*

(e) *Such other rules as are necessary for the Board to carry out its duties pursuant to this chapter.*

2. *The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the*

Executive Department, an employee or an exclusive representative. The Board shall conduct a hearing within 90 days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. *Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.*

4. *The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.*

5. *The Board may decide without a hearing a contested matter:*

(a) *In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or*

(b) *Upon agreement of all the parties.*

6. *The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.*

Sec. 18. 1. *For the purpose of hearing and deciding appeals or complaints, the Board may issue subpoenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.*

2. *The district court in and for the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board.*

3. *In the case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:*

(a) *That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;*

(b) *That the witness has been subpoenaed in the manner prescribed in this chapter; and*

(c) *That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,*

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.

4. *The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the*

court in such order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 19. Every hearing and determination of an appeal or complaint by the Board is a contested case subject to the provisions of law which govern the administrative decision and judicial review of such cases.”.

Amend sec. 27, page 8, line 35, by deleting “collective bargaining,” and inserting: “discussions of workplace relations,”.

Amend sec. 27, page 8, line 36, by deleting “bargaining” and inserting: “discussions of workplace relations”.

Amend sec. 27, page 8, line 39, by deleting: “collective bargaining and supplemental bargaining” and inserting: “discussions of workplace relations and supplemental discussions of workplace relations”.

Amend sec. 27, page 8, by deleting line 43 and inserting:

“2. Discussions of workplace relations and supplemental discussions of workplace relations entail”.

Amend sec. 27, page 9, line 1, by deleting “bargain” and inserting: “discuss workplace relations”.

Amend sec. 28, page 9, line 9, by deleting: “Each collective bargaining” and inserting:

“1. Each workplace relations”.

Amend sec. 28, page 9, by deleting lines 11 through 13 and inserting:

“(a) A procedure to resolve grievances which culminates in final and binding arbitration; and”.

Amend sec. 28, page 9, line 14, by deleting “2.” and inserting “(b)”.

Amend sec. 28, page 9, lines 16 and 19, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 28, page 9, between lines 19 and 20, by inserting:

“2. Except as otherwise provided in subsection 3, the procedure to resolve grievances required in an agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances related to the administration of the agreement.

3. An employee in a workplace relations unit may pursue a grievance related to any disciplinary action taken against him by his employer through the procedure:

(a) Provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) Any procedure available to him pursuant to the provisions of chapter 284 of NRS,

but once the employee has properly filed his grievance pursuant to paragraph (a) or (b), he may not proceed to file his grievance in the alternative manner.

4. In the event of a conflict between a provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provisions of the agreement prevail unless the provisions of the agreement are outside of the lawful scope of discussions of workplace relations.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.”.

Amend sec. 29, page 9, line 22, by deleting “collective bargaining” and inserting: “discussions of workplace relations”.

Amend sec. 29, page 9, line 23, by deleting “bargain” and inserting: “discuss workplace relations”.

Amend sec. 29, page 9, lines 27 and 28, by deleting: “sections 14 to 48, inclusive, of this act.” and inserting “this chapter.”.

Amend sec. 29, page 9, by deleting line 38 and inserting: “this chapter; or”.

Amend sec. 29, page 10, line 4, by deleting: “collective bargaining or otherwise fail to bargain” and inserting: “discussions of workplace relations or otherwise fail to discuss workplace relations”.

Amend sec. 29, page 10, lines 8 and 9, by deleting: “sections 14 to 48, inclusive, of this act.” and inserting “this chapter.”.

Amend sec. 30, page 10, line 14, by deleting “29” and inserting “22”.

Amend sec. 30, page 10, by deleting line 33 and inserting:

“(2) The rules established by the Board pursuant to section 17 of this act.”.

Amend sec. 31, page 11, line 6, by deleting “30” and inserting “23”.

Amend sec. 31, page 11, by deleting line 14 and inserting:

“(b) The rules established by the Board pursuant to section 17 of this act.”.

Amend sec. 32, page 11, line 30, by deleting “by regulation,” and inserting: “in accordance with the rules established pursuant to section 17 of this act,”.

Amend sec. 32, page 11, lines 31, 32, 33 and 34, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 32, page 12, line 10, before “peace” by inserting: “and category II”.

Amend sec. 32, page 12, by deleting line 11.

Amend sec. 32, page 12, line 12, by deleting “(h)” and inserting “(g)”.

Amend sec. 32, page 12, by deleting lines 13 through 15.

Amend sec. 32, page 12, line 16, by deleting “(j)” and inserting “(h)”.

Amend sec. 32, page 12, line 17, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 32, page 12, line 18, by deleting “(k)” and inserting “(i)”.

Amend sec. 32, page 12, between lines 20 and 21, by inserting:

“(j) Employees of the State Department of Conservation and Natural Resources who:

(1) Perform emergency fire suppression; or

(2) Provide direct support to the employees described in subparagraph (1).”.

Amend sec. 32, page 12, line 21, by deleting “by regulation,” and inserting: “in accordance with the rules established pursuant to section 17 of this act,”.

Amend sec. 32, page 12, lines 22, 23, 25, 26 and 31, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 33, page 12, line 39, by deleting “1.”.

Amend sec. 33, page 12, lines 40, 43 and 45, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 33, page 13, by deleting lines 1 through 26.

Amend sec. 34, page 13, lines 28 and 29, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 13, by deleting line 30 and inserting “if.”.

Amend sec. 34, page 13, lines 34 and 36, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, pages 13 and 14, by deleting lines 39 through 44 on page 13 and lines 1 through 11 on page 14, and inserting: “exclusive representative of a workplace relations unit pursuant to subsection 1 or section 26 of this act, the Board shall order an election if:

(a) Either:”.

Amend sec. 34, page 14, line 12, by deleting “(I)” and inserting “(1)”.

Amend sec. 34, page 14, line 15, by deleting: “30 percent but not more than”.

Amend sec. 34, page 14, line 16, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 14, by deleting line 17 and inserting:

“(2) A group of employees within the workplace relations unit”.

Amend sec. 34, page 14, line 20, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 14, line 21, after “representation;” by inserting “and”.

Amend sec. 34, page 14, by deleting lines 22 through 24 and inserting:

“(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days or not less than 225 days before the date on which the current workplace relations agreement in effect for the workplace relations unit expires; and”.

Amend sec. 34, page 14, line 25, by deleting “(3)” and inserting “(c)”.

Amend sec. 34, page 14, line 26, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 35, page 14, by deleting line 29 and inserting: “*workplace relations unit pursuant to section 27 of this act, the Board*”.

Amend sec. 35, page 14, line 33, by deleting “34” and inserting “27”.

Amend sec. 35, page 14, line 35, by deleting: “*bargaining unit pursuant to section 33 or 34*” and inserting: “*workplace relations unit pursuant to section 27*”.

Amend sec. 35, page 14, line 38, by deleting “*regulations adopted*” and inserting “*rules established*”.

Amend sec. 35, page 14, line 42, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 35, page 15, lines 6 and 11, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 36, page 15, line 13, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend sec. 37, page 15, line 30, by deleting: “*bargaining unit that it represents;*” and inserting: “*workplace relations unit that it represents; and*”.

Amend sec. 37, page 15, by deleting lines 31 through 35 and inserting:

“(b) *In good faith and on behalf of each workplace relations unit that it*”.

Amend sec. 37, page 15, line 36, by deleting “*negotiate*” and inserting: “*engage in discussions of workplace relations*”.

Amend sec. 37, page 15, line 38, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 15, by deleting line 41 and inserting: “*discussions of workplace relations pursuant to section 38 of this act.*”.

Amend sec. 37, page 15, line 42, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 16, line 7, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 16, line 8, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 38, page 16, line 10, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 38, page 16, line 11, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 38, page 16, lines 14 and 16, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 39, page 16, line 17, by deleting: “*In each even-numbered year, the*” and inserting “*The*”.

Amend sec. 39, page 16, by deleting lines 19 through 31 and inserting: “*negotiations concerning a workplace relations agreement within 60 days after one party notifies the other party of the desire to negotiate.*”.

Amend sec. 40, page 16, by deleting lines 32 through 41 and inserting:

“Sec. 33. 1. *If the parties do not reach a workplace relations agreement within 120 days after the date on which the parties began negotiations or any later date which is set by agreement of the parties, either*

party may request a mediator from the Federal Mediation and Conciliation Service.”.

Amend sec. 40, page 16, line 44, by deleting: “*on or before August 15*” and inserting: “*within 30 days after his appointment*”.

Amend sec. 40, page 17, by deleting lines 1 and 2.

Amend sec. 41, page 17, line 4, by deleting “*collective*”.

Amend sec. 41, page 17, by deleting line 5 and inserting: “*workplace relations agreement through mediation within 30 days after the appointment of the mediator*”.

Amend sec. 41, page 17, line 11, by deleting: “*in that year*”.

Amend sec. 41, page 17, line 13, by deleting “*Board*” and inserting: “*Federal Mediation and Conciliation Service*”.

Amend sec. 41, page 17, line 16, by deleting “*exclusive*”.

Amend sec. 41, page 17, by deleting line 17 and inserting: “*party who will strike the first name must be determined by a coin toss*”.

Amend sec. 41, page 17, lines 18 and 19, by deleting: “*on or before September 15*” and inserting: “*within 60 days after his selection*”.

Amend sec. 41, page 17, lines 22 and 23, by deleting “*regulations adopted*” and inserting “*rules established*”.

Amend sec. 41, page 17, line 27, by deleting “*NRS 288.120,*” and inserting: “*section 18 of this act,*”.

Amend sec. 41, page 17, lines 28 and 29, by deleting “*NRS 288.120*” and inserting: “*section 18 of this act*”.

Amend sec. 42, page 17, line 33, by deleting “*41*” and inserting “*34*”.

Amend sec. 42, page 18, line 2, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 42, page 18, by deleting lines 7 through 11 and inserting:

“(b) Consider, without limitation, such other factors as are normally or traditionally used as part of discussions of workplace relations, mediation, arbitration or other”.

Amend sec. 42, page 18, lines 15 and 16, by deleting: “*on or before April 15*” and inserting: “*within 45 days after the conclusion of the arbitration proceedings*”.

Amend sec. 42, page 18, line 18, by deleting “*sections 43*” and inserting “*section 36*”.

Amend sec. 43, page 18, lines 23 and 29, by deleting “*42*” and inserting “*35*”.

Amend sec. 44, page 18, line 42, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 44, page 18, line 43, by deleting “*law*” and inserting “*statute*”.

Amend sec. 44, page 18, line 44, by deleting “*provision.*” and inserting: “*provision becomes effective pursuant to the provisions of the workplace relations agreement.*”.

Amend sec. 44, page 19, by deleting lines 1 through 16 and inserting:

“2. If a provision of the workplace relations agreement requires an amendment to existing statute by the Legislature to be given effect, the provision becomes effective, if at all, on the date on which the necessary amendment to existing statute becomes effective.”.

Amend the bill as a whole by deleting sec. 45 and renumbering sections 46 through 48 as sections 38 through 40.

Amend sec. 46, page 19, line 35, by deleting “if”.

Amend sec. 46, page 19, by deleting lines 36 through 38 and inserting “*the Executive*”.

Amend sec. 46, page 19, line 39, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 19, line 40, by deleting “*bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 46, page 19, line 43, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, pages 19 and 20, by deleting line 44 on page 19 and lines 1 through 5 on page 20, and inserting: “*employment are not included in any provision of the workplace relations agreement then in effect between the Executive Department and the workplace relations unit.*”.

Amend sec. 46, page 20, line 7, by deleting “*bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 46, page 20, lines 8, 10, 12 and 14, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 17, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 19 and 20, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 21, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 22, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 23, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 24, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 25 and 26, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 27, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 28 and 29, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, by deleting lines 31 through 35 and inserting: “*may, during discussions of workplace relations conducted pursuant to this chapter, negotiate and include in a workplace relations agreement any terms*

and conditions of employment that would otherwise be within the scope of supplemental workplace relations conducted pursuant to this section.”.

Amend sec. 47, page 20, lines 38 and 39, by deleting: “*sections 14 to 48, inclusive, of this act.*” and inserting “*this chapter.*”.

Amend sec. 47, page 20, lines 41 and 42, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 47, page 21, lines 2 and 3, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend sec. 48, page 21, lines 5 and 6, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend the bill as a whole by deleting sec. 49, renumbering sec. 50 as sec. 43 and adding new sections designated sections 41 and 42, following sec. 48, to read as follows:

“Sec. 41. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (b), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ Except as otherwise provided in section 31 of this act, employee organizations and labor organizations.

(b) Shall, upon receipt of information from the Public Employees’ Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the executive department.

Sec. 42. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. *To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms or conditions of employment that are properly within the scope of and subject to the provisions of a workplace relations agreement or a supplemental workplace relations agreement that is enforceable pursuant to the provisions of sections 2 to 40, inclusive, of this act. As used in this subsection, "terms and conditions of employment" has the meaning ascribed to it in section 14 of this act."*

Amend the bill as a whole by deleting sec. 51 and renumbering sec. 52 as sec. 44.

Amend the bill as a whole by deleting sections 53 through 84, renumbering sec. 85 as sec. 46 and adding a new section designated sec. 45, following sec. 52, to read as follows:

"Sec. 45. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board.

2. In preparing the supplements to the Nevada Administrative Code, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board."

Amend the bill as a whole by deleting the leadlines of repealed sections.

Amend the title of the bill to read as follows:

"AN ACT relating to state employees; authorizing discussions of workplace relations for certain state employees; changing the name of the Local Government Employee-Management Relations Board to the Public Employment Relations Board; expanding the duties of the Board to include discussions of workplace relations for certain state employees; providing for workplace relations units of state employees and for their representatives;

establishing procedures for discussing workplace relations and for making, revising and amending workplace relations agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.”. Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes discussions of workplace relations for certain state employees. (BDR 23-1300)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 487.

Amend section 1, page 2, line 2, by deleting “2” and inserting “3 working”.

Amend sec. 3, page 2, by deleting lines 6 through 11 and inserting:

“Sec. 3. *The subject of each petition for initiative must be accurately indicated in the title.*”.

Amend sec. 4, page 2, by deleting lines 12 through 17 and inserting:

“Sec. 4. *The subject of each petition for referendum must be accurately indicated in the title.*”.

Amend sec. 9, page 4, line 18, by deleting “fifteen” and inserting “forty-five”.

Amend sec. 12, page 6, lines 2 and 3, by deleting:

~~“[In a county whose population is 40,000 or more, for] For”~~ and inserting: “In a county whose population is 40,000 or more, for”.

Amend sec. 12, page 7, by deleting lines 11 through 13 and inserting:

“6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~[appoint the committee]~~, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.”.

Amend sec. 12, page 7, lines 37 and 38, by deleting the brackets and strike-through.

Amend sec. 12, page 8, lines 27 through 32, by deleting the brackets and strike-through.

Amend sec. 16, page 11, line 12, by deleting “fifteen” and inserting “forty-five”.

Amend sec. 19, page 12, lines 42 and 43, by deleting:

~~“[In a city whose population is 10,000 or more, for] For”~~ and inserting: “In a city whose population is 10,000 or more, for”.

Amend sec. 19, page 14, by deleting lines 4 through 6 and inserting:

“6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~[appoint the committee.]~~, *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.”.*

Amend sec. 19, page 14, line 30, by deleting the brackets and strike-through.

Amend sec. 19, page 15, lines 23 through 28, by deleting the brackets and strike-through.

Amend the title of the bill, third and fourth lines, by deleting: “providing that a petition for initiative or referendum must embrace only one subject;” and inserting: “providing that the subject of a petition for initiative or referendum must be accurately indicated in the title;”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 556.

Amend section 1, page 2, line 2, by deleting: “to 5, inclusive,” and inserting “and 3”.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 13 as sections 4 through 10.

Amend sec. 7, page 4, line 7, after “*form*” by inserting: “*or in a format*”.

Amend sec. 7, page 4, line 9, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 8, page 4, line 35, after “*form*” by inserting: “*or in a format*”.

Amend sec. 8, page 4, line 38, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 8, page 5, line 22, after “*form*” by inserting: “*or in a format*”.

Amend sec. 8, page 5, line 25, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 10, page 7, line 34, after “form” by inserting: “or in a format”.

Amend sec. 10, page 7, line 37, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 10, page 7, between lines 39 and 40, by inserting:

“ In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.”.

Amend sec. 11, page 8, line 26, after “form” by inserting: “or in a format”.

Amend sec. 11, page 8, line 29, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 11, page 8, between lines 31 and 32, by inserting:

“ In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.”.

Amend sec. 12, page 9, by deleting lines 38 through 40 and inserting: “than ~~[\$20,000.]~~ \$50,000.”.

Amend sec. 12, page 10, by deleting line 16 and inserting:

“10. An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate of 10 percent per annum must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State.

11. All fines and interest collected pursuant to this section must be”.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 21 as sections 11 through 17.

Amend sec. 15, page 11, line 30, after “form” by inserting: “or in a format”.

Amend sec. 15, page 11, line 33, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 15, page 11, between lines 38 and 39, by inserting:

“ In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.”.

Amend sec. 16, page 12, by deleting lines 22 through 24 and inserting: “~~nor~~ and not more than ~~[\$10,000 for each violation.]~~ \$50,000.”.

Amend sec. 18, page 14, line 10, by deleting “5” and inserting “3”.

Amend sec. 19, page 14, line 21, by deleting “5” and inserting “3”.

Amend sec. 21, page 15, line 1, by deleting “10,” and inserting “7,”.

Amend sec. 21, page 15, line 2, by deleting: “12 to 20,” and inserting: “9 to 16,”.

Amend sec. 21, page 15, line 4, by deleting “10” and inserting “7”.

Amend sec. 21, page 15, line 15, by deleting “11” and inserting “8”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the State Contractors’ Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of administrative fines the Board may impose for certain violations; requiring the payment of interest on certain administrative fines; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 256.

Amend section 1, page 2, line 2, by deleting “5,” and inserting “6,”.

Amend sec. 5, page 4, line 4, by deleting: “*category D felony*,” and inserting “*gross misdemeanor*,”.

Amend sec. 5, page 4, line 5, by deleting “193.130.” and inserting “193.140.”.

Amend sec. 5, page 4, line 7, by deleting: “*category D felony*” and inserting “*gross misdemeanor*”.

Amend sec. 5, page 4, line 8, by deleting “193.190.” and inserting “193.140.”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 7 through 10 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. 1. *Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication in one of the following forms to verify that the signature of a notarial officer on a document is genuine and that the notarial officer holds the indicated office:*

(a) *If the document is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961; or*

(b) *If the document is intended for use in the United States or a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.*

2. *The Secretary of State shall not issue an authentication pursuant to subsection 1 if:*

(a) *The document has not been notarized in accordance with the provisions of this chapter; or*

(b) *The Secretary of State has information that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose.”.*

Amend sec. 6, page 4, line 11, by deleting “5,” and inserting “6,”.

Amend the bill as a whole by deleting sections 10 and 11, renumbering sec. 12 as sec. 13 and adding new sections designated sections 11 and 12, following sec. 9, to read as follows:

“Sec. 11. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, *and section 6 of this act* may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 12. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

(a) A notary public;

(b) A judge, clerk or deputy clerk of a court of record; or

(c) A person authorized by the law of that jurisdiction to perform notarial acts.

~~2. [An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.~~

~~3.]~~ A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

~~[4.]~~ 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

~~[5.]~~ 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

~~[6.]~~ 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a

source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.”.

Amend sec. 12, page 7, by deleting lines 35 through 38 and inserting:

“Sec. 13. 1. This section and sections 5 to 8, inclusive, 11 and 12 of this act become effective on October 1, 2005.

2. Sections 2, 3, 4, 9 and 10 of this act become effective on October 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to notaries public; requiring certain persons who apply for appointments or reappointments as notaries public to complete a course of study approved, endorsed or provided by the Secretary of State; authorizing the Secretary of State to approve or endorse a course of study under certain circumstances; requiring the Secretary of State to charge a fee to determine whether to approve or endorse a course of study; prohibiting a notary public from notarizing the signature of certain persons; revising the provisions governing the issuance of an authentication by the Secretary of State; authorizing the Secretary of State to request that the Attorney General bring an action to enjoin a person who unlawfully represents himself as a notary public; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 555.

Amend section 1, pages 1 and 2, by deleting line 15 on page 1 and lines 1 through 5 on page 2, and inserting:

“~~[training and]~~ certification of *mobile and tower crane operators*.

2. *The regulations must:*

(a) *Require the certification of all operators of:*

(1) *Tower cranes; and*

(2) *Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater; and*

(b) *Require an applicant for certification as a crane operator pursuant to this section to hold a certificate that:*

(1) *Complies with the standards of the American Society of Mechanical Engineers set forth in B30.3, B30.4 or B30.5 as adopted by regulation of the Division; and*

(2) Is issued by an organization whose program of certification for crane operators is accredited by the National Commission for Certifying Agencies or its equivalent as determined by the Division.

3. The provisions of this section do not apply to the operator of an electric or utility line truck as defined by regulations adopted by the Division.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. Any regulations governing the certification of crane operators that are in effect on January 1, 2007, become void on that date.

2. As soon as practicable after January 1, 2007, the Legislative Counsel shall remove from the Nevada Administrative Code all regulations that are void pursuant to subsection 1.”.

Amend sec. 2, page 2, line 7, by deleting: “July 1, 2006,” and inserting: “January 1, 2007,”.

Amend the title of the bill to read as follows:

“AN ACT relating to cranes; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations relating to certification as a crane operator; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 193, 496 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 185, 500, 530, 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bill No. 128; Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bills Nos. 42, 43, 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 42, 43, 128, 185, 193, 369, 419, 496, 500, 530, 538; Assembly Joint Resolution No. 11 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 183 be placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 42.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 429.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

If a person or governmental entity has a legally enforceable obligation to provide care or treatment to a child pursuant to subsection 1 of NRS 432B.560 or to provide any supervision, custody, maintenance, support or other service otherwise ordered by the court to a child who the court determines is in need of protection and the person or governmental entity fails to provide such care, treatment or service, the court may issue an order to join the person or governmental entity as a party in any proceeding concerning the protection of the child to enforce the legal obligation if, before issuing the order, the court:

- 1. Provides notice and an opportunity to be heard to the person or governmental entity; and*
- 2. Determines that the child is eligible for such care, treatment or service.*

Sec. 2. NRS 432B.440 is hereby amended to read as follows:

432B.440 The agency which provides child welfare services shall assist the court during all stages of any proceeding in accordance with NRS 432B.410 to 432B.590, inclusive ~~[-]~~, and section 1 of this act."

Amend the title of the bill, fourth line, after "siblings;" by inserting:

“authorizing a court to join a person or governmental entity who fails to provide certain legally required care, treatment or services to a child who is in need of protection as a party in a proceeding concerning the protection of the child to enforce such legal duties under certain circumstances;”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 507.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

“(e) Receive medical care, including dental, vision and mental health services, paid for with money of the State of Nevada, the Federal Government or a local government.”.

Amend section 1, page 2, by deleting lines 14 and 15.

Amend section 1, page 2, line 16, by deleting “(h)” and inserting “(f)”.

Amend section 1, page 2, line 19, after “officer;” by inserting “and”.

Amend section 1, page 2, by deleting lines 20 through 22 and inserting:

“(2) Contact and visit his siblings.

A provider of foster care may impose reasonable restrictions as to the time, place and manner in which the contact may occur pursuant to this paragraph.”.

Amend section 1, page 2, line 23, by deleting “(i)” and inserting “(g)”.

Amend section 1, page 2, by deleting lines 24 through 27 and inserting: *“which provides child welfare services concerning his care.*

(h) Attend religious services of his choice.”.

Amend section 1, page 2, line 28, by deleting “(k)” and inserting “(i)”.

Amend section 1, page 2, by deleting line 32 and inserting:

“(j) Not be locked in any room, building or premises of a foster home.”.

Amend section 1, page 2, line 33, by deleting “(m)” and inserting “(k)”.

Amend section 1, page 2, line 34, by deleting “(n)” and inserting “(l)”.

Amend section 1, page 2, line 36, after “child.” by inserting: *“A provider of foster care may impose reasonable restrictions as to the time, place and manner in which a child may participate in such activities.”.*

Amend section 1, page 2, line 37, by deleting “(o)” and inserting “(m)”.

Amend section 1, page 2, by deleting lines 39 through 41.

Amend section 1, page 3, line 1, by deleting “(q)” and inserting “(n)”.

Amend section 1, page 3, line 2, by deleting “qualified.” and inserting: *“qualified that is offered by an agency which provides child welfare services, the State of Nevada or any contractor or agent of the agency which provides child welfare services or of the State of Nevada.”.*

Amend section 1, page 3, line 3, by deleting “(r)” and inserting “(o)”.

Amend section 1, page 3, by deleting lines 5 through 22 and inserting:

“(p) Be informed of any plan adopted for his permanent placement pursuant to NRS 432B.553 and of any changes made to the plan, if the child is over 12 years of age.

(q) Receive information concerning his placement and be informed of any changes concerning his placement.

(r) Have fair and equal access to services, placement and care.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 596.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall, to the extent feasible, provide information on its website or other Internet site concerning property taxes, including, without limitation:*

(a) A description of the assessment process;

(b) An explanation of the manner in which property taxes are calculated;

(c) The rates of taxes imposed by various taxing entities; and

(d) The revenues generated by those taxes.

2. *The information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public. The Department shall coordinate with each county in this State to disseminate information concerning property taxes and revenue including, without limitation, by providing links from the website or other Internet site maintained pursuant to subsection 1 to similar websites or other Internet sites maintained by counties in this State.*

3. *Each county assessor and county treasurer shall, to the extent feasible, provide on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor or treasurer, information that is similar to the information provided by the Department pursuant to subsection 1. The information must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.*

4. *The Department and each county shall update and upgrade the websites or other Internet sites maintained pursuant to this section to the extent necessary to improve the quantity, quality and accessibility of the information provided to the public on the Internet.*”.

Amend section 1, page 3, lines 11 and 12, by deleting: “~~its~~”:

(a) *The*” and inserting “~~its~~ *the*”.

Amend section 1, page 3, by deleting lines 14 through 18.

Amend section 1, page 3, line 30, by deleting “*a person*” and inserting: “*the owner of the property*”.

Amend section 1, page 3, by deleting line 32 and inserting: “*valuation on a website or other Internet site, if any, that is operated or*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. NRS 361.4545 is hereby amended to read as follows:

361.4545 1. On or before May 5 of each year or within 5 days after receiving the projections of revenue from the Department, whichever is later, the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;

(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

(f) *An explanation of each component tax that forms part of the total rate of tax levied upon property in the county. The explanation must identify:*

(1) *The statutory authority pursuant to which each component tax is levied; and*

(2) *If the component tax was approved by the voters:*

(I) *The year in which the tax was first collected; and*

(II) *The year in which the authority to collect the tax expires, if any.*

The notice must be displayed in the format used for news and must be printed *in not less than 10-point type* on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than ~~{8-point}~~ 10-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than ~~{8-point}~~ 10-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each \$100 of assessed valuation by which the highest combined tax rate for property in the county exceeds \$3.64 on each \$100 of assessed valuation.

These notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.”.

Amend sec. 2, page 4, by deleting lines 5 through 13 and inserting:

“(b) A statement explaining how to obtain the information set forth in the notices published by the ex officio tax receiver pursuant to NRS 361.4545.”.

Amend sec. 2, page 4, line 26, by deleting “a person” and inserting: “the property owner”.

Amend sec. 2, page 4, by deleting line 28 and inserting: “individual tax notice on a website or other Internet site, if any, that is”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; requiring the Department of Taxation and county assessors and treasurers to provide certain information concerning property taxes on the Internet; requiring a county assessor to include certain information in a notice of assessed valuation; requiring the ex officio tax receiver of a county to include certain information in an individual tax bill or individual tax notice; requiring the ex officio tax receiver of a county to include certain tax information in a certain published notice; and providing other matters properly relating thereto.”.

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblywoman Weber.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 471.

Amend section 1, page 2, by deleting line 2 and inserting: “thereto a new section to read as follows:

1. Each petition for initiative must:

(a) *Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and*

(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*

2. *For the purposes of paragraph (a) of subsection 1, a petition for initiative embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative.”.*

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting: “registered voters for their signatures ~~[-]~~, a copy of the petition for initiative, including the description required pursuant to section 2 of this act, must be placed on file with the”.

Amend sec. 4, page 2, line 27, by deleting “State; and” and inserting “State.”.

Amend sec. 4, page 3, by deleting lines 1 and 2.

Amend sec. 4, page 3, line 3, by deleting “filed” and inserting: “placed on file”.

Amend sec. 4, page 3, line 4, by deleting “State:” and inserting: “State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative may have any anticipated financial effect on the State or local governments if the initiative is approved by the voters. If the Fiscal Analysis Division determines that the initiative may have an anticipated financial effect on the State or local governments if the initiative is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.”.

Amend sec. 4, page 3, by deleting lines 5 through 10.

Amend sec. 4, page 3, line 11, by deleting “5” and inserting “10”.

Amend sec. 4, page 3, line 13, by deleting “shall:” and inserting: “shall post a copy of the petition, including the description required pursuant to section 1 of this act and any fiscal note prepared pursuant to subsection 2 on his Internet website.”.

Amend sec. 4, page 3, by deleting lines 14 through 34.

Amend sec. 5, page 3, by deleting lines 36 through 38 and inserting:

“295.061. 1. *The description of the effect of the initiative required pursuant to section 1 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the*

complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition ~~[filed pursuant to NRS 295.015 to 295.061, inclusive,]~~ for initiative or referendum may be challenged by filing a complaint in ~~[district court]~~ *the First Judicial District Court* not”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing petitions for initiative and referendum. (BDR 24-711)”.

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 566.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that the provisions of this act shall not be construed as impairing or otherwise affecting the right of a person to bring an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive.

Sec. 2. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. An officer of a court when acting within the scope of his office.

3. Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

4. An owner of property who is building or improving a residential structure on the property for his own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

5. An owner of a complex containing not more than four condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the managing officer, who performs work to repair or maintain that property the value of which is less than \$500, including labor and materials, unless:

- (a) A building permit is required to perform the work;
- (b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;
- (c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;
- (d) The work is performed as a part of a larger project:
 - (1) The value of which is \$500 or more; or
 - (2) For which contracts of less than \$500 have been awarded to evade the provisions of this chapter; or
- (e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his use or occupancy and not intended for sale or lease.

10. *An owner of a planned unit development who enters into a contract with a general contractor for the installation of an infrastructure project for a planned unit development, and who does not build residential units within the planned unit development. As used in this subsection:*

(a) *“Infrastructure project” includes, without limitation, a utility, sewer, road, recreation area, landscape, park, common area or other project within or related to a planned unit development.*

(b) *“Planned unit development” has the meaning ascribed to it in NRS 278A.065.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; providing that certain owners of planned unit developments are not subject to provisions regulating contractors; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 540.

Amend sec. 3, pages 1 and 2, by deleting lines 8 and 9 on page 1 and lines 1 through 6 on page 2, and inserting:

“Sec. 3. “Facility” has the meaning ascribed to it in NRS 433.461.”.

Amend sec. 5, page 2, line 18, by deleting *“limitation, any”* and inserting: *“limitation:*

(a) Any”.

Amend sec. 5, page 2, line 19, by deleting: *“2 and any”* and inserting: *“2;*

(b) Any”.

Amend sec. 5, page 2, line 21, by deleting *“child.”* and inserting: *“child; and*

(c) Any suggestions of licensed clinical social workers or other professionals who have interacted with the child and have information concerning the appropriate environment for the child.”.

Amend sec. 5, page 2, line 32, by deleting: *“is available to”* and inserting *“would”.*

Amend sec. 5, page 2, between lines 33 and 34, by inserting:

“3. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned a court for the involuntary court-ordered admission of the child to a facility.”.

Amend sec. 6, page 2, line 34, before *“Not”* by inserting *“1.”.*

Amend sec. 6, page 2, line 39, by deleting *“obtaining”* and inserting: *“requesting the court to authorize”.*

Amend sec. 6, page 2, line 44, by deleting *“services. The”* and inserting: *“services.*

2. If the court authorizes a second examination of the child, the”.

Amend sec. 6, page 3, line 1, by deleting “1.” and inserting “(a)”.

Amend sec. 6, page 3, line 5, by deleting “2.” and inserting “(b)”.

Amend sec. 8, page 3, by deleting lines 34 and 35 and inserting: “*Child and Family Services or any facility may petition to renew the*”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 453.

Amend sec. 2, page 2, line 41, by deleting “*campaign,*” and inserting: “*campaign and the preparation of statements of financial disclosure required pursuant to NRS 281.559 or 281.561 and reports of campaign contributions and expenditures required pursuant to chapter 294A of NRS,*”.

Amend sec. 2, page 3, line 23, by deleting “*campaign,*” and inserting: “*campaign and the preparation of statements of financial disclosure required pursuant to NRS 281.559 or 281.561 and reports of campaign contributions and expenditures required pursuant to chapter 294A of NRS,*”.

Amend sec. 2, page 4, by deleting lines 3 through 9 and inserting:

“11. A public officer or employee who is a member of a public body shall not attend a meeting of that public body where action is taken in violation of any provision of chapter 241 of NRS if the public officer or employee knows or should have known that the meeting is in violation thereof.

12. As used in this section, “activity relating to a political campaign” means any activity designed to affect the outcome of any primary, general or special election or question on the ballot.”.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 281.611 is hereby amended to read as follows:

281.611 As used in NRS 281.611 to 281.671, inclusive, and section 1 of this act, unless the context otherwise requires:

1. “Improper governmental action” means any action taken by a state officer or employee or local governmental officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:

- (a) In violation of any state law or regulation;
- (b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;
- (c) An abuse of authority;
- (d) Of substantial and specific danger to the public health or safety; or

(e) A gross waste of public money.

2. "Local government" means a county in this State, an incorporated city in this State and Carson City.

3. "Local governmental employee" means any person who performs public duties under the direction and control of a local governmental officer for compensation paid by or through a local government.

4. "Local governmental officer" means a person elected or appointed to a position with a local government that involves the exercise of a local governmental power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of local governmental policy;

(b) The expenditure of money of a local government; and

(c) The enforcement of laws and regulations of the State or a local government.

5. "Reprisal or retaliatory action" includes:

(a) The denial of adequate personnel to perform duties;

(b) Frequent replacement of members of the staff;

(c) Frequent and undesirable changes in the location of an office;

(d) The refusal to assign meaningful work;

(e) The issuance of letters of reprimand or evaluations of poor performance;

(f) A demotion;

(g) A reduction in pay;

(h) The denial of a promotion;

(i) A suspension;

(j) A dismissal;

(k) A transfer;

(l) Frequent changes in working hours or workdays; or

(m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee,

if such action is taken, in whole or in part, because the state officer or employee or local governmental officer or employee disclosed information concerning improper governmental action.

6. "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.

7. "State officer" means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;

(b) The expenditure of state money; and

(c) The enforcement of laws and regulations of the State.”.

Amend sec. 4, page 6, line 25, after “4.” by inserting: “*The issuance of an order against a person for taking reprisal or retaliatory action pursuant to subsection 2 constitutes grounds for disciplinary action against the person.* 5.”.

Amend sec. 5, page 7, line 2, by deleting “and” and inserting “[and]”.

Amend sec. 5, page 7, line 6, by deleting “action.” and inserting: “action [and] ; and

(d) *Provide that the issuance of an order against a person for taking reprisal or retaliatory action pursuant to paragraph (c) constitutes grounds for disciplinary action against that person.*”.

Amend the bill as a whole by deleting sections 7 through 9, renumbering section 10 as section 11 and adding new sections designated sections 8 through 10, following sec. 6, to read as follows:

“Sec. 8. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. The Attorney General shall [investigate] :

(a) *Investigate and prosecute any violation of this chapter [and] ; and*

(b) *Report to the Commission on Ethics each member of a public body that is convicted of a violation of subsection 1.*

Sec. 9. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

Unless a greater penalty is provided by specific statute, any violation of this chapter is a misdemeanor.

Sec. 10. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, *and in addition to any other penalty imposed by law*, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of

not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”

Amend the title of the bill to read as follows:

“AN ACT relating to government; revising the provisions concerning the disclosure of improper governmental action; prohibiting public officers and employees from using governmental time, property, equipment or other facility for activities relating to political campaigns and for the preparation of statements of financial disclosure and campaign contribution and expenditure reports; making attendance by a member of a public body at a meeting of the public body that violates the Open Meeting Law an ethics violation in certain circumstances; increasing the civil penalties for willful violations of the ethics provisions; providing civil penalties for repeated violations of the Open Meeting Law; making certain violations of campaign practices misdemeanors; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 616.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. The Board shall, by regulation, establish a procedure pursuant to which a person who holds a license issued by a local governmental entity to practice massage therapy, or who is taking any action required to become licensed to practice massage therapy, may also obtain a license pursuant to this chapter as a cosmetologist or aesthetician. To the greatest extent practicable, the procedure must be designed to streamline and reduce the duplication of requirements for the person to obtain the license.”.

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sections 6 and 7 as sections 4 and 5.

Amend the bill as a whole by deleting sections 8 and 9 and renumbering sections 10 and 11 as sections 6 and 7.

Amend sec. 11, page 6, by deleting lines 43 and 44 and inserting:

“Sec. 11. 1. This act becomes effective on October 1, 2005.”.

Amend sec. 11, page 7, line 1, by deleting: “6, 7, 8 and 10” and inserting: “4, 5 and 6”.

Amend sec. 11, page 7, by deleting lines 12 through 22.

Read the title of the bill to read as follows:

“AN ACT relating to cosmetology; requiring the State Board of Cosmetology to establish a procedure designed to streamline and reduce the duplication of requirements for certain persons to obtain a license as a cosmetologist or aesthetician; providing for the issuance of a license to practice cosmetology on a temporary basis under certain circumstances; authorizing the Board to set certain fees by regulation; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 485.

Amend sec. 3, pages 2 and 3, by deleting lines 7 through 41 on page 2 and line 1 on page 3, and inserting:

“Sec. 3. 1. The permanent and temporary polling places for early voting by personal appearance”.

Amend sec. 3, page 3, line 5, by deleting “*appearance;*” and inserting: “*appearance, including, without limitation, that the hours and days during which the permanent and temporary polling places for early voting are open provide equitable access to all registered voters to a polling place for early voting;*”.

Amend sec. 3, page 3, line 6, by deleting: “*a polling place*” and inserting: “*permanent and temporary polling places*”.

Amend sec. 3, page 3, line 8, by deleting “7.” and inserting “2.”.

Amend sec. 3, page 3, by deleting lines 9 through 17 and inserting:

“2. The county clerk shall:

(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and

(b) At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.”.

Amend sec. 4, page 3, line 19, by deleting “all”.

Amend sec. 4, page 3, line 21, by deleting “*including,*” and inserting: “*which may include,*”.

Amend sec. 4, page 3, by deleting lines 24 through 30.

Amend sec. 4, page 3, line 31, by deleting “(d)” and inserting “(b)”.

Amend sec. 4, page 3, by deleting lines 33 and 34 and inserting:

“(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.”.

Amend sec. 5, page 3, line 40, by deleting “all”.

Amend sec. 5, page 3, line 41, by deleting “*including,*” and inserting: “*which may include,*”.

Amend sec. 5, page 4, by deleting lines 1 through 5.

Amend sec. 5, page 4, line 6, by deleting “(d)” and inserting “(b)”.

Amend sec. 5, page 4, line 9, after “*ballot;*” by inserting “*and*”.

Amend sec. 5, page 4, line 10, by deleting “(e)” and inserting “(c)”.

Amend sec. 5, page 4, by deleting line 11 and inserting “NRS 293.388.”.

Amend sec. 5, page 4, by deleting lines 12 and 13.

Amend sec. 6, page 7, line 5, after “agency” by inserting:

“, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 6, page 7, lines 8 and 11, by deleting “agency” and inserting: “agency, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 7, page 8, by deleting lines 18 through 21 and inserting:

“2. ~~No~~ Except as otherwise provided in subsection 3, no words designating the party affiliation of a candidate for nonpartisan offices may be printed upon the ballot.

3. *Notwithstanding that a political party may not nominate a candidate for a nonpartisan office, a word or symbol designating the party affiliation of a candidate for a nonpartisan office, except for a candidate for a judicial office, must be printed upon the ballot if the nonpartisan office may only be voted upon by:*

- (a) *The voters in a county whose population is 400,000 or more; or*
- (b) *The voters in a city located in a county whose population is 400,000 or more.”.*

Amend sec. 7, page 8, line 22, by deleting “3.” and inserting “4.”.

Amend the bill as a whole by deleting sec. 11 and renumbering sec. 12 as sec. 11.

Amend sec. 12, page 10, by deleting lines 2 through 10 and inserting:

“293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance *in the county at the locations* ~~[designated]~~ *selected by him* ~~[throughout the county]~~ *pursuant to section 3 of this act.”.*

Amend the bill as a whole by deleting sections 13 through 15, renumbering sections 16 through 26 as sections 13 through 23 and adding a new section designated sec. 12, following sec. 12, to read as follows:

“Sec. 12. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk’s office ~~[.]~~ *pursuant to section 3 of this act.*

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.”.

Amend sec. 22, pages 15 and 16, by deleting lines 16 through 45 on page 15 and lines 1 through 9 on page 16, and inserting:

“Sec. 19. 1. *The permanent and temporary polling places for early voting by personal appearance”.*

Amend sec. 22, page 16, line 13, by deleting “*appearance;*” and inserting: “*appearance, including, without limitation, that the hours and days during which the permanent and temporary polling places for early voting are open provide equitable access to all registered voters to a polling place for early voting;*”.

Amend sec. 22, page 16, line 14, by deleting: “*a polling place*” and inserting: “*permanent and temporary polling places*”.

Amend sec. 22, page 16, line 16, by deleting “7.” and inserting “2.”.

Amend sec. 22, page 16, by deleting lines 17 through 25 and inserting:

“2. *The county clerk shall:*

(a) *Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and*

(b) *At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.”.*

Amend sec. 23, page 16, line 28, by deleting “all”.

Amend sec. 23, page 16, line 29, by deleting “including,” and inserting: “which may include,”.

Amend sec. 23, page 16, by deleting lines 34 through 38.

Amend sec. 23, page 16, line 39, by deleting “(d)” and inserting “(b)”.

Amend sec. 23, page 16, line 42, after “ballot;” by inserting “and”.

Amend sec. 23, page 16, line 43, by deleting “(e)” and inserting “(c)”.

Amend sec. 23, page 16, by deleting line 44 and inserting: “pursuant to the provisions of NRS 293C.387.”.

Amend sec. 23, page 17, by deleting lines 1 and 2.

Amend sec. 24, page 18, line 27, after “agency” by inserting: “, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 24, page 18, lines 30 and 33, by deleting “agency” and inserting: “agency, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 26, page 20, by deleting lines 8 through 15 and inserting:

“293C.3564 1. The city clerk may establish permanent polling places for early voting by personal appearance *in the city at the locations [designated] selected by him [throughout the county.] pursuant to section 19 of this act.”.*

Amend the bill as a whole by deleting sections 27 through 29, renumbering sections 30 through 33 as sections 25 through 28 and adding a new section designated sec. 24, following sec. 26, to read as follows:

“Sec. 24. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting ~~[pursuant to section 19 of this act.~~

2. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the

property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.”.

Amend sec. 30, page 22, line 16, by deleting: “31 to 35, inclusive,” and inserting: “26, 27 and 28”.

Amend sec. 32, page 23, line 2, by deleting “*except*” and inserting: “*including, without limitation,*”.

Amend sec. 33, page 23, line 10, by deleting “30” and inserting “45”.

Amend sec. 33, page 23, line 12, by deleting “30” and inserting “180”.

Amend the bill as a whole by deleting sections 34 and 35 and renumbering sec. 36 as sec. 29.

Amend sec. 36, page 25, line 1, by deleting “31” and inserting “26”.

Amend the bill as a whole by renumbering sections 37 through 64 as sections 33 through 60 and adding new sections designated sections 30 through 32, following sec. 36, to read as follows:

“Sec. 30. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 31. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of

the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 32. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of \$100 that he incurs and each amount in excess of \$100 that he disposes of pursuant to NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of

State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of \$100 that he incurs on the form designed and provided by the Secretary of State pursuant NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.”

Amend sec. 37, page 25, lines 7 and 17, by deleting “32” and inserting “27”.

Amend sec. 38, page 25, lines 23 and 39, by deleting “32” and inserting “27”.

Amend sec. 38, page 26, line 12, by deleting “32” and inserting “27”.

Amend sec. 39, page 26, lines 40 and 43, by deleting “32” and inserting “27”.

Amend sec. 40, page 27, line 17, by deleting “32” and inserting “27”.

Amend sec. 41, page 27, lines 36 and 42, by deleting “32” and inserting “27”.

Amend sec. 42, page 28, line 7, by deleting “32” and inserting “27”.

Amend sec. 43, page 28, line 42, by deleting “32” and inserting “27”.

Amend sec. 43, page 29, line 7, by deleting “32” and inserting “27”.

Amend sec. 45, page 30, line 41, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 46, pages 30 and 31, by deleting lines 42 through 45 on page 30 and lines 1 and 2 on page 31, and inserting:

“Sec. 42. 1. *“Officer of a publicly funded entity” means a person who:*

(a) *Serves as an officer of a governing body of a corporation or any other entity that receives money directly from the State or a local government; and*
(b) *Receives compensation other than a per diem allowance and travel expenses for serving as such an officer.*

2. *The term does not include a person who is a public officer.”.*

Amend sec. 47, page 31, line 3, by deleting: “chief administrative officer of” and inserting: “officer of a publicly funded entity.”.

Amend sec. 47, page 31, by deleting lines 4 and 5.

Amend sec. 47, page 31, lines 8 and 9, by deleting: “chief administrative officer of a district.” and inserting: “officer of a publicly funded entity.”.

Amend sec. 47, page 31, line 11, by deleting: “chief administrative officer of the district,” and inserting: “officer of the publicly funded entity,”.

Amend sec. 47, page 31, lines 12 and 13, by deleting: “chief administrative officer of the district.” and inserting: “officer of the publicly funded entity.”.

Amend sec. 47, page 31, lines 15 and 16, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, line 19, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, lines 22 and 23, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, line 29, by deleting: “chief administrative officers of a district” and inserting: “officers of a publicly funded entity”.

Amend sec. 47, page 31, lines 34 and 37, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, lines 41 and 42, by deleting: “chief administrative officers of a district” and inserting: “officers of a publicly funded entity”.

Amend sec. 47, page 31, line 43, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, line 1, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, lines 3 and 4, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, lines 6 and 7, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 48, page 32, lines 19 and 20, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 49, page 32, line 24, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 49, page 32, line 26, by deleting “46” and inserting “42”.

Amend sec. 52, page 35, line 6, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 35, lines 32 and 33, by deleting: “*chief administrative officer of a district*” and inserting: “*fficer of a publicly funded entity*”.

Amend sec. 52, page 35, lines 38 and 39, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 35, line 45, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 2, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, lines 7 and 8, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*,”.

Amend sec. 52, page 36, line 11, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 13, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, lines 29 and 30, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 44, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*,”.

Amend sec. 52, page 37, lines 3 and 4, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*,”.

Amend sec. 52, page 37, lines 6 and 7, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 37, lines 9 and 10, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 53, page 37, line 14, by deleting “47” and inserting “43”.

Amend sec. 54, page 37, lines 22 and 23, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 54, page 37, line 29, by deleting: “*chief administrative officers of districts*” and inserting: “*officers of the publicly funded entities*”.

Amend sec. 55, page 38, lines 6, 14, 24, 29, 33, 37 and 40, by deleting “47” and inserting “43”.

Amend the bill as a whole by deleting sec. 65 and the text of repealed sections and renumbering sec. 66 as sec. 61.

Amend the title of the bill to read as follows:

“AN ACT relating to public office; revising various provisions relating to polling places; requiring the Secretary of State to maintain certain information on a website on the Internet; requiring that if a county clerk or city clerk maintains a website on the Internet, the county clerk or city clerk

shall maintain certain information on the website; revising provisions relating to proof of residence for a person filing a declaration of candidacy; revising the provisions relating to provisional ballots; revising the provisions relating to public lists of registered voters; revising the provisions relating to a person convicted of a felony and the right to vote; revising the provisions relating to the filing of campaign finance reports; revising the provisions relating to filing a statement of financial disclosure; requiring an officer of a publicly funded entity to file a statement of financial disclosure; revising the provisions governing requests for bill drafts made by Legislators; providing a civil penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 570.

Amend sec. 44, page 29, line 41, by deleting “5” and inserting “[5] 10”.

Amend sec. 44, page 29, line 42, by deleting:

“on or before September 1 preceding” and inserting:

“~~on or before September 1 preceding~~ before”.

Amend sec. 44, pages 29 and 30, by deleting lines 43 and 44 on page 29 and lines 1 and 2 on page 30, and inserting:

“a regular session of the Legislature . ~~{and not more than 5 legislative measures submitted to the} The Legislative Counsel {after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.}~~ shall establish a schedule of dates for an incumbent Assemblyman to submit to the Legislative Counsel requests for the drafting of legislative measures.”.

Amend sec. 44, page 30, by deleting lines 4 through 9 and inserting:

“~~{10} 20 legislative measures submitted to the Legislative Counsel {on or before September 1 preceding} before the commencement of a regular session of the Legislature . {and not more than 10 legislative measures submitted to the} The Legislative Counsel {after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.}~~ shall establish a schedule of dates for an incumbent Senator to submit to the Legislative Counsel requests for the drafting of legislative measures.”.

Amend sec. 44, page 30, by deleting lines 12 and 13 and inserting:

“Counsel ~~{on or before December 15 preceding} before the commencement of a regular session of the Legislature. The Legislative Counsel shall establish a schedule of dates for a newly elected Assemblyman to submit to the Legislative Counsel requests for the drafting of legislative measures.”.~~

Amend sec. 44, page 30, by deleting lines 16 and 17 and inserting:

“Counsel ~~{on or before December 15 preceding} before the commencement of a regular session of the Legislature. The Legislative Counsel shall~~

establish a schedule of dates for a newly elected Senator to submit to the Legislative Counsel requests for the drafting of legislative measures.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 484.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

Each public officer who is required to file a statement of financial disclosure pursuant to NRS 281.541, 281.559 or 281.561 shall, within 6 months after his initial election or appointment to his office, attend a course on ethics in government that is taught or approved by the Commission.

Sec. 2. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, may be cited as the Nevada Ethics in Government Law.

Sec. 3. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 281.541 is hereby amended to read as follows:

281.541 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and

(2) Upon review, approved by the Commission.

2. *A code of ethical standards established by a specialized or local ethics committee of a county or an incorporated city pursuant to subsection 1 may include, without limitation, a provision that prohibits any former public officer of the county or city, as the case may be, from lobbying the governing body of the city or county for a limited period of time after the public officer leaves office. As used in this subsection, "lobbying" means communicating with a member of the board of county commissioners, the governing body of a city or an employee of the county or city on behalf of another person to seek to influence action by the board of county commissioners or the governing body of the city, for consideration or under circumstances in which consideration would ordinarily be paid for such communication.*

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~{3-}~~ 4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

- (a) The public officer or employee acts in contravention of the opinion; or
- (b) The requester discloses the content of the opinion."

Amend sec. 5, page 7, line 33, by deleting "chapter;" and inserting: "chapter ~~{-}~~ except section 1 of this act;"

Amend sec. 5, page 7, line 35, by deleting "chapter;" and inserting: "chapter ~~{-}~~ except section 1 of this act;"

Amend sec. 5, page 7, line 37, by deleting "chapter." and inserting: "chapter ~~{-}~~ except section 1 of this act."

Amend sec. 5, page 8, by deleting lines 30 through 41 and inserting:

"6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~{-~~

~~(a) Relied~~ satisfies all of the following requirements:

(a) *He relied* in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~{Was}~~ *He was* unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~{Took}~~ *He took* action that was not contrary to a prior published opinion issued by the Commission."

Amend sec. 5, page 8, line 42, by deleting “7-]” and inserting “7.”

Amend sec. 5, page 9, line 3, by deleting “[8-] 7.” and inserting “8.”

Amend sec. 5, page 9, line 8, after “chapter” by inserting: “, *except section 1 of this act*,”.

Amend sec. 5, page 9, line 12, by deleting “[9-] 8.” and inserting “9.”

Amend sec. 5, page 9, line 15, by deleting “[10-] 9.” and inserting “10.”

Amend sec. 5, page 9, line 16, after “chapter” by inserting: “, *except section 1 of this act*,”.

Amend the bill as a whole by deleting sec. 6 and adding a new section, designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. The provisions of section 1 of this act do not apply to any public officer elected or appointed to his office before July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to ethics in government; requiring certain public officers to attend a course on ethics in government; clarifying the circumstances under which a violation of the ethical provisions may be found not to be willful; authorizing a specialized or local ethics committee of a county or an incorporated city to prohibit certain former public officers from lobbying; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 538.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 469.

Amend sec. 4, page 4, by deleting lines 2 through 4 and inserting: “its counties or incorporated cities and which involves ~~the exercise of a public power, trust or duty. As used in this section, “the exercise of a public power, trust or duty” means:~~ two or more of the following:”.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 18 as sections 7 through 17.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “utility; revising the date”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 382.

Amend the resolution, page 3, by deleting lines 9 through 19 and inserting:

“11. The annual property tax upon a residence owned and occupied by a senior citizen who has paid property taxes in this State during each of the previous 10 years must be limited to an amount that does not exceed the lesser of:

(a) The tax upon the assessed value of the property in the year in which the person:

(1) Reaches the age of retirement, as defined by the Legislature; or

(2) Has paid property taxes in this State for each of the previous 10 years, whichever is later; or

(b) The tax that would otherwise apply to the property for the current year.”.

Amend the title of the bill to read as follows:

“ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to effect a limitation on property taxes for senior citizens.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to effect limitation on property taxes for senior citizens. (BDR C-1184)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 1:25 p.m.

ASSEMBLY IN SESSION

At 1:44 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 165, 275, 334, 385, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 165, 275, 334, 342, 385, 425 just reported out of committee be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 617.

Amend section 1, page 2, line 10, after “applicant” by inserting: “*or his authorized representative*”.

Amend section 1, page 2, line 11, after “applicant” by inserting: “*or his authorized representative*”.

Amend section 1, page 2, line 13, after “warranted.” by inserting: “*If the commission grants a continuance pursuant to this subsection for good cause shown, the person on whose behalf the continuance was granted must make a good faith effort to resolve the issues concerning which the continuance was requested.*”.

Amend section 1, page 2, line 14, by deleting: “*If an applicant requests*” and inserting: “*An applicant or his authorized representative may request*”.

Amend section 1, page 2, line 15, by deleting: “*another person and*” and inserting: “*an officer or employee of a city or county, a member of the commission or any owner of property that may be directly affected by the matter. If*”.

Amend section 1, page 2, by deleting lines 19 through 21 and inserting:

“5. *As used in this section:*

(a) “*Applicant*” means the person who owns the property to which the application pending before the commission pertains.

(b) “*Good cause*” includes, without limitation:

(1) *The desire by the applicant or his authorized representative to:*”.

Amend section 1, page 2, line 22, by deleting “(1)” and inserting “(I)”.

Amend section 1, page 2, line 24, by deleting “(2)” and inserting “(II)”.

Amend section 1, page 2, line 26, by deleting “(3)” and inserting “(III)”.

Amend section 1, page 2, line 27, by deleting “(b)” and inserting “(2)”.

Amend section 1, page 2, line 28, by deleting “*applicant.*” and inserting: “*applicant or his authorized representative.*”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 458.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 17 and the text of the repealed section, following the enacting clause, to read as follows:

“Section 3. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board, consisting of ~~{the Director of the Department of Administration and six}~~ :

(a) *The Governor, the Lieutenant Governor and the State Treasurer, who serve ex officio; and*

(b) *Two members appointed by the Governor,*
is hereby created within the Department of Administration.

2. At least one of the appointed members must have a comprehensive knowledge of the principles of ~~{administration and at least one of the appointed members must have a working knowledge of the principles of}~~ engineering or architecture.

3. *The Governor shall serve as Chairman of the Board, and the members of the Board shall elect annually a Vice Chairman.*

Sec. 2. NRS 341.030 is hereby amended to read as follows:

341.030 1. The *appointed* members of the Board ~~{shall be appointed}~~ serve for terms of 4 years.

2. The term of office of each *appointed* member ~~{shall begin}~~ *of the Board begins on July 1 of the year of his appointment.*

Sec. 3. NRS 341.041 is hereby amended to read as follows:

341.041 If an appointed member of the Board fails to attend three successive meetings of the Board, ~~{the Board shall notify the Governor of that fact, in writing, within 5 days after the third successive meeting that the member fails to attend. Upon receipt of the notice,}~~ the Governor may appoint a person to replace the member for the unexpired term of that member.

Sec. 4. NRS 341.100 is hereby amended to read as follows:

341.100 1. The ~~{Board}~~ *Governor* may appoint a Manager who serves at the pleasure of the ~~{Board and the}~~ *Governor*. The ~~{Board or the}~~ *Governor* may remove the Manager for inefficiency, neglect of duty, malfeasance or for other just cause.

2. The Manager, with the approval of the ~~{Board,}~~ *Governor*, may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services. In addition, the Manager may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

3. The Manager and his deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Manager and each

deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

4. The Manager and his deputy for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of principles of administration and a working knowledge of principles of engineering or architecture as determined by the Board.

5. The Manager shall:

- (a) Serve as the Secretary of the Board.
- (b) Manage the daily affairs of the Board.
- (c) Represent the Board before the Legislature.
- (d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.
- (e) Make recommendations to the Board for the selection of architects, engineers and contractors.
- (f) Make recommendations to the Board concerning the acceptance of completed projects.
- (g) Advise the Board and the Legislature, or the Interim Finance Committee if the Legislature is not in session, on a monthly basis of the progress of all public works projects which are a part of the approved capital improvement program.
- (h) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government.

Sec. 5. NRS 341.145 is hereby amended to read as follows:

341.145 ~~{The Board:}~~

1. *Except as otherwise provided in subsection 2, the Board:*

(a) Has final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

~~{2:}~~ (b) Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the Board shall apply for the rebate.

~~{3:}~~ (c) Shall solicit bids for and let all contracts for new construction or major repairs.

~~{4:}~~ (d) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

~~{(a):}~~ (1) The bid is less than the appropriation made by the Legislature for that building project; and

~~{(b):}~~ (2) The bid does not exceed the relevant budget item for that building project as established by the Board by more than 10 percent.

~~{5-}~~ (e) May reject any or all bids.

~~{6-}~~ (f) After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

~~{7-}~~ (g) Shall obtain approval from the Interim Finance Committee when the Legislature is not in regular or special session, or from the Legislature by concurrent resolution when the Legislature is in regular or special session, for any change in the scope of the design or construction of a project as that project was authorized by the Legislature. The Board shall adopt by regulation criteria for determining whether a change in the scope of the design or construction of a project requires such approval.

~~{8-}~~ (h) May authorize change orders, before or during construction:

~~{(a)}~~ (1) In any amount, where the change represents a reduction in the total awarded contract price.

~~{(b)}~~ (2) Except as otherwise provided in ~~[paragraph (c)] subparagraph (3)~~, not to exceed in the aggregate 10 percent of the total awarded contract price, where the change represents an increase in that price.

~~{(c)}~~ (3) In any amount, where the total awarded contract price is less than \$10,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

~~{9-}~~ (i) Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the Board a change order that has been authorized by the design professional. As used in this subsection, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

~~{10-}~~ (j) Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract or to codes adopted by the Board, and to file the notice of completion and certificate of occupancy for the building or structure.

2. *The Board shall not, in any manner, participate in the planning, design, contracting, construction, supervision, acceptance, approval, improvement, repair or inspection of or for a building, project or structure for a local government, unless 25 percent or more of the costs of the building, project or structure as a whole are paid from money appropriated by this State. As used in this subsection, "local government" has the meaning ascribed to it in NRS 338.010.*

Sec. 6. NRS 341.191 is hereby amended to read as follows:

341.191 1. The Board shall submit reports and make recommendations relative to its findings to the ~~{Governor and to the}~~ Legislature. The Board shall particularly recommend to the ~~{Governor and to the}~~ Legislature the priority of construction of any and all buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The Board shall submit before October 1 of each even-numbered year its recommendations for projects for capital improvements in the next biennium.

Sec. 7. NRS 341.211 is hereby amended to read as follows:

341.211 The Board shall:

1. Cooperate with other departments and agencies of the State in their planning efforts.

2. ~~[Advise]~~ *Except as otherwise provided in NRS 341.145, advise* and cooperate with municipal, county and other local planning commissions within the State to promote coordination between the State and the local plans and developments.

3. Cooperate with the Nevada Arts Council and the Buildings and Grounds Division of the Department of Administration to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 8. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county ~~[]~~, *except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 13 of this act.*

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[]~~ or the University and Community College System of Nevada. ~~[for any school district.]~~

Sec. 9. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city ~~[]~~, *except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 13 of this act.*

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[]~~ or the University and Community College System of Nevada. ~~[for any school district.]~~

Sec. 10. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada ~~{ }~~ or the University and Community College System of Nevada , ~~for any school district,~~ except that such entities may contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada ~~{ }~~ or the University and Community College System of Nevada . ~~{for any school district.}~~

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes to permit the use of straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure and the use of solar energy for the heating of a structure, to the extent the local climate allows.

5. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 11. NRS 278.585 is hereby amended to read as follows:

278.585 ~~{A+}~~ *Except as otherwise provided in section 13 of this act, all persons and political subdivisions shall comply with the appropriate city or county building code.*

Sec. 12. NRS 387.3335 is hereby amended to read as follows:

387.3335 1. The board of trustees of a school district may apply to the Director of the Department of Administration for a grant of money from the Fund created pursuant to NRS 387.333 on a form provided by the Director of the Department of Administration. The application must be accompanied by proof that the following emergency conditions exist within the school district:

(a) The assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The combined ad valorem tax rate of the county is at the limit imposed by NRS 361.453; and

(c) At least:

(1) One building that is located on the grounds of a school within the school district has been condemned;

(2) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

- (I) Structural defects;
 - (II) Barriers to accessibility; or
 - (III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner;
- or

(3) One of the facilities that is located on the grounds of a school within the school district is in such a condition that the cost of renovating the facility would exceed 40 percent of the cost of constructing a new facility.

2. *Except as otherwise provided in subsection 3:*

(a) Upon receipt of an application submitted pursuant to subsection 1, the Director of the Department of Administration shall forward the application to the:

- ~~{(a)}~~ (1) Department of Taxation to determine whether ~~for not~~ ~~{(1)}~~:

(I) The application satisfies the showing of proof required pursuant to paragraphs (a) and (b) of subsection 1; and

~~{(2)}~~ (II) The board of county commissioners in the county in which the school district is located has imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100;

~~{(b)}~~ (2) State Public Works Board to determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and

- ~~{(c)}~~ (3) Department of Education for informational purposes.

~~{3-}~~ (b) The Department of Taxation and the State Public Works Board shall submit written statements of their determinations pursuant to ~~subsection 2~~ paragraph (a) regarding an application to the Director of the Department of Administration. Upon receipt of such statements, the Director shall submit the application accompanied by the written statements from the Department of Taxation and State Public Works Board to the State Board of Examiners for approval.

3. *If the provisions of NRS 341.145 prohibit the participation of the State Public Works Board:*

(a) *The application otherwise required to be forwarded to the State Public Works Board pursuant to subparagraph (2) of paragraph (a) of subsection 2 must instead be forwarded to a registered architect or licensed professional engineer selected by the board of trustees of the school district that is applying for the grant;*

(b) *The registered architect or licensed professional engineer shall determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and*

(c) The registered architect or licensed professional engineer shall submit to the Director of the Department of Administration a written statement of his determination pursuant to paragraph (b).

Upon receipt of such statement, the Director shall submit the application accompanied by the written statements from the Department of Taxation and the architect or engineer to the State Board of Examiners for approval.

4. The Director of the Department of Administration shall make grants from the Fund created pursuant to NRS 387.333 based upon the need of each school district whose application is approved by the State Board of Examiners.

5. The Director of the Department of Administration shall adopt regulations that prescribe the annual deadline for submission of an application to the Director of the Department of Administration by a school district that desires to receive a grant of money from the Fund.

Sec. 13. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of trustees of a school district located in a county whose population is 400,000 or more may establish a building department for the school district.*

2. *If the board of trustees of such a school district establishes a building department:*

(a) The board of trustees shall:

(1) Regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.

(2) Adopt any building, electrical, plumbing or safety code as necessary to carry out the provisions of this section.

(b) The building department shall, as described in subsection 4 of NRS 393.110, review plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings.

(c) The provisions of NRS 278.585 do not apply to the school district in its regulation of the buildings, facilities, structures and property of the school district.

Sec. 14. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in ~~subsection 3:~~

~~(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~The State Public Works Board]~~ *this section, the board of trustees of a school district shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the building department of the county or other local building department, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of a permit. A permit for construction must be issued before the school district commences construction. The building department shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall contract with a private entity or the building department of another local government to*

obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted.

3. In conducting reviews pursuant to subsection 2, the applicable building department or private entity shall verify that all plans, designs and specifications that ~~{it reviews}~~ are reviewed pursuant to this section comply with ~~{all}~~ :

(a) The applicable requirements of the relevant codes adopted by this State;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~{3.—The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department before commencement of the project for the approval of the building department. The}~~

4. The provisions of subsections 2 and 3 do not apply to a school district that has established a building department pursuant to section 13 of this act. If a school district has established a building department pursuant to section 13 of this act, that building department shall review the plans, designs and specifications ~~{and provide responsive comment as expeditiously as practicable}~~ for the erection of new school buildings and for the addition to or alteration of existing school buildings to verify that the plans, designs and specifications comply with ~~{all}~~ :

(a) The applicable requirements of the relevant codes adopted by this State; and

(b) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. ~~{The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications.}~~

~~A permit for construction must not be issued without the approval of the building department pursuant to this subsection.]~~

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~[4.]~~5. No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 15. NRS 341.060 is hereby repealed.

Sec. 16. 1. As soon as practicable after July 1, 2005, the Governor shall:

(a) Determine which, if any, of the terms of the appointed members of the State Public Works Board ended on June 30, 2005; and

(b) Terminate the appointment of a sufficient number of the remaining appointed members of the Board so that the number of appointed members of the Board is reduced to two.

2. The remaining appointed members of the Board shall draw lots to determine which members' appointments will be terminated.

Sec. 17. This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTION

341.060 Organization; election of officers. Within a reasonable time after the appointment of the members of the Board, the Board shall meet upon the call of the Governor and shall organize and elect a chairman and vice chairman from among the members appointed pursuant to NRS 341.020.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; revising the composition of and certain internal procedures relating to the operations of the State Public Works Board; prohibiting the involvement of the Board in certain activities of local governments; authorizing certain larger school districts to establish building departments; authorizing such a building department to adopt its own building codes; removing the Board from the process of approving plans, designs and specifications for the construction and alteration of school buildings; removing the exemption for school districts from the requirement to pay fees for the issuance of building permits; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to State Public Works Board and relating to construction or renovation of public school buildings. (BDR 28-614)”.

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 455.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 4 through 7 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *Except as otherwise required by specific statute or federal law, a person shall not include and a governmental agency shall not require a person to include the social security number of a person on any document that is recorded, filed or otherwise submitted to the governmental agency.*

2. *A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.*

3. *A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain the social security number of any person. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required and any document which contains the social security number of a person.*

4. *On or before January 1, 2017, each governmental agency shall ensure that any social security number contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is maintained in a confidential manner or is obliterated or otherwise removed from the document. Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.*

5. *As used in this section, “governmental agency” mean an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.”.*

Amend sec. 2, page 2, by deleting lines 1 through 3 and inserting:

“Sec. 4. 1. *Except as otherwise provided in subsection 4, upon”.*

Amend sec. 2, page 3, by deleting lines 10 and 11 and inserting: “*and reasonable attorney’s fees, subject to any applicable limitations set forth in*

NRS 41.0305 to 41.039, inclusive. An action described in this subsection must”.

Amend sec. 4, page 4, line 7, by deleting “subsection 4,” and inserting: “subsections 4 and 6,”.

Amend sec. 4, page 5, line 10, after “5.” by inserting: “*In addition to the notification required pursuant to subsection 1, if a person doing business in this State determines that he must provide such notification to more than 1,000 persons as a result of the breach, the person doing business in this State must, without unreasonable delay, inform each consumer reporting agency, as defined in 15 U.S.C. § 1681a, in writing, of the timing, distribution and contents of that notification.*”

6. *The provisions of this section do not apply to any person doing business in this State that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et. seq., or any regulations adopted pursuant thereto.*

7.”.

Amend sec. 4, page 5, line 18, by deleting “6.” and inserting “8.”.

Amend sec. 5, page 5, by deleting line 28 and inserting:

“Sec. 7. This act becomes effective on January 1, 2007.”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “in a confidential manner; prohibiting the inclusion of social security numbers in certain documents that are recorded, filed or otherwise submitted to a governmental agency; requiring a governmental agency or certain persons who do business in this State that own, license or maintain computerized data to notify”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 544.

Amend section 1, page 2, by deleting line 5 and inserting: “the identity of a specific person or medical facility; and”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 439B.115 is hereby amended to read as follows:

439B.115 “Major hospital” means a hospital in this State which has ~~[200]~~ 100 or more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of ~~[200]~~ 100 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged the form commonly referred to as the “UB-82,” or a different form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department.

2. The Department shall by regulation:

(a) Specify the information required to be included in the form for each patient; and

(b) Require each hospital to provide specified information from the form to the Department.

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Each hospital with 100 or more ~~than 200~~ beds shall provide the information required pursuant to paragraph (b) of subsection 2 on magnetic tape or by other means specified by the Department, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.”.

Amend sec. 3, pages 3 and 4, by deleting lines 11 through 44 on page 3 and lines 1 and 2 on page 4, and inserting:

~~“{Each such}~~

2. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department a proposed ~~operating~~ capital improvement budget for the ~~following~~ upcoming fiscal year which includes, without limitation, any major service line that the institution plans to add, any major expansion of the existing facilities of the institution that is planned and any acquisition of a major piece of equipment that is planned, at least 30 days before the start of that fiscal year.

~~{2-}~~ 3. *In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital in this State shall file with the Department in a form and at intervals specified by the Director but at least annually:*

(a) *A description of the allocation of the net profits of the hospital that is compiled from the information submitted to the Department quarterly pursuant to the regulations of the Department during the immediately preceding fiscal year;*

(b) *The corporate home office allocation policy of the hospital, if any, and a report of the manner in which the hospital adheres to the policy; and*

(c) *The hospital’s plan for providing benefits to the community in which it is located, including, without limitation, the aspects of the plan that are specific to this State if the hospital is in a group of affiliated hospitals that operates a hospital in another state. The Director shall adopt regulations defining “benefits” for the purposes of this paragraph to include, without limitation, goods, services and resources provided by a hospital to a*

community to address the specific needs and concerns of that community and the needs and concerns of uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive reimbursement.”.

Amend sec. 3, page 4, between lines 18 and 19 by inserting:

“7. The Director shall at least annually provide the information that the Department receives pursuant to subsections 1 and 2 to the Legislative Committee on Health Care.”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 6.

Amend sec. 5, page 5, line 19, after “Governor” by inserting: “, the Legislative Committee on Health Care”.

Amend sec. 5, page 5, by deleting line 21 and inserting: “the preceding fiscal year. ~~[This report must include copies]~~”

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all”.

Amend sec. 5, pages 5 and 6, by deleting lines 25 through 44 on page 5 and lines 1 through 7 on page 6, and inserting: “necessary ~~[]~~”;

(b) A summary of the results of each audit of a hospital in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the corporate home office allocation policies of hospitals in this State; and

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the plans for providing benefits to communities submitted by hospitals pursuant to paragraph (c) of subsection 3 of NRS 449.490;

(b) A review of the proposed capital improvement budgets submitted by hospitals pursuant to subsection 2 of NRS 449.490; and

(c) An assessment of the needs of communities in this State, including, without limitation, an assessment of the critical health care needs of each community, an assessment of the access to and affordability of services in each community and an examination of any disparities based upon factors such as race, gender or economic status in the provision of health care services in each community.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; making various changes concerning the analysis and reporting of trends regarding sentinel events reported by certain medical facilities; expanding the classification of hospitals that are required to take certain actions to restrain the costs of health care; expanding the classification of hospitals that the Director of the Department of Human Resources is required to audit to ensure compliance with various provisions to restrain the costs of health care; expanding the classification of hospitals that are required to provide information to the Department in a specific form; making various changes concerning the reporting of financial information by certain medical facilities to the Department of Human Resources; making various changes concerning the reporting of information by the Department of Human Resources; requiring the Legislative Committee on Health Care to develop a plan concerning the provision of health care in this State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning analysis, reporting and provision of health care services. (BDR 40-1163)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 452.

Amend the bill as a whole by deleting section 1 and adding:

“Section 1. (Deleted by amendment.)”.

Amend sec. 2, page 2, line 41, by deleting “278A” and inserting “278”.

Amend sec. 2, pages 2 and 3, by deleting lines 43 and 44 on page 2 and lines 1 through 15 on page 3, and inserting:

“If a governing body establishes a committee or task force on sustainable energy, the committee or task force shall consider:

1. Standards for the efficient use of water;

2. Standards for the efficient use of energy, including, without limitation, the use”.

Amend sec. 2, page 3, line 17, by deleting “(c)” and inserting “3.”.

Amend sec. 2, page 3, line 19, by deleting “(d)” and inserting “4.”.

Amend sec. 3, page 3, line 27, after “at” by inserting: “or meet the equivalent of”.

Amend sec. 3, page 3, by deleting lines 29 and 30 and inserting: “Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.”.

Amend sec. 3, page 3, line 33, after “at” by inserting: “or meet the equivalent of”.

Amend sec. 3, page 3, by deleting lines 35 and 36 and inserting: “*Design Green Building Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.*”.

Amend the bill as a whole by deleting sec. 4 and adding:
“Sec. 4. (Deleted by amendment.)”.

Amend sec. 5, page 4, line 8, by deleting “[identify]” and inserting “[identify the]”.

Amend sec. 5, page 4, by deleting lines 11 through 14 and inserting:

“(b) Identify measures, including, without limitation, for ~~the~~
~~(a)~~ the:

(1) Conservation of water;

(2) Conservation of energy; and

~~(b)~~ (3) Use of types of energy which are alternatives to fossil”.

Amend sec. 6, page 4, line 35, after “at” by inserting: “or meet the equivalent of”.

Amend sec. 6, page 4, by deleting lines 38 and 39 and inserting: “or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.”

2. The partial abatement must be for a duration of not more than 10 years”.

Amend sec. 6, page 4, line 42, after “3.” by inserting: “The Commission on Economic Development shall establish by regulation the qualifications and methods to determine eligibility for the abatement.

4.”.

Amend sec. 7, page 5, by deleting lines 15 through 17 and inserting:

“(d) Products or materials used in the construction or remodel of a building if the building is certified or will, when complete, meet the requirements to be certified at or meet the equivalent of the silver level or”.

Amend sec. 7, page 5, by deleting line 33 and inserting: “adopted by the Director of the Office of Energy pursuant to section 11 of this act.”.

Amend the bill as a whole by adding new sections designated sections 8.1 through 8.12, following sec. 8, to read as follows:

“Sec. 8.1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.2 to 8.12, inclusive, of this act.

Sec. 8.2. As used in sections 8.2 to 8.12, inclusive, of this act, unless the context otherwise requires:

1. “Occupation” means a specific discipline involved in a solar energy system project, including, without limitation, those tasks performed by an inspector, management planner, consultant, project designer, contractor, supervisor or worker engaged in a solar energy system project.

2. “Solar energy system” means a facility or energy system for the generation of electricity that uses photovoltaic cells and solar energy to generate electricity.

3. “Solar energy system project” means a project related to:

- (a) The installation of a solar energy system; or
- (b) The maintenance of a solar energy system.

4. “Worker” means any person actually engaged in work directly related to a solar energy system project in a capacity other than as an inspector, management planner, consultant, project designer, contractor or supervisor engaged in a solar energy system project.

Sec. 8.3. 1. The Division shall adopt regulations establishing standards and procedures for the certification of each occupation. The regulations must include, without limitation:

(a) Standards for:

- (1) Courses that provide initial training;
- (2) Courses that provide a review of the initial training;
- (3) Examinations;
- (4) Qualifications;
- (5) Certification;
- (6) Renewal of certification; and
- (7) Revocation of certification.

(b) A schedule of fees designed to recover revenue to defray the costs of carrying out the provisions of sections 8.2 to 8.12, inclusive, of this act. The Division may collect fees for applications for certification, the issuance, renewal and reinstatement of certification, examinations, the review and approval of training courses, job notifications and inspections, recordkeeping, and any other activity of the Division related to the provisions of sections 8.2 to 8.12, inclusive, of this act.

(c) Standards for solar energy system projects.

2. In adopting regulations pursuant to subsection 1, the Division shall consult with the State Apprenticeship Council.

3. The Division may adopt:

(a) Such regulations as are necessary to carry out the provisions of sections 8.2 to 8.12, inclusive, of this act; and

(b) Regulations to include within the definition of “occupation” any discipline deemed necessary, including, without limitation, that of instructor in any activity related to a solar energy system project.

Sec. 8.4. 1. A person shall not engage in a solar energy system project unless he holds a valid certificate issued by the Division.

2. The Division shall issue certificates to:

(a) Persons enrolled in courses that provide the initial training related to solar energy systems; and

(b) Qualified applicants in each occupation.

3. The Division shall not issue a certificate as a contractor for solar energy system projects solely on the basis of a person’s status as a licensee pursuant to chapter 624 of NRS.

4. Any person who engages in a solar energy system project without a certificate issued by the Division is guilty of a misdemeanor.

Sec. 8.5. A person applying for a certificate in an occupation must:

1. Submit an application on a form prescribed and furnished by the Division, accompanied by a fee prescribed by the Division;
2. Successfully complete a course of training in activities related to a solar energy system project approved or administered by the Division for that occupation;
3. Pass an examination approved or administered by the Division for that occupation;
4. If he is a contractor, present proof satisfactory to the Division that he is insured to the extent determined necessary by the Administrator for the appropriate activities related to a solar energy system project under the requested certificate, for the effective period of the certificate; and
5. Meet any additional requirements established by the Division.

Sec. 8.6. 1. To renew a certificate in an occupation, a person must, on or before January 1 of each year:

- (a) Apply to the Division for renewal;
- (b) Pay the annual fee for renewal set by the Division; and
- (c) Submit evidence satisfactory to the Division of his completion of the requirements for continuing education or training established by the Division, if any.

2. The Division may adopt regulations requiring continuing education or training of a person issued a certificate in any occupation and, as a prerequisite to the renewal of a certificate, require each person issued a certificate to comply with those requirements.

Sec. 8.7. 1. In addition to the requirements of sections 8.5 and 8.6 of this act, an applicant for the issuance or renewal of a certificate in an occupation shall submit to the Division:

(a) The statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

(b) The social security number of the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of a certificate; or

(b) A separate form prescribed by the Division.

3. A certificate in an occupation may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8.8. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate in an occupation, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued, unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant, or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 8.9. The Division or a person authorized by the Division shall inspect annually at least one solar energy system project conducted by each contractor issued a certificate. The contractor shall, upon request of the Division or a person authorized by the Division, allow the inspection of all property, activities and facilities of the project and all related documents and records.

Sec. 8.10. 1. If the Division finds that a person, other than a worker, has violated any of the provisions of sections 8.2 to 8.12, inclusive, of this act, or the standards or regulations adopted pursuant thereto, it may:

(a) Upon the first violation, impose upon the person an administrative fine of not more than \$1,500.

(b) Upon the second violation or a subsequent violation:

(1) Impose upon the person an administrative fine of not more than \$2,500; and

(2) If he is certified pursuant to sections 8.2 to 8.12, inclusive, of this act, suspend or revoke his certificate and require him to fulfill certain training or educational requirement to have his certificate reinstated.

2. Any penalty imposed pursuant to subsection 1 does not relieve the person from criminal prosecution for engaging in a solar energy system project without a certificate.

3. If the certificate of a contractor for solar energy system projects is suspended or revoked pursuant to subsection 1 and the owner of a building

or structure upon which the contractor is engaged in a project employs another certified contractor to complete the project, the original contractor may not bring an action against the owner of the building or structure for breach of contract or damages based on the employment of another contractor.

Sec. 8.11. 1. If the Division intends to suspend or revoke a person's certificate, it shall first notify him by certified mail. The notice must contain a statement of the Division's legal authority, jurisdiction and reasons for the proposed action.

2. A person is entitled to a hearing to contest the proposed suspension or revocation of his certificate. A request for such a hearing must be made pursuant to regulations adopted by the Division.

3. Upon receiving a request for a hearing to contest a proposed suspension or revocation, the Division shall hold a hearing within 10 days after the date of the receipt of the request.

Sec. 8.12. The Division may maintain in a court of competent jurisdiction a suit for an injunction against any person engaged in a solar energy system project in violation of the provisions of sections 8.2 to 8.12, inclusive, of this act, or the standards or regulations adopted pursuant thereto. An injunction:

1. May be issued without proof of actual damage sustained by any person.

2. Does not relieve the person from criminal liability for engaging in a solar energy system project without a certificate.”

Amend the bill as a whole by deleting sec. 10 and adding:

“Sec. 10. (Deleted by amendment.)”.

Amend sec. 11, page 6, by deleting lines 36 and 37 and inserting:

“Sec. 11. 1. The Director, in cooperation with:

(a) Representatives of the building and development industry, shall”.

Amend sec. 11, page 6, by deleting line 40 and inserting:

“(b) The Manager appointed pursuant to NRS 341.100, shall adopt the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent.

2. Guidelines adopted pursuant to paragraph (a) of subsection 1 must include, without limitation,”.

Amend sec. 11, page 7, by deleting lines 6 through 10.

Amend sec. 13, page 7, line 20, after “Council,” by inserting: “and any amendments to the Code,”.

Amend sec. 13, page 7, line 30, by deleting “second” and inserting “third”.

Amend the bill as a whole by deleting sections 14 through 17 and adding new sections designated sections 14 through 17, following sec. 13, to read as follows:

“Sec. 14. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created. The Task Force consists of ~~{40}~~ 11 members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) One member appointed by the Minority Leader of the Senate to represent the interests of the renewable energy industry in this State with respect to solar energy.

(d) One member appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this State.

(e) Two members appointed by the Governor, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its successor organization or, if there is no successor organization, by the Governor.

(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 15. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

Sec. 16. 1. *For the purpose of complying with a portfolio standard pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 1.5 kilowatt hours of electricity from a renewable energy system for each 1 kilowatt hour of actual electricity generated or acquired from a solar photovoltaic system if:*

(a) *Not less than 25 percent of the components in the system are manufactured in this State; and*

(b) *The employees of the owner of the renewable energy system are trained and certified pursuant to sections 8.2 to 8.12, inclusive, of this act.*

2. *The total amount of electricity deemed to have been generated or acquired pursuant to the provisions of this section must not exceed 50 megawatt hours.*

3. *The Commission shall adopt regulations to carry out the provisions of this section.*

Sec. 17. 1. *For the purpose of complying with a portfolio standard pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 2.4 kilowatt hours of electricity from a renewable energy system for each 1 kilowatt hour of actual electricity generated or acquired from a solar photovoltaic system, if:*

(a) *The solar photovoltaic system is established in an enterprise zone in Nevada;*

(b) *The employees of the owner of the solar photovoltaic system are trained and certified pursuant to sections 8.2 to 8.12, inclusive, of this act; and*

(c) *The average price paid for electricity generated by the solar photovoltaic system is 75 percent of the average price paid for solar energy in this State.*

2. *The total amount of electricity deemed to have been generated or acquired pursuant to this section must not exceed 20 megawatt hours.*

3. *The Commission shall adopt regulations to carry out the provisions of this section.”.*

Amend sec. 18, page 12, line 26, by deleting “500” and inserting “150”.

Amend the bill as a whole by adding new sections designated sections 18.2 through 18.8, following sec. 18, to read as follows:

“Sec. 18.2. NRS 704.773 is hereby amended to read as follows:

704.773 1. ~~{A}~~ *Except as otherwise provided in subsection 2, a utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area.*

2. *A utility ~~{-}~~ is not required to provide net metering to additional customer-generators operating within its service area if the combined total peak demand of all customer-generators served by the utility equals or exceeds 1 percent of the peak customer demand of the utility.*

3. *For net metering systems with a generating capacity of 30 kilowatts or less, a utility:*

(a) *Shall offer to make available to each of its customer-generators who has accepted its offer for net metering an energy meter that is capable of registering the flow of electricity in two directions.*

(b) *May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.*

(c) *Shall not charge a customer-generator any fee or charge that would increase the customer-generator’s minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.*

4. *For net metering systems with a generating capacity of more than 30 kilowatts, a utility:*

(a) *May require that a customer-generator install one or more meters capable of separately measuring the flow of electricity in both directions. All meters must provide time-of-use measurements of the flow of electricity and the customer-generator must take service on a time-of-use schedule. If the existing meter of the customer-generator is not a time-of-use meter or is not capable of measuring the total flow of electricity in both directions, the customer-generator is responsible for all expenses involved in purchasing and installing a time-of-use meter that is able to measure the total flow of electricity in both directions.*

(b) *Shall charge the customer-generator for the consumption of electricity from the utility at a price consistent with the tariffed rate that would be charged to the customer-generator if the customer-generator did not use a net metering system. The generation of electricity provided to the utility must result in a credit to the customer-generator and must be priced in accordance with the generation component that is established under the applicable rate structure to which the customer would be assigned if the customer did not use a net metering system. The customer-generator shall*

pay all other fees and charges, including, without limitation, the customer, demand and facility charges that are charged to the other customers of the utility in the same rate class as the customer-generator.

Sec. 18.4. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering ~~{may be either}~~ *must be a monthly period . {or, with the written consent of the customer-generator, an annual period.}*

2. The net energy measurement must be *measured in kilowatt hours and* calculated in the following manner:

(a) The utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility ~~{-}~~ *with such charges for energy due and payable with each monthly bill.*

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period; and

(2) The ~~{excess}~~ electricity which is fed back to the utility ~~{shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.}~~ *that exceeds the electricity supplied by the utility during the billing period must be carried forward and treated as a credit in the next billing period in addition to the kilowatt hours generated by the customer-generator. If the customer-generator is provided service by the utility pursuant to a rate schedule that employs a time-of-use period for billing purposes, the electricity carried forward must be applied to the same time-of-use period for the next billing period in which it is generated. If no comparable time-of-use period exists in the next billing period, the electricity carried forward must be evenly apportioned between the time-of-use periods in the next billing period. The excess electrical energy for each month is carried forward to the next month unless:*

(I) The net metering system is no longer operating;

(II) The net metering system is no longer connected to the utility's electric system;

(III) The customer-generator ceases to take electric service from the utility at that location; or

(IV) The customer-generator assigns the net metering system to another party.

Sec. 18.5. NRS 704.7801 is hereby amended to read as follows:

704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and sections 16 and 17 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.7805 to 704.7818, inclusive, have the meanings ascribed to them in those sections.

Sec. 18.6. NRS 704.7815 is hereby amended to read as follows:

704.7815 “Renewable energy system” means:

1. A facility or energy system that:
 - (a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; and
 - (b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar energy system that reduces the consumption of electricity ~~[- natural gas or propane-]~~ or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 18.8. NRS 704.860 is hereby amended to read as follows:

704.860 “Utility facility” means:

1. Electric generating plants and their associated facilities, other than :
 - (a) *Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more. [As used in this subsection, “associated facilities” includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.]*
 - (b) *Electric generating plants and their associated facilities that use or will use renewable energy or energy from a qualified energy recovery process as the primary source of energy to generate electricity and that have or will have a generating capacity of not more than 150 kilowatts, including, without limitation, a net metering system. As used in this paragraph:*
 - (1) “Net metering system” has the meaning ascribed to it in NRS 704.771.
 - (2) “Qualified energy recovery process” has the meaning ascribed to it in NRS 704.7809.
 - (3) “Renewable energy” has the meaning ascribed to it in NRS 704.7811.
2. Electric transmission lines and transmission substations that:

- (a) Are designed to operate at 200 kilovolts or more;
- (b) Are not required by local ordinance to be placed underground; and
- (c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

- (a) Any incorporated city; and
- (b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.”.

Amend sec. 19, page 12, by deleting line 41 and inserting:

“3. This act expires by limitation on ~~June 30,~~ *December 31, 2005.*”.

Amend the bill as a whole by adding new sections, designated sections 19.2 through 19.8, following sec. 19, to read as follows:

“Sec. 19.2. Section 18 of Chapter 331, Statutes of Nevada 2003, at page 1869, is hereby amended to read as follows:

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. The Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

- (1) 100 kilowatts of capacity for schools;
- (2) 200 kilowatts of capacity for other public buildings; and
- (3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

- (1) An additional ~~{450}~~ 570 kilowatts of capacity for schools;
- (2) An additional ~~{450}~~ 570 kilowatts of capacity for other public buildings; and

(3) An additional ~~{600}~~ 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

- (1) An additional ~~{900}~~ 570 kilowatts of capacity for schools;
- (2) An additional ~~{900}~~ 570 kilowatts of capacity for other public buildings; and

(3) An additional ~~{1200}~~ 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

- (1) An additional 570 kilowatts of capacity for schools;

(2) *An additional 570 kilowatts of capacity for other public buildings; and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

(e) *For the program year beginning July 1, 2008:*

(1) *An additional 570 kilowatts of capacity for schools;*

(2) *An additional 570 kilowatts of capacity for other public buildings; and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

(f) *For the program year beginning July 1, 2009:*

(1) *An additional 570 kilowatts of capacity for schools;*

(2) *An additional 570 kilowatts of capacity for other public buildings; and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

Sec. 19.4. Section 24 of Chapter 331, Statutes of Nevada 2003, at page 1871, is hereby amended to read as follows:

Sec. 24. The provisions of sections 4 to 21, inclusive, of this act expire by limitation on June 30, ~~[2007-]~~ 2010.

Sec. 19.6. 1. The Director of the Office of Energy shall review model commercial standards for appliances, including, without limitation, the appliance efficiency standards adopted by the California Energy Commission.

2. The Director shall prepare a report summarizing the review and submit the report by July 1, 2006, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 74th Session of the Nevada Legislature. The report must be made available to the general public.

Sec. 19.8. There is hereby appropriated from the State General Fund to the Trust Fund for Renewable Energy and Energy Conservation, created pursuant to NRS 701.370, the sum of \$250,000.”.

Amend sec. 20, page 12, by deleting line 44 and inserting:

“2. Sections 1 to 18.8, inclusive, and sections 19.2 to 19.8, inclusive, of this act become effective:”.

Amend sec. 20, page 13, after line 4, by inserting:

“3. Sections 8.7 and 8.8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

2. Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill by deleting the eighth and ninth lines and inserting: “purchases; providing for the certification of persons engaged in solar energy system projects; making various changes concerning portfolio standards and net metering; making an appropriation; providing a penalty;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 621.

Amend section 1, page 2, line 2, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. *“Gaming enterprise district” has the meaning ascribed to it in NRS 463.0158.*”.

Amend the bill as a whole by deleting sections 2 through 5 and adding:

“Secs. 2-5. (Deleted by amendment.)”.

Amend sec. 6, page 2, by deleting lines 33 and 34 and inserting: *“incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.”*.

Amend sec. 7, page 2, line 37, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 7, page 2, line 39, by deleting: “sections 2, 3 and 4” and inserting “section 1.5”.

Amend the bill as a whole by deleting sec. 8 and adding:

“Sec. 8. (Deleted by amendment.)”.

Amend sec. 9, page 3, line 44, by deleting “high-rise buildings” and inserting: *“buildings more than 30 feet in height”*.

Amend sec. 9, page 4, line 34, after “facilities,” by inserting: *“including, without limitation, buildings that are certified in accordance with the Leadership in Energy and Environmental Design Green Building System or its equivalent,”*.

Amend sec. 10, page 5, line 12, by deleting “region.” and inserting: *“region ~~[-]~~, and that the plan addresses, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities,*

urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.”.

Amend sec. 10, page 5, by deleting lines 24 through 32 and inserting: “county to develop urban villages. If an urban village is developed, the urban village must:

(1) *Designate the areas in which the construction of buildings more than 30 feet in height is authorized;*

(2) *Promote the utilization of transit services;*

(3) *Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and*

(4) *Discourage the expansion of infrastructure beyond the boundaries of the urban village.”.*

Amend sec. 11, page 6, by deleting lines 14 and 15 and inserting: “incentives may be developed in cooperation with the regional transportation commission and other governmental entities.”.

Amend sec. 12, page 7, by deleting lines 16 through 18.

Amend sec. 12, page 7, line 27, after “facilities” by inserting: “, including, without limitation, schools,”.

Amend sec. 13, page 8, line 21, after “facilities” by inserting: “, including, without limitation, schools,”.

Amend sec. 14, page 9, line 33, by deleting “high-rise buildings” and inserting: “buildings more than 30 feet in height”.

Amend sec. 15, page 10, by deleting lines 8 through 10.

Amend sec. 16, page 10, line 30, after “facilities” by inserting: “, including, without limitation, schools,”.

Amend sec. 16, page 10, by deleting line 33 and inserting: “plan must ~~allow~~ :

(1) *Address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height;*

(2) *Allow for a variety of uses ~~[-describe]~~ ;*

(3) *Describe the transportation”.*

Amend sec. 16, page 10, line 35, by deleting: “and must be” and inserting: “; and ~~must be~~

(4) *Be”.*

Amend sec. 16, page 11, by deleting lines 36 through 45 and inserting: “located within the county and include in the plan urban villages for each incorporated city. If an urban village is established, the urban village must:

(a) *Designate the areas in which the construction of buildings more than 30 feet in height is authorized;*

(b) *Promote the utilization of transit services;*

(c) *Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and*

(d) *Discourage the expansion of infrastructure beyond the boundaries of the urban village.”.*

Amend the bill as a whole by deleting sec. 17 and adding:

“Sec. 17. (Deleted by amendment.)”.

Amend sec. 18, page 13, line 39, by deleting “may” and inserting:

~~“may”~~ :

(1) Must address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.

(2) May”.

Amend sec. 18, pages 13 and 14, by deleting lines 43 through 45 on page 13 and lines 1 through 5 on page 14, and inserting:

“(g) Population plan. An estimate of the total population which”.

Amend sec. 18, page 14, line 8, by deleting “~~(h)~~ (i)” and inserting “(h)”.

Amend sec. 18, page 14, line 12, by deleting “~~(i)~~ (j)” and inserting “(i)”.

Amend sec. 18, page 14, line 16, by deleting “~~(j)~~ (k)” and inserting “(j)”.

Amend sec. 18, page 14, line 21, by deleting “~~(k)~~ (l)” and inserting “(k)”.

Amend sec. 18, page 14, line 24, by deleting “~~(l)~~ (m)” and inserting “(l)”.

Amend sec. 18, page 14, line 31, by deleting “~~(m)~~ (n)” and inserting “(m)”.

Amend sec. 18, page 14, line 34, by deleting “~~(n)~~ (o)” and inserting “(n)”.

Amend sec. 18, page 14, by deleting lines 37 through 41 and inserting:

“(o) Solid waste disposal plan. Showing general plans for the”.

Amend sec. 18, page 14, line 43, by deleting “~~(p)~~ (r)” and inserting “(p)”.

Amend sec. 18, page 15, line 4, by deleting “~~(q)~~ (s)” and inserting “(q)”.

Amend sec. 18, page 15, line 6, after “pedestrians,” by inserting “satellite parking”.

Amend sec. 18, page 15, line 8, by deleting “~~(r)~~ (t)” and inserting “(r)”.

Amend sec. 18, page 15, line 16, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, line 21, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, lines 24 and 25, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, line 35, by deleting “restricting” and inserting “studying”.

Amend sec. 19, page 15, by deleting lines 37 and 38 and inserting:

(d) To ensure that the development is commensurate with the character, scale and architecture of existing buildings in the immediately surrounding area, including, without limitation, the functional and visual aspects of the building.

(e) To minimize the impact of shadows cast from buildings.

(f) To minimize the adverse impact of new structures, additional lot coverage, or the installation of machinery or equipment that emits heat, vapor, fumes or noise.

(g) *To protect natural vegetation and soil by requiring that the removal of soil be minimized and that such soil be replaced or incorporated as part of the permanent landscape whenever possible.*

(h) *To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.*

(i) *To provide for recreational needs.*

~~[(d)]~~ (j) *To protect life and property in areas subject to floods,”.*

Amend sec. 19, page 15, line 40, by deleting “(f)” and inserting “(k)”.

Amend sec. 19, page 15, line 42, by deleting “(g)” and inserting “(l)”.

Amend sec. 19, page 16, line 1, by deleting “(h)” and inserting “(m)”.

Amend sec. 19, page 16, by deleting lines 4 through 8 and inserting:

“~~[(h)]~~ (n) *To take into account the immediate and long range financial”.*

Amend sec. 19, page 16, line 12, by deleting “(k)” and inserting “(o)”.

Amend sec. 19, page 16, line 13, by deleting “(l)” and inserting “(p)”.

Amend sec. 19, page 16, line 16, by deleting “(m)” and inserting “(q)”.

Amend sec. 19, page 16, by deleting lines 19 through 25.

Amend sec. 20, page 17, line 23, by deleting “boundary” and inserting:

“*boundary, including, without limitation, a gaming enterprise district,”.*

Amend the bill as a whole by deleting sections 21 through 29 and adding:

“Secs. 21-29. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to development; authorizing incentives for certain types of development; authorizing certain counties to develop urban villages in cooperation with incorporated cities within the county; requiring zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment to a zoning regulation, restriction or boundary in certain circumstances; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 44:

YEAS—42.

NAYS—None.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 65:

YEAS—42.

NAYS—None.

Assembly Bill No. 65 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 83:

YEAS—42.

NAYS—None.

Assembly Bill No. 83 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblymen Gerhardt and Mabey.

Roll call on Assembly Bill No. 120:

YEAS—36.

NAYS—Angle, Carpenter, Christensen, Hardy, Mabey, Marvel—6.

Assembly Bill No. 120 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 2:07 p.m.

ASSEMBLY IN SESSION

At 4:09 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 189, 226, 355, 380 just reported out of committee be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 156:

YEAS—42.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 271:

YEAS—42.

NAYS—None.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 337:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 337 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 340:

YEAS—42.

NAYS—None.

Assembly Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 353:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 353 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 365:

YEAS—42.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 392:

YEAS—42.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 397:

YEAS—40.

NAYS—Oceguera, Smith—2.

Assembly Bill No. 397 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:29 p.m.

ASSEMBLY IN SESSION

At 4:30 p.m.

Madam Speaker pro Tempore Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 454.

Amend sec. 6, page 6, line 25, by deleting “180” and inserting “[180] 300”.

Amend sec. 8, page 8, line 8, by deleting “3.—If” and inserting “3. If”.

Amend sec. 8, page 8, by deleting lines 14 through 36 and inserting:

~~“4.—~~ If the attempts at mediation or conciliation fail in a case involving an unlawful practice in employment or public accommodations, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and

(b) Order the person to:

(1) Cease and desist from the unlawful practice.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, ~~but not limited to,~~ *without limitation*, rehiring, back pay for a period not to exceed 2 years after the date of the most recent unlawful practice, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission’s decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission’s decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

~~“5.—If the attempts at mediation or conciliation fail in a case”.~~

Amend sec. 8, page 9, by deleting lines 20 through 28 and inserting:

~~“6.—~~ 4. *In addition to any other remedies or penalties provided in this section, the Commission may:*

(a) *Award to the complainant punitive damages of not more than \$25,000;*

(b) *Impose a civil penalty of not more than \$25,000 upon the person who committed the unlawful practice; and*

(c) *Recover from the person who committed the unlawful practice costs incurred by the Commission to hear and decide the matter.*

5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission’s order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission’s findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. ~~[If the court upholds the~~

Amend sec. 8, page 9, by deleting lines 33 through 36 and inserting:

~~“7-]~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.”.

Amend the bill as a whole by deleting sections 17 through 23 and renumbering sections 24 and 25 as sections 17 and 18.

Amend the title of the bill by deleting the sixth through ninth lines and inserting: “and providing other”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 546.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 3, line 30, by deleting “\$3” and inserting “[~~\$3~~] \$8”.

Amend sec. 3, page 3, line 34, by deleting:

“except as otherwise provided in NRS 501.356.”.

Amend sec. 3, page 3, by deleting lines 36 and 37 and inserting:

“(a) Programs for the management and control of ~~[injurious predatory]~~ the natural predators of wildlife;”.

Amend sec. 3, page 3, by deleting lines 39 and 40 and inserting:

“~~[nonpredatory game animals, sensitive wildlife species and related wildlife]~~ mule deer and its habitat;”.

Amend sec. 3, page 3, line 42, by deleting “predatory wildlife,” and inserting: *“~~[predatory wildlife,]~~ the natural predators of mule deer,”.*

Amend sec. 3, page 3, line 44, by deleting: “injurious predatory wildlife;” and inserting: *“~~[injurious predatory wildlife,]~~ those predators;”.*

Amend sec. 3, page 4, line 2, by deleting “predatory wildlife.” and inserting: *“~~[predatory wildlife,]~~ the natural predators of mule deer.”.*

Amend sec. 3, page 4, line 7, after “3.” by inserting: *“Sixty percent of the money collected pursuant to subsection 1 and any interest earned on that money must be used to carry out the provisions of paragraph (a) of subsection 1 and 40 percent of the money collected pursuant to subsection 1 and any interest earned on that money must be used to carry out the provisions of paragraphs (b), (c) and (d) of subsection 1.*

4.”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 2.

Amend sec. 5, page 4, line 15, by deleting: “July 1, 2005.” and inserting: “January 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; increasing the amount of the fee charged for processing an application for a game tag; revising the purposes for which the money collected from the fee must be used; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing fees for processing applications for game tags. (BDR 45-621)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 624.

Amend the bill as a whole by deleting sections 1 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 315 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The decision of a housing authority to terminate a person’s housing assistance is a final decision for the purposes of judicial review. A person aggrieved by such a final decision of the housing authority is entitled to judicial review of the decision in the manner provided in NRS 233B.130 to 233B.150, inclusive, for the review of decisions of administrative agencies in contested cases.*

2. *If a person who seeks judicial review of a final decision of a housing authority pursuant to subsection 1 retains possession of the premises that are the subject of the petition for judicial review during the pendency of the action, the person shall pay rent to the landlord as provided in the underlying contract for possession of the premises. If the person fails to pay such rent, the landlord may initiate proceedings for eviction.*

3. *As used in this section:*

(a) *“Housing assistance” means any financial assistance that a person receives under the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f, and any regulations adopted pursuant thereto, or pursuant to any successor program.*

(b) *“Housing authority” means a housing authority created pursuant to this chapter and includes, without limitation, the Nevada Rural Housing Authority.*

(c) *“Landlord” has the meaning ascribed to it in NRS 315.021.*

(d) *“Premises” has the meaning ascribed to it in NRS 315.021.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to housing; providing for judicial review of decisions by housing authorities to terminate certain housing assistance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides right of judicial review for certain final decisions of housing authorities. (BDR 25-752)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 539.

Amend section 1, page 1, line 2, by deleting “10,” and inserting “12,”.

Amend sec. 3, page 1, line 6, by deleting “10,” and inserting “12,”.

Amend sec. 4, page 1, line 9, by deleting “officer” and inserting: “officer, a general manager”.

Amend sec. 5, page 2, by deleting lines 11 through 13 and inserting: “of health. The treasurer shall:

(a) Keep permanent accounts of all money received by, disbursed for and on behalf of the district board of health; and

(b) Administer the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.

Amend the bill as a whole by deleting sec. 6, renumbering sections 7 through 34 as sections 9 through 36 and adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

“Sec. 6. 1. The board of county commissioners shall create a health district fund in the county treasury.

2. The money in the fund may only be used to provide funding for the health district.

Sec. 7. 1. The district board of health shall prepare an annual operating budget for the health district. The district board of health shall submit the budget to the board of county commissioners before April 1 for funding for the following fiscal year. The budget must be adopted by the board of county commissioners as part of the annual county budget.

2. The board of county commissioners shall levy an ad valorem tax at a rate which must not exceed 3.25 cents on each \$100 of assessed valuation of all taxable property in the county for the support of the health district.

3. The proceeds of this tax must be deposited in the health district fund created by the board of county commissioners pursuant to section 6 of this act.

Sec. 8. 1. *The district board of health shall appoint a district health officer and a general manager for the district and establish the powers and duties of the district health officer and the general manager.*

2. *The district health officer must be appointed on the basis of his graduate education in public health, his training, his experience and his interest in public health and related programs. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board. The district health officer shall:*

- (a) Serve as the county health officer in the health district;*
- (b) Assist the district board of health in carrying out policies and programs related to public health in the health district; and*
- (c) Perform other functions and duties and exercise other powers as the district board of health may prescribe.*

3. *The general manager is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board. The general manager is responsible for the administration and operation of the health district and shall perform administrative functions and duties and exercise powers as the district board of health may prescribe.*

4. *The district board of health shall ensure that any clinical program of a district board of health which requires medical assessment is carried out under the direction of a physician.”.*

Amend sec. 10, page 4, by deleting lines 29 through 32 and inserting:

“2. *The district board of health may accept and disburse contributions from private sources, the State, the county, and the cities and towns within the jurisdiction of the board to match federal money for any project or program. All such contributions must be deposited with the county treasurer to the credit of the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.*

Amend sec. 12, page 5, line 43, by deleting “7” and inserting “9”.

Amend sec. 34, page 20, line 39, by deleting “24,” and inserting “26,”.

Amend sec. 34, page 20, line 40, by deleting: “26 to 33,” and inserting: “28 to 35,”.

Amend sec. 34, page 20, line 41, by deleting “24” and inserting “26”.

Amend sec. 34, page 21, line 3, by deleting “25” and inserting “27”.

Amend the title of the bill, third line, after “counties;” by inserting: “requiring the board of county commissioners of larger counties to levy certain taxes for the support of the health district;”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved to rescind the action whereby Amendment No. 556 to Assembly Bill No. 501 was adopted.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 32 be taken from the Chief Clerk's desk and placed at the top of the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 613.

Amend section 1, page 2, line 9, by deleting "*All*" and inserting: "*Except as otherwise provided in NRS 571.160, all*".

Amend section 1, page 2, line 15, before "*entity*," by inserting "*nonpublic*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 320:

YEAS—42.

NAYS—None.

Assembly Bill No. 320 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

Assemblyman Perkins requested that his remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I apologize for the lengthy floor statement, especially after I have already admonished everybody, but I think it is going to be important for our record.

Assembly Bill 418 authorizes and enables the Board of County Commissioners of Clark County to increase sales and use taxes for the purpose of employing and equipping additional police officers for the police departments in Boulder City, Henderson, Mesquite, and North Las Vegas, and for the Las Vegas Metropolitan Police Department. The findings and declarations of Assembly Bill 418 state the intent of the Legislature—that 80 percent of the additional police

officers shall be assigned to uniformed operations for patrol, and further, that certain community involvement programs must be developed. The bill provides that the first one-quarter-cent sales tax increase shall be imposed on July 1, 2005, through an ordinance adopted by the County commission. The second one-quarter cent sales tax increase may only be imposed with the consent of the Legislature and may not be imposed earlier than July 1, 2009.

Allocation of the increased sales tax revenues shall be based on the populations served by the participating police departments. Further, Assembly Bill 418 requires that the sales tax revenue generated shall be deposited in a special revenue fund. Before asking the Legislature to approve any change in the use of the sales tax revenues, the County Commission must first seek voter approval of the proposed change.

This, as many of you recall, was the advisory question that was on the ballot in November of last year in Clark County. It passed, albeit by a very tight margin. When you talk about the need for infrastructure, none of the rest matters if our citizens are not safe. The public recognized the need for more police officers in the fastest-growing city and valley in America by voting in favor of the question. There is no greater deterrent to crime than a police officer in a police car by our schools, in our neighborhoods, and by our businesses. As an example, this year Clark County is on a record-breaking pace for traffic fatalities. I know that more police officers on our streets and our highways would make a difference. Since 9/11, police have taken on the incredible burden of not just being the first responders, but oftentimes, the first identifiers of potential terrorist threats. While that new obligation is clearly paramount, we expect our investigative officers to continue to battle gang activity, drugs, and other organized crime activities.

I want to thank you, Madam Speaker pro Tempore, for tightening up the bill by taking the provision for bonding out and creating separate accounting. You and the chairman of Government Affairs were instrumental in that, and the language that says this will supplement and not supplant the current funding for law enforcement.

It allows the Clark County Commission, after working with their constituents, our constituents, the opportunity to do this. That body is closer to the people, as we are 400-and-some miles away from Clark County, and I am sure they will get an earful, in both directions, before they have the opportunity to levy this tax.

I am not an alarmist. I have never been. Those of you who know me understand that. I can tell you we have one of the lowest ratios of officers per 1,000 population in the entire western region. In my own jurisdiction, there is just barely more than 1 officer per 1,000 population and I think in the others, 1.3 or 1.6. per 1,000, while the national average in the western states is well above 2 officers per 1,000 population.

Lastly, Madam Speaker pro Tempore, I need to make the disclosure that I have been advised by legal counsel to disclose that I am the deputy chief of police and a law enforcement officer in Henderson, Nevada. Passage of this bill will authorize the Board of County Commissioners to increase the sales and use tax to employ and equip additional police officers for the Boulder City, Henderson, Las Vegas Metropolitan, Mesquite, and North Las Vegas Police Departments. I have also been advised that because the resulting benefit of this bill to the Henderson Police Department is not greater than that accruing to the Boulder City, Las Vegas Metropolitan, Mesquite, or North Las Vegas Police Departments, I am required to make this disclosure, but am not required to abstain from voting on the bill.

Thank you, Madam Speaker pro Tempore.

Roll call on Assembly Bill No. 418:

YEAS—35.

NAYS—Allen, Angle, Hardy, Hettrick, Mabey, Seale, Sibley—7.

Assembly Bill No. 418 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 546.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 546:

YEAS—42.

NAYS—None.

Assembly Bill No. 546 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 550:

YEAS—42.

NAYS—None.

Assembly Bill No. 550 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 553 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Joint Resolution No. 5:

YEAS—31.

NAYS—Allen, Angle, Christensen, Hardy, Holcomb, Mabey, Marvel, Parnell, Sherer, Sibley, Weber—11.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Madam Speaker pro Tempore requested the privilege of the Chair in order to make remarks.

Roll call on Assembly Joint Resolution No. 8:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 8 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 257, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 275.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 369.

MARK STEVENS
Fiscal Analysis Division

Assemblywoman Buckley moved that Assembly Bill No. 257 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblywoman Leslie moved that upon return from the printer Assembly Bill No. 380 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 275 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that upon return from the printer Assembly Bill No. 530 be placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 623.

Amend section 1, page 2, line 3, by deleting "A" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend section 1, page 2, line 10, after "2." by inserting: "*The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.*

3."

Amend section 1, page 2, line 14, by deleting "3." and inserting "4."

Amend section 1, page 2, by deleting line 17 and inserting: "*agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.*"

Amend the title of the bill, first line, after "institution" by inserting: "under certain circumstances".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 614.

Amend section 1, page 2, line 2, by deleting: "to 5, inclusive," and inserting "and 3".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 13 as sections 4 through 10.

Amend sec. 7, page 4, by deleting lines 6 through 10 and inserting:

“(a) A financial statement ~~prepared~~ that is:

(1) *Prepared by a certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) A statement setting forth the number of building permits”.

Amend sec. 7, page 4, by deleting lines 15 through 19 and inserting:

“5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish his financial responsibility at any”.

Amend sec. 8, page 4, by deleting lines 34 through 39 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared by an independent certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) Any other information required by the Board.”.

Amend sec. 8, page 5, by deleting lines 21 through 26 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared by an independent certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) A statement setting forth the number of building permits”.

Amend sec. 8, page 6, by deleting lines 8 through 11.

Amend sec. 10, page 7, by deleting lines 33 through 38 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared by an independent certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) If the licensee performs residential construction, such”.

Amend sec. 11, page 8, by deleting lines 25 through 30 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared by an independent certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) If the licensee performs residential construction, such”.

Amend sec. 12, page 9, by deleting lines 38 through 40 and inserting: “than ~~[\$20,000.]~~ \$50,000.”.

Amend sec. 12, page 10, by deleting line 16 and inserting:

“10. An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate of 10 percent per annum must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State.

11. All fines *and interest* collected pursuant to this section must be”.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 21 as sections 11 through 17.

Amend sec. 15, page 11, by deleting lines 29 through 34 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared by an independent certified public accountant; or*

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and*

(b) A statement setting forth the number of building permits”.

Amend sec. 16, page 12, by deleting lines 22 through 24 and inserting:

~~“not~~ and not more than ~~[\$10,000 for each violation.]~~ \$50,000.”.

Amend sec. 18, page 14, line 10, by deleting “5” and inserting “3”.

Amend sec. 19, page 14, line 21, by deleting “5” and inserting “3”.

Amend sec. 21, page 15, line 1, by deleting “10,” and inserting “7,”.

Amend sec. 21, page 15, line 2, by deleting: “12 to 20,” and inserting: “9 to 16,”.

Amend sec. 21, page 15, line 4, by deleting “10” and inserting “7”.

Amend sec. 21, page 15, line 15, by deleting “11” and inserting “8”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the State Contractors’ Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of administrative fines the Board may impose for certain violations; requiring the payment of interest on certain administrative fines; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Wisniewski, Paul Jachimciak, Randy Chesterfield, Sharon Roddam, Michael Chesterfield, Nathon Carlson, Autumn Liedkie, Lauren Delameter, Vanessa Hillberg, Hannah Hawks, Claudia Agbor-Bessem, and Alexis Mees.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Midmore and Kate Andrews.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to E. Lavonne Lewis, Verlia Davis Hoggard, Sonya Horsford, Virginia Ingram, Bertha Pendleton, Billie Rayford, Edna States, Sandra Mack, Sharon Carson, Alma Crenshaw, Marsha Simms, and Teddy Ostankowski.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Jaffe.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Seevers and Leo Seevers.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Woodrow W. McIntosh and Kimberly McIntosh.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Anielka Mankel and Dennis Mankel.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 26, 2005, at 10:30 a.m. and that it do so in memory of former Assemblyman Robert Revert.

Motion carried.

Assembly adjourned at 5:30 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 26, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Deacon Bob Evans.

We give thanks, Lord, for all of our blessings. Please bless all of those who have gathered here today. Bless them and their families with good health, knowledge, happiness, and a caring spirit. Bless these legislators with the gift of leadership as they dedicate themselves daily to serve the people of the state of Nevada. We request all these blessings in Your name, Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 158, 233 and 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 480 and 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was re-referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 142, 158, 233, 312, 455, 456, 480, 511, and 552, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 186, just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 530 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 314 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 530.

Remarks by Assemblyman McCleary.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 31 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 314.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 69 be taken from its position on General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 260 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 183 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 553 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that the action whereby Amendment No. 566 to Assembly Bill No. 193 was adopted be rescinded.

Motion carried.

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 84, 111, 116, 221, 226, 238, 247, 254, 268, 269, 288, 326, 356, 358, 394, 426, 459.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 84.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 111.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 116.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 221.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 226.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 238.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 247.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 254.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 268.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 269.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 288.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 326.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 356.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 358.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 394.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 426.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 459.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 620.

Amend section 1, page 2, line 2, by deleting: “2, 3 and 4” and inserting: “2 to 5, inclusive.”

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 5 as sections 4 through 6 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. *Except as otherwise provided in subsection 2, an election board serving registered voters at a precinct or polling place must have access to a list of all registered voters in the county in which the precinct or polling place is located who are eligible to vote in the election through any reasonable means, including, without limitation, access to such a list that is printed on paper, access to such a list on the Internet or access to such a list saved on a computer.*

2. *If an election board ceases to have access to the list required pursuant to subsection 1 after the election board has begun to conduct voting at a precinct or polling place, the election board shall:*

- (a) Continue to conduct voting at the precinct or polling place; and*
- (b) Make reasonable effort to regain access to the list.*

Sec. 3. 1. *The following offices must serve as a site at which a person may obtain an application to register to vote:*

- (a) The administrative office located at each public high school; and*
- (b) Each public library.*

2. *Each of the offices required to serve as such a site pursuant to subsection 1 shall:*

- (a) Post in a conspicuous place that applications to register to vote are available at the office; and*

(b) *Make available applications to register to vote which may be returned by mail.*”.

Amend sec. 4, page 2, line 38, before “Not” by inserting “1.”.

Amend sec. 4, page 2, line 39, by deleting “publish” and inserting: “*make available to the public*”.

Amend sec. 4, page 2, after line 41, by inserting:

“2. *If a county clerk maintains a website on the Internet for information related to elections, the website must contain the list required pursuant to subsection 1.*”.

Amend the bill as a whole by deleting sections 6 through 8 and renumbering sec. 9 as sec. 7.

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sections 12 and 13 as sections 8 and 9.

Amend the bill as a whole by deleting sections 14 and 15 and renumbering sections 16 through 23 as sections 10 through 17.

Amend sec. 21, pages 12 and 13, by deleting lines 34 through 44 on page 12 and lines 1 through 10 on page 13, and inserting: “election and extends through the Friday before election day, Sundays and holidays excepted.

2. The county clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) ~~[Require]~~ *If a permanent polling place for early voting is located in a county whose population is less than 100,000, require the permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.*

3. ~~[A]~~ *Except as otherwise provided in subsection 5, a permanent polling place for early voting in a county whose population is less than 100,000 must remain open:*

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the county clerk includes a Sunday or holiday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

4. *Except as otherwise provided in subsection 5, a permanent polling place for early voting in a county whose population is 100,000 or more must remain open:*

(a) On Monday through Saturday, from 8 a.m. until 8 p.m.

(b) *If the county clerk includes a Sunday or holiday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.*

5. *If a permanent polling place for early voting is located in a building or structure that is owned by a person, the permanent polling place for early voting must remain open:*

(a) On Monday through Saturday, during the hours in which the building or structure is open to members of the public.

(b) If the county clerk includes a Sunday or holiday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.”.

Amend the bill as a whole by deleting sec. 24 and renumbering sec. 25 as sec. 18.

Amend sec. 25, page 14, line 27, by deleting “~~and~~” and inserting “and”.

Amend sec. 25, page 14, by deleting lines 28 and 29.

Amend sec. 25, page 14, line 30, by deleting “(g)” and inserting “(e)”.

Amend the bill as a whole by deleting sec. 26 and renumbering sec. 27 as sec. 19.

Amend the bill as a whole by deleting sections 28 through 31 and renumbering sections 32 through 40 as sections 20 through 28.

Amend the bill as a whole by deleting sec. 41 and renumbering sections 42 and 43 as sections 29 and 30.

Amend sec. 43, page 28, lines 7 and 8, by deleting:

“1 to 10, inclusive, 12, 14 to 32, inclusive, and 34 to 42,” and inserting: “1, 3 to 8, inclusive, 10 to 20, inclusive, and 22 to 29,”.

Amend sec. 43, page 28, line 10, by deleting: “12 and 32” and inserting: “8 and 20”.

Amend sec. 43, page 28, line 12, by deleting: “11, 13 and 33” and inserting: “2, 9 and 21”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; requiring an election board to have a copy of a list of all registered voters in the county who are eligible to vote in an election; providing that public high schools and public libraries must serve as a site at which a person may obtain an application to register to vote; revising the provisions relating to requesting and casting an absent ballot for an election; revising the provisions relating to powers of a chairman of an election board; revising the provisions relating to permanent polling places for early voting in person; providing that a district attorney has concurrent jurisdiction with the Secretary of State to enforce the provisions of title 24 of NRS; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 496.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 445.

Amend the bill as a whole by deleting sections 6 and 7 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

“Sec. 6. 1. The following persons may request that personal information contained in the records of a county assessor be kept confidential:

- (a) Any justice or judge in this State.*
- (b) Any peace officer or retired peace officer.*
- (c) The spouse or minor child of a person described in paragraph (a) or (b).*
- (d) The surviving spouse or minor child of a person described in paragraph (a) or (b) who was killed in the performance of his duties.*

2. As used in this section, “peace officer” means:

(a) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(b) Any person:

- (1) Who resides in this State;*
- (2) Whose primary duties are to enforce the law; and*
- (3) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.*

Sec. 7. If a person listed in section 6 of this act requests confidentiality, the confidential information of that person may only be disclosed as provided in section 8 or 10 of this act.”.

Amend sec. 14, page 6, line 24, by deleting: *“subsection 12, 13 or 14 of”.*

Amend sec. 16, pages 6 and 7, by deleting lines 43 through 45 on page 6 and line 1 on page 7, and inserting: *“number of a person listed in section 6 of this act, and the person who makes the disclosure”.*

Amend sec. 17, page 7, line 18, by deleting: *“subsection 12, 13 or 14 of”.*

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Assembly Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 179.

Amend section 1, page 2, by deleting line 5 and inserting: "*state agency that has been assigned or loaned by the state agency to an*".

Amend section 1, pages 2 and 3, by deleting lines 13 through 42 on page 2 and lines 1 through 6 on page 3, and inserting:

"3. *The head of a state agency, any state officer to whom the head of the state agency reports or the appointee or designee of either may authorize the access of a computer of the state agency without providing the notice of access otherwise required by subsections 1 and 2:*

(a) *If the access occurs during the course of:*

(1) *An internal investigation which is conducted within the state agency by the personnel of the state agency as authorized by law and any information concerning such access is kept in a file maintained by the state agency pertaining to the investigation; or*

(2) *An investigation which is conducted by a state or federal law enforcement agency.*

(b) *Except as otherwise provided in subsection 5, if the access occurs in the course of regular or routine maintenance conducted by an employee of the state agency whose duties include the regular or routine maintenance of the computers of the state agency and the state agency has adopted by regulation and implemented the procedure set forth in subsection 4.*

(c) *If a state agency has adopted by regulation the procedure set forth in subsection 4 and the access occurs after recording the information required pursuant to subsection 4.*

4. *A state agency may adopt by regulation a procedure to record access to computers of the state agency in a log maintained by the state agency for that purpose. If a state agency adopts such a procedure, the procedure must include, without limitation, a requirement for the recording of the following information concerning the access in the log:*

(a) *The date on which the access will occur and, if known, the time at which the access will occur on that date;*

(b) *As determined by the officer, appointee or designee who authorizes the access, a reasonable explanation of the exigent circumstances or other relevant considerations which justify accessing the computer without the knowledge of the officer, employee or contractor to whom the agency has assigned or loaned the computer;*

(c) The name of each person who will be authorized or required to perform the access;

(d) The name of each person who will be allowed to examine information stored on the computer or retrieved from the computer; and

(e) The name of each person who will be authorized or required to archive, maintain, store, transfer, transmit or destroy information retrieved from the computer.

The log described in this subsection, and any entries in that log, are confidential and not public books or records within the meaning of NRS 239.010, but must be disclosed upon the lawful order of a court of competent jurisdiction.

5. If an employee discovers evidence of inappropriate use while accessing a computer to perform regular or routine maintenance:

(a) The employee shall provide the details of the alleged inappropriate use to the officer, appointee or designee who authorized the access, and to any other appropriate personnel of the state agency; and

(b) Information concerning the access must be recorded in the log maintained by the state agency.

6. Each state agency that has adopted a policy for the use of the computers of the state agency shall adopt policies and procedures for responding to reports of the inappropriate use of those computers, including, without limitation, provisions relating to the transfer, transmission and destruction of information.

7. As used in this section:

(a) "Access" includes, without limitation, adding, copying, deleting, manipulating or observing the files or other information stored on a computer, whether such actions are carried out directly or remotely.

(b) "Inappropriate use" means the use of a computer of a state agency in a manner that:

(1) If the state agency is an agency of the Executive Branch of State Government, violates the written policy created by the agency pursuant to NRS 242.300.

(2) If the state agency is an agency of the Legislative or Judicial Branch of State Government, violates the policy, if any, established by that agency for the use of the computers of the agency.

(3) Violates any state or federal law.

(c) "State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive, Legislative or Judicial Branches of State Government."

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 565.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 3 and adding new sections, designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 616A.430 is hereby amended to read as follows:

616A.430 1. There is hereby established in the State Treasury the Uninsured Employers’ Claim Account in the Fund for Workers’ Compensation and Safety, which may be used only for the purpose of making payments in accordance with the provisions of NRS 616C.220 ~~and 617.401.~~ , 617.401 and section 2 of this act. The Administrator shall administer the Account and shall credit any excess money toward the assessments of the insurers for the succeeding years.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Administrator for the Uninsured Employers’ Claim Account must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers’ compensation.

4. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which he is authorized to invest money of the State General Fund. Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the Uninsured Employers’ Claim Account. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary to maintain an appropriate balance in the Account for each fiscal year , *including, without limitation, any amount of money that the Administrator has determined is required to fund the payments required pursuant to section 2 of this act*, and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. ~~[After]~~ *Except as otherwise provided in section 2 of this act, after* allocating the amounts payable, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

The Administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 2. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 4, but such annual payments may not exceed \$1,200 per claimant or dependent. The total payments made pursuant to this section may not exceed \$500,000 per year.*

2. *Each year the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 4. If there is not sufficient income realized from the investment of the assets in the Account to fund all the payments for the year, the Administrator shall assess to each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount that, as determined by the Administrator, is required to obtain the amount necessary to fund the*

payments when such assessments are combined with the income realized from the investment of the assets in the Account. Any money collected by the Administrator from the assessment must be accounted for separately by the Administrator.

3. An insurer who pays an assessment pursuant to this section shall charge and collect from each policyholder of the insurer a fee to cover the amount of the assessment. Such a fee is in addition to any premium charged to the policyholder for industrial insurance and must not be included in the amount of any such premium. The insurer shall bill the policyholder separately for the fee or include the fee as a separate charge on the policy. The Administrator may reduce the amount of the assessment that an insurer must pay to the Uninsured Employers' Claim Account pursuant to NRS 616A.430 by the amount assessed by the Administrator to the insurer pursuant to this section.

4. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money collected from the assessment pursuant to this section. The regulations must provide for payments that result in the largest proportional share of the money collected from the assessment being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

5. The Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; providing for a payment of additional compensation to certain claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability under industrial insurance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes payment of additional compensation for permanent total disability to certain injured employees and their dependents. (BDR 537-251)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 443.

Amend sec. 3, page 3, line 6, before *"The"* by inserting *"1."*.

Amend sec. 3, page 3, between lines 12 and 13, by inserting:

"2. If the Director of the Department of Public Safety employs persons pursuant to subsection 1, the salaries for those positions must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both."

Amend sec. 4, page 3, by deleting lines 13 through 26 and inserting:

"Sec. 4. 1. If the State or a political subdivision submits an application to and is approved to receive money from the Federal Government, this State, any other state, a local government, any agency or instrumentality of those governmental entities, or any private entity, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism, the State or political subdivision shall, not later than 60 days after receiving such approval, submit to the Commission a written report that includes, without limitation:

(a) The total amount of money that the State or political subdivision has been approved to receive for the project or program;

(b) A description of the project or program, unless the State or political subdivision previously submitted a written report pursuant to this section relating to the same project or program; and

(c) The items to be paid for with the money that the State or political subdivision has been approved to receive for the project or program.

2. A project or program for which the State or a political subdivision is required to report the receipt of money pursuant to subsection 1 includes, without limitation, a project or program related to:

(a) Homeland security;

(b) Emergency management;

(c) Health or hospitals;

(d) Emergency medical services; and

(e) Chemical, biological, radiological, nuclear, explosive, agricultural or environmental acts of terrorism.

3. Any grant related to terrorism that is administered by the Division and is provided to a political subdivision must be approved by the local emergency planning committee."

Amend sec. 5, page 3, line 27, by deleting: *"A response agency"* and inserting: *"The State and each political subdivision"*.

Amend sec. 5, page 3, line 28, by deleting “administered” and inserting: “*required as a condition to the receipt of money from the Federal Government*”.

Amend sec. 5, page 3, line 30, before “response” by inserting: “*detection of, mitigation of,*”.

Amend sec. 5, page 3, by deleting lines 33 through 36 and inserting:

“(b) *Submit to the Division documentation evidencing that the State or political subdivision has adopted the national system.*

2. *The Division shall submit on a quarterly basis documentation to the Commission evidencing the compliance of this State and each political subdivision with paragraph (a) of subsection 1.”.*

Amend sec. 7, page 4, line 6, by deleting: “10 members that he determines to be appropriate,” and inserting: “14 members that he determines to be appropriate ~~to~~ and who serve at his pleasure.”.

Amend sec. 7, page 4, by deleting lines 8 through 12 and inserting:

“(a) ~~One member who is a representative of a Nevada law enforcement agency; and~~

~~(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.~~ The sheriff of each county whose population is 100,000 or more;

(b) The chief of a county fire department in each county whose population is 100,000 or more;

(c) The agent in charge of the office of the Federal Bureau of Investigation in this State, as a voting member;

(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State, as a voting member; and

(e) A member of the medical community in a county whose population is 400,000 or more.”.

Amend sec. 7, page 4, by deleting lines 24 through 26.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 8 through 10.

Amend sec. 9, page 5, line 33, after “limitation,” by inserting: “airports other than international”.

Amend sec. 10, pages 6 and 7, by deleting lines 28 through 45 on page 6 and lines 1 through 5 on page 7, and inserting:

“239C.170 The Chairman of the Commission ~~may,~~ shall, with the approval of the Commission, appoint ~~committees from its members~~ a Committee on Finance and any other committees deemed necessary by the Chairman to assist in carrying out the duties of the Commission. The Chairman of the Commission shall appoint to a committee the number of voting members or nonvoting members, or both, that he determines to be appropriate, except that a committee must include at least one member of the Commission. At its first meeting and annually thereafter, a committee shall select a chairman and a vice chairman from the members of the committee.”.

Amend the bill as a whole by deleting sections 12 and 13 and renumbering sections 14 and 15 as sections 11 and 12.

Amend sec. 14, page 9, by deleting line 39 and inserting:

“3. A plan”.

Amend sec. 14, page 9, by deleting lines 43 and 44 and inserting: “subsection 1. An”.

Amend sec. 14, page 10, by deleting lines 7 through 9.

Amend the bill as a whole by renumbering sections 16 through 18 as sections 15 through 17 and adding new sections designated sections 13 and 14, following sec. 15, to read as follows:

“Sec. 13. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Office of Economic Development of the Security Industry is hereby created in the Office of the Governor.*

2. *The Office of Economic Development of the Security Industry may:*

(a) *Establish policies concerning the development of businesses in this State that conduct research, training, testing or development of products for the security industry.*

(b) *Investigate and study conditions affecting business within the security industry and engage in technical studies, statistical research and educational activities necessary or useful for developing businesses in this State within the security industry.*

(c) *Serve as a center of public information for the State of Nevada by answering general inquiries concerning the resources and economic advantages of this State for developing a business in the security industry and by furnishing information and data on these and related subjects.*

(d) *Prepare, and disseminate in any medium, informational material designed to promote the development of the security industry in this State.*

3. *The Office of Economic Development of the Security Industry shall carry out its duties in cooperation with the University and Community College System of Nevada and any nonprofit organization created to foster economic development in this State.*

4. *To assist in carrying out its duties, the Office of Economic Development of the Security Industry may:*

(a) *Accept any gift, donation, bequest or devise; and*

(b) *Apply for and accept any grant, loan or other source of money.*

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Office of Economic Development of the Security Industry in the Office of the Governor for its operating expenses:

For the Fiscal Year 2005-2006 \$386,000

For the Fiscal Year 2006-2007 \$386,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 20, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend sec. 16, page 11, line 15, by deleting “10” and inserting “14”.

Amend sec. 16, page 11, by deleting line 17 and inserting: “pursuant to subsection 2 of NRS 239C.120, as amended by section 7 of this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the membership and committees of the Commission; creating the Office of Economic Development of the Security Industry in the Office of the Governor; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to homeland security. (BDR 19-1200)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 647.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section, designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *When offering any land for sale, the State Land Registrar shall:*

(a) *Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.*

(b) *Select the two independent appraisers from a list of appraisers, which list must:*

(1) *Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and*

(2) *Be organized at random and rotated from time to time.*

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b).

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.

3. An appraiser shall not perform an appraisal on any land for sale by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.”.

Amend section 1, page 2, line 16, by deleting “appraiser.” and inserting: “appraiser { } selected pursuant to section 1 of this act.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section, designated sec. 3, following section 1, to read as follows:

“Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When offering any land for sale, the board of county commissioners shall:

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:

(1) Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and

(2) Be organized at random and rotated from time to time.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b).

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.

3. An appraiser shall not perform an appraisal on any land for sale by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.”.

Amend sec. 2, page 3, by deleting lines 37 and 38 and inserting:

“244.281 Except as otherwise provided in this section and NRS 244.276, 244.279, 244.2825 ~~and 244.288~~, 244.284, 244.287, 244.288, 244.290 and 278.480 or an interlocal agreement in existence on or before October 1, 2004:”.

Amend sec. 2, page 4, by deleting lines 14 through 35 and inserting: “~~the best interest of the county.~~”

2. Before the board of county commissioners may sell ~~for exchange~~ any real property as provided in ~~paragraphs (b) and (c) of~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or exchanged in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or exchanged; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~In addition to the requirements set forth in paragraph (b) of~~.

Amend sec. 2, page 4, line 42, by deleting "2."

Amend sec. 2, page 4, by deleting lines 44 and 45 and inserting: "the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers pursuant to section 3 of this act to appraise the property ~~[-]~~ and, except for property".

Amend sec. 2, page 5, line 2, after "value." by inserting: "*The appraisals must have been prepared not more than 6 months before the property is offered for sale.*".

Amend sec. 2, page 5, line 3, by deleting "3." and inserting "4."

Amend sec. 2, page 5, line 9, by deleting "~~[-]~~ 4." and inserting:

"5. A board of county commissioners may sell, lease or exchange any real property owned by the county to a person who owns land located adjacent to the property without complying with the provisions of NRS 244.282 if the board has determined by resolution that:

(a) The property is a:

(1) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(2) Parcel that, due to its size, is too small to establish an economically viable use by anyone other than the person who owns land adjacent to the property; or

(3) Parcel which is subject to a deed restriction prohibiting the use of the property by anyone other than the person who owns land adjacent to the property; and

(b) The sale, lease or exchange will be in the best interest of the county.

6. A board of county commissioner that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the property to the person from whom the property was received or acquired by donation,

dedication, eminent domain or purchase under the threat of eminent domain pursuant to NRS 244.290.

7.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 13 as sections 9 through 18 and adding new sections designated sections 5 through 8, following sec. 2, to read as follows:

“Sec. 5. NRS 244.290 is hereby amended to read as follows:

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, *public roadway, public right-of-way*, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the appraised value of the land at the time of the reconveyance {.

~~The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this State under the dedication.~~

~~2.— If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.~~

~~3.— The board shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

~~(a) Published at least once in a newspaper of general circulation in the county;~~

~~(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

~~(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

~~4.} , as determined by two or more disinterested, competent real estate appraisers appointed pursuant to section 3 of this act. The appraisals must have been prepared not more than 6 months before the property is offered for sale.~~

2. If the board {, after the hearing,} determines that maintenance of the property {by the county solely or with a co-owner} is unnecessarily

burdensome to the county or that reconveyance would be ~~otherwise advantageous to~~ in the best interest of the county and its ~~citizens,~~ residents, the board ~~shall~~ may formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman or an authorized representative of the board shall ~~execute a deed~~ issue a written offer of reconveyance ~~on behalf of the county and the county clerk shall attest the deed under the seal of the county.~~

5. ~~The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The~~ to the person from whom the land was received or acquired, or his successor in interest.

3. If the person from whom the land was received or acquired, or his successor in interest ~~refuses~~ :

(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the board of county commissioners shall execute a deed of reconveyance.

(b) Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the offer of reconveyance ~~for~~

~~(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels,~~ , the board of county commissioners may sell or exchange the land pursuant to the provisions of this chapter.

Sec. 6. Chapter 266 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, if the city council of a city sells or otherwise disposes of real property owned by the city, the sale or other disposal must be made by public auction.

Sec. 8. 1. When offering any land for sale, the city council shall:

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:

(1) Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and

(2) Be organized at random and rotated from time to time.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b).

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income

that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.

3. *An appraiser shall not perform an appraisal on any land for sale by the city council if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*”.

Amend sec. 4, page 5, line 22, by deleting “3” and inserting “7”.

Amend sec. 5, page 5, by deleting lines 34 and 35 and inserting: “into a contract for the sale ~~for exchange~~ of real property until after the property has been appraised by ~~one disinterested appraiser~~ two disinterested appraisers appointed pursuant to section 8 of this act”.

Amend sec. 5, page 5, line 37, by deleting “[, a]” and inserting: “[, a lease, sale or exchange]”.

Amend sec. 5, page 5, by deleting lines 39 and 40 and inserting: “public auction as required pursuant to section 7 of this act; and

(b) *A lease or sale must be made at or above*”.

Amend sec. 5, page 5, line 43, by deleting: “lease, sell or exchange” and inserting: “lease ~~[, sell or exchange]~~ or sell”.

Amend sec. 5, page 6, line 4, by deleting: “sell, lease or exchange” and inserting: “sell ~~[, lease or exchange]~~ or lease”.

Amend sec. 6, page 6, line 12, after “inclusive,” by inserting: “or an interlocal agreement in existence on October 1, 2004,”.

Amend sec. 7, page 6, line 20, by deleting “6” and inserting “11”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 642.

Amend sec. 2, page 2, by deleting lines 16 and 17.

Amend sec. 2, page 2, line 18, before “*The county*” by inserting “3.”.

Amend sec. 5, page 3, line 39, by deleting “A person” and inserting: “[A] *Not later than 3 days after the date of the decision that aggrieved the person, a person*”.

Amend sec. 5, pages 3 and 4, by deleting line 44 on page 3 and line 1 on page 4, and inserting: ~~4.—The]~~ or 2.

4. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State is a final decision for*”.

Amend sec. 6, page 4, line 18, by deleting “October 1” and inserting “October 15”.

Amend sec. 6, page 4, by deleting line 24 and inserting: “~~{last}~~ *second* Friday in ~~{April before any}~~ *February preceding* a primary”.

Amend sec. 6, page 4, by deleting line 39 and inserting: “working days before the ~~{last}~~ *second* Friday in ~~{April}~~ *February preceding* a”.

Amend sec. 7, page 5, line 17, by deleting “second” and inserting “~~{second}~~ *fourth*”.

Amend sec. 7, page 5, by deleting lines 25 and 26 and inserting: “than the ~~{first}~~ *third* Tuesday in ~~{June}~~ *March* and not later than the ~~{fourth}~~ *second* Tuesday in ~~{July}~~ *May*. The petition may consist of more than one”.

Amend sec. 7, page 5, line 40, by deleting “second” and inserting “~~{second}~~ *fourth*”.

Amend sec. 7, page 5, lines 41 and 45, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 7, page 6, line 6, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 8, page 6, lines 36 and 42, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 9, page 7, lines 13 and 22, by deleting “second Friday” and inserting: “~~{second Friday}~~ *Saturday*”.

Amend sec. 9, page 7, lines 32 and 33, by deleting “second Friday” and inserting: “~~{second Friday}~~ *Saturday*”.

Amend sec. 9, page 7, line 39, by deleting “first” and inserting “~~{first}~~ *third*”.

Amend sec. 10, page 8, lines 9 and 11, by deleting: “fourth Monday in ~~{May}~~ *April*.” and inserting: “~~{fourth}~~ *second* Monday in May.”.

Amend sec. 11, page 8, line 18, by deleting “first” and inserting “~~{first}~~ *third*”.

Amend sec. 11, page 8, line 19, by deleting: “*after the first Monday*”.

Amend the bill as a whole by renumbering sections 12 through 23 as sections 13 through 24 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if he has changed:

(a) The designation of his political party affiliation; or

(b) His designation of political party from nonpartisan to a designation of a political party affiliation,

on an application to register to vote in the State of Nevada or in any other state during the time beginning on ~~{September 1}~~ *December 31* preceding the closing filing date for that election and ending on the date of that election whether or not his previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that was not qualified pursuant to NRS 293.171

on the ~~[September 1]~~ *December 31* next preceding the closing filing date for the election.”.

Amend sec. 12, page 8, line 42, by deleting “second Friday” and inserting: “~~[second Friday]~~ *Saturday*”.

Amend sec. 13, page 12, lines 34 and 35, by deleting: “~~[first]~~ *second* Friday” and inserting: “~~[first Friday]~~ *Saturday*”.

Amend sec. 14, page 14, line 5, by deleting “second Friday” and inserting: “~~[second Friday]~~ *Saturday*”.

Amend sec. 14, page 14, lines 16 and 17, by deleting: “fourth Monday in ~~[May.]~~ *April.*” and inserting: “~~[fourth]~~ *second* Monday in May.”.

Amend sec. 14, page 14, line 19, by deleting: “fourth Monday in ~~[May.]~~ *April.*” and inserting: “~~[fourth]~~ *second* Monday in May.”.

Amend sec. 14, page 14, line 29, by deleting “second Friday” and inserting: “~~[second Friday]~~ *Saturday*”.

Amend sec. 15, page 14, by deleting line 32 and inserting: “or before the ~~[third]~~ *first* Wednesday in ~~[May]~~ *March* of every even-”.

Amend sec. 16, page 15, by deleting line 4 and inserting:
“293.206 1. On or before the ~~[last day in May]~~ *third* Wednesday in March of”.

Amend sec. 17, page 15, line 36, by deleting “third” and inserting “~~[third]~~ *first*”.

Amend sec. 17, page 15, line 37, by deleting “*February*” and inserting “*March*”.

Amend sec. 21, page 17, line 40, by deleting “34” and inserting “37”.

Amend the bill as a whole by renumbering sec. 24 as sec. 28 and adding new sections designated sections 25 through 27, following sec. 23, to read as follows:

“Sec. 25. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

(a) ~~Is at least 65 years of age; or~~

(b) ~~Has a physical disability or condition which substantially impairs his ability to go to the polling place,~~

‡ may request an absent ballot for all elections held during the year he requests an absent ballot ~~[,] and the 2 succeeding years.~~

3. *If a county clerk receives a request for an absent ballot from a registered voter and the registered voter resides in a city, the county clerk shall forward a copy of the request for an absent ballot to the city clerk of that city.*

4. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person *or through a designee* or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~{4.}~~ 5. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

~~{5.}~~ 6. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot ~~{ }~~ *for that election*. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 27. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the

registered voter for each election that is conducted during the year ~~[immediately succeeding the date]~~ the written statement is submitted to the county clerk ~~[.]~~ *and the 2 succeeding years.*

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.”

Amend sec. 24, page 19, by deleting line 6 and inserting: “before 5 p.m. on the ~~[third]~~ first Thursday in ~~[August]~~ June and before”.

Amend the bill as a whole by deleting sec. 25 and renumbering sections 26 through 39 as sections 29 through 42.

Amend sec. 26, page 19, line 35, by deleting “second” and inserting “~~[second]~~ fourth”.

Amend sec. 26, page 20, line 4, by deleting “third” and inserting “first”.

Amend sec. 26, page 20, line 5, by deleting “June” and inserting “July”.

Amend sec. 28, page 21, line 9, by deleting “first” and inserting “~~[first]~~ third”.

Amend sec. 29, page 23, by deleting line 36 and inserting: “purpose of registering to vote:

(a) *If such a person assists an elector with completing a form for the application to register to vote, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and*

(b) *Shall not alter, deface or destroy an”.*

Amend sec. 30, page 24, by deleting line 14 and inserting: “include a ~~[duplicate copy or receipt to]~~ :”.

Amend sec. 30, page 24, by deleting line 17 and inserting:

“(b) Receipt which:

(1) *Includes a space for a person assisting a voter in completing the form to enter his name; and*

(2) *May be retained by the applicant upon”.*

Amend sec. 32, page 25, lines 39 and 40, by deleting: “~~[July]~~ April 1” and inserting: “~~[July 1]~~ April 15”.

Amend sec. 33, page 26, line 22, by deleting: “34 and 35” and inserting: “37 and 38”.

Amend sec. 37, page 30, line 15, by deleting “35” and inserting “37”.

Amend sec. 38, page 30, line 18, by deleting “34” and inserting “37”.

Amend sec. 39, page 30, line 24, by deleting “34” and inserting “37”.

Amend the bill as a whole by deleting sec. 40, renumbering sec. 41 as sec. 46 and adding new sections designated sections 43 through 45, following sec. 39, to read as follows:

“Sec. 43. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~{who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,~~

~~}~~ may request an absent ballot for all elections held during the year he requests an absent ballot ~~{;} and the 2 succeeding years.~~

3. *If a city clerk receives a request for an absent ballot from a registered voter, the city clerk shall forward a copy of the request for an absent ballot to the county clerk for the county in which the city is located.*

4. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person *or through his designee* or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~{4.}~~ 5. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

~~{5.}~~ 6. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election,

make an application to the city clerk for an absent voter's ballot ~~[]~~ *for that election*. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 45. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted during the year ~~[immediately succeeding the date]~~ the written statement is submitted to the city clerk ~~[]~~ *and the 2 succeeding years*.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.”.

Amend the bill as a whole by renumbering sections 42 through 46 as sections 48 through 52 and adding a new section designated sec. 47, following sec. 41, to read as follows:

“Sec. 47. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS ~~{294A.120, 294A.125,}~~ 294A.140, 294A.150, ~~{294A.200,}~~ 294A.210, 294A.220, 294A.270 ~~[- 294A.280, 294A.360 and 294A.362.]~~ and 294A.280.

2. *The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362. In addition to the information required to be reported by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362, the form required to be filed by a candidate must include a space for the candidate to list the amount of cash on hand at the beginning of the:*

- (a) *Period for which the report is filed; and*
- (b) *Year in which the report is filed.*

3. The ~~{form}~~ forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~{3.}~~ 4. Upon request, the Secretary of State shall provide a copy of ~~{the}~~ each form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in ~~{subsection 1.}~~ subsections 1 and 2.”.

Amend sec. 46, page 35, line 45, by deleting “first” and inserting “~~{first}~~ third”.

Amend sec. 46, page 36, line 1, by deleting: “*after the first Monday*”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that a primary election must be conducted on the third Tuesday of June in even-numbered years; extending the period that a registered voter may absent himself from his place of employment for the purpose of casting a ballot; revising the provisions governing areas at public buildings for the use in gathering of signatures on a petition; revising the provision governing the form for application to register to vote; providing that an out-of-state student enrolled in the University and Community College System of Nevada may serve as a member of an election board; revising the provisions governing registering to vote before an election; providing that an absent ballot request may be returned by the designee of a person; requiring the form for a candidate to file certain reports relating to campaign contributions and expenditures to include a space for reporting cash on hand at the beginning of certain periods; providing that a

person who has failed to file campaign finance reports or financial disclosure reports or failed to pay certain civil penalties may not file a declaration of candidacy or petition for an initiative or referendum; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 630.

Amend section 1, page 2, line 33, after “*thereof.*” by inserting: “*A governmental entity that enters into a cooperative agreement with the board of county commissioners pursuant to this subsection may delegate to a nonprofit organization one or more of the responsibilities that the governmental entity assumed pursuant to the cooperative agreement, including, without limitation, the acquisition, design, construction, improvement, equipment, operation and maintenance of the center.*”.

Amend section 1, page 2, line 42, after “6.” by inserting: “*A performing arts center to be acquired, improved, equipped, operated and maintained pursuant to this section may, regardless of the estimated cost of the center, be designed and constructed pursuant to a contract with a design-build team in accordance with NRS 338.1711 to 338.1727, inclusive.*”

7. *A contract for the construction of a performing arts center to be acquired, improved, equipped, operated and maintained pursuant to this section must include a provision that requires compliance with the provisions of NRS 338.010 to 338.090, inclusive, for construction work performed on the center.*

8.”.

Amend the title of the bill, sixth line, after “circumstances;” by inserting: “authorizing such a governmental entity to delegate to a nonprofit organization some or all of its responsibilities relating to such a center; providing that such a center may be designed and constructed pursuant to a contract with a design-build team; requiring that a contract for the construction of such a center include a provision requiring compliance with the provisions relating to the payment of prevailing wages;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to facility for vocational training for culinary skills in southern Nevada and performing arts centers in certain larger counties. (BDR 20-1063)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 462.

Amend the bill as a whole by deleting sections 1 through 24 and adding new sections designated sections 1 through 20, following the enacting clause, to read as follows:

“Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Beneficiary” means a person designated by a participant, or by the terms of a plan, who is or may become entitled to a benefit under the plan.*

Sec. 4. *“District” means a county school district in a county whose population is less than 100,000.*

Sec. 5. *“Employee organization” means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of the employees of a district.*

Sec. 6. *“Fiduciary” means any person who is responsible for the establishment, management, operation, control or administration of a plan or who contracts with a person to perform any such function with respect to a plan. The term includes, without limitation, any administrator, officer, trustee or custodian of a plan.*

Sec. 7. *“Participant” means any employee or former employee of a district who is or may become eligible to receive a benefit of any type from a plan covering employees of the district, or whose beneficiaries may be eligible to receive any such benefit.*

Sec. 8. *“Party in interest” means any fiduciary or employee of a plan or any person who provides services to the plan.*

Sec. 9. *“Plan” means any fund or program established or maintained by a district or by an employee organization of a district, or by both, to provide for its participants or their beneficiaries, or both, through the purchase of insurance or other means, medical, surgical or hospital care or benefits, or benefits in the event of sickness, accident, disability or death, or any combination of these benefits. The term includes, without limitation, any such fund or program established or maintained pursuant to a collective bargaining agreement between a district and an employee organization that is recognized by the district pursuant to chapter 288 of NRS.*

Sec. 10. “Sponsor” means:

1. In the case of a plan established or maintained by a single district, the district;
2. In the case of a plan established or maintained by an employee organization, the employee organization; or
3. In the case of a plan established or maintained by two or more districts, two or more employee organizations, or jointly by one or more districts and one or more employee organizations, the association, committee, board of trustees or other similar group of representatives of the parties who establish or maintain the plan.

Sec. 11. 1. A fiduciary shall act:

- (a) Solely in the interest of the participants and beneficiaries, as a whole, of the plan;
- (b) For the exclusive purpose of providing benefits to participants and beneficiaries and defraying the reasonable expenses of administering the plan;
- (c) With the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with such matters would use in the conduct of an enterprise of a similar character and with similar purposes;
- (d) To diversify the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and
- (e) In accordance with the documents and instruments governing the plan insofar as they are not inconsistent with the provisions of sections 2 to 18, inclusive, of this act.

2. A fiduciary must not derive any benefit from the operation of the plan except as he may be entitled to receive as a participant in the plan.

3. A fiduciary shall not engage in any transaction for monetary gain with a party in interest.

4. A fiduciary who breaches any duty, trust or obligation owed to the plan or its participants or beneficiaries by virtue of his status as a fiduciary is liable to the plan and to any aggrieved participant or beneficiary for any loss caused by the breach. If a plaintiff who brings an action against a fiduciary pursuant to this subsection is the prevailing party in the action, the fiduciary is liable to the plaintiff for the attorney’s fees and costs of suit reasonably incurred by the plaintiff.

5. The provisions of this section do not prohibit the payment of reasonable compensation to a fiduciary for services rendered by the fiduciary to the plan.

Sec. 12. 1. Except as otherwise provided in subsection 2, a fiduciary may purchase services or insurance from any person or entity that the fiduciary determines to have the financial resources to meet all the obligations of the plan.

2. A fiduciary may purchase coverage for the plan from an insurance company or health maintenance organization if the insurance company or health maintenance organization:

(a) Has and maintains a rating of:

- (1) "B++" or better by A.M. Best Company, Inc.;
- (2) "Aa3" or better by Moody's Investors Service, Inc.;
- (3) "AA-" or better by Standard & Poor's Ratings Services; or
- (4) "B+" or better by Weiss Ratings, Inc.; or

(b) Is a domestic insurer licensed by the Commissioner of Insurance.

Sec. 13. 1. Within 120 days after a plan is established, and within 120 days after any material modification of the plan, the sponsor of the plan shall send a description of the plan to each participant and to the Commissioner of Insurance. The description must include, without limitation:

(a) An explanation of:

- (1) The benefits provided by the plan;
 - (2) The method used to provide the benefits of the plan, including, without limitation, insurance or self-insurance;
 - (3) The eligibility requirements to receive benefits provided by the plan;
 - (4) The manner in which claims are processed; and
 - (5) The procedure for appealing denials of claims; and
- (b) The name, business address and business telephone number of:
- (1) The administrator of the plan;
 - (2) Each fiduciary of the plan; and
 - (3) Each entity which provides benefits under the plan.

2. The description of the plan must be written in plain English.

3. A description of a plan submitted to the Commissioner of Insurance pursuant to this section is a public record for purposes of NRS 239.010.

Sec. 14. 1. Within 90 days after the end of each fiscal year in which the plan is in operation, the sponsor of the plan shall send to each participant and to the Commissioner of Insurance a summary of the financial condition of the plan as of the end of that fiscal year. The summary must include, without limitation:

- (a) The number of participants in the plan;
- (b) The revenue, expenses, assets and liabilities of the plan; and
- (c) If the plan is self-funded in whole or in part, a statement from a qualified actuary as to the adequacy of any reserves maintained by the plan.

2. A summary submitted to the Commissioner of Insurance pursuant to this section is a public record for purposes of NRS 239.010.

Sec. 15. 1. Within 90 days after the end of each fiscal year in which the plan is in operation, the sponsor shall provide to the Commissioner of Insurance a report of the plan, as of the end of that fiscal year. The report must be in a form prescribed by the Commissioner and must include, without limitation:

- (a) The number of active and retired employees participating in the plan;

(b) *The name, business address and business telephone number of:*

(1) *Each fiduciary of the plan;*

(2) *Each entity which provides insurance or benefits under the plan;*
and

(3) *Each accountant, insurer, actuary, administrator, investment manager or custodian of the plan and, if applicable, a statement explaining why any business relationship between the plan and such person was terminated;*

(c) *If the plan provides at least some benefits through the purchase of insurance:*

(1) *The rate of the premium for each category of insurance in the plan;*

(2) *The average number of participants covered under each category of insurance in the plan during each month of the applicable fiscal year;*

(3) *The dividends, retroactive adjustments of rates, commissions and fees for administrative services, if any, paid by the provider of insurance;*

(4) *The total amount of the claims paid during the applicable fiscal year if the plan has rates based on other than a fully pooled basis; and*

(5) *The name and business address of any person who received a commission from the plan during the applicable fiscal year, the amount paid to that person and the service provided for payment; and*

(d) *If the plan provides at least some benefits through self-funding:*

(1) *A financial statement prepared in accordance with generally accepted accounting principles;*

(2) *A statement of accounts from a certified public accountant attesting that he has examined:*

(I) *The financial statement of the plan and found the financial statement to be prepared in accordance with generally accepted accounting principles; and*

(II) *The financial records of the plan and found the financial records to be maintained in conformity with generally accepted accounting principles;*

(3) *A description of the plan, including, without limitation, any significant changes to the plan made during the fiscal year and the effect of such changes on the benefits provided by the plan;*

(4) *A description of any material lease commitments, other contingent liabilities and other similar commitments or liabilities;*

(5) *A description of any agreements or transactions made by or on behalf of the plan with any parties in interest;*

(6) *A statement from a qualified actuary as to the adequacy of reserves established for contingencies and claims incurred and outstanding but not reported; and*

(7) *A financial statement, in a form prescribed by the Commissioner of Insurance, setting forth:*

(I) *The number of participants enrolled in each category of insurance in the plan during each month;*

(II) *The contributions paid to the plan each month by any participants in the plan and any employers for the coverage of participants and beneficiaries in the plan;*

(III) *The amount paid, each month, to any person who received financial compensation from the plan for any service rendered to the plan or its participants;*

(IV) *The amount paid, each month, for stop-loss insurance and medical management services, and any access fees paid to preferred-provider organizations, prescription benefit managers or similar services;*

(V) *The total assets and liabilities of the plan for each month;*

(VI) *A schedule of all investments of the plan for each month; and*

(VII) *A schedule of all loans made by or to the plan for each month.*

2. *A report submitted to the Commissioner of Insurance pursuant to this section is a public record for the purposes of NRS 239.010.*

Sec. 16. 1. *The Commissioner of Insurance shall review the report described in section 15 of this act and evaluate the financial condition of the plan in accordance with the standards and procedures applicable to insurers licensed to transact the business of insurance in this State. If the Commissioner determines that the plan is in hazardous financial condition, the Commissioner shall inform the sponsor of the plan of that determination.*

2. *If the sponsor of a plan is informed by the Commissioner of Insurance of a determination of hazardous financial condition, as described in subsection 1, the sponsor shall:*

(a) *Immediately give written notice of the determination to the participants in the plan; and*

(b) *Within a reasonable time determined by the Commissioner of Insurance, deliver to the Commissioner a written proposal to protect the interests of the participants and beneficiaries of the plan and to cure the hazardous financial condition of the plan. The proposal must be approved by the Commissioner. If the Commissioner determines that the plan is not satisfactory, the Commissioner may order the plan to be terminated.*

3. *A proposal to restore the solvency of a plan submitted to the Commissioner of Insurance pursuant to this section is a public record for the purposes of NRS 239.010.*

4. *As used in this section, "hazardous financial condition" means a condition that, based on current or reasonably anticipated financial circumstances, while not yet qualifying as financial impairment or insolvency, is unlikely to allow:*

(a) *Obligations to participants, with respect to known claims and reasonably anticipated claims, to be met; or*

(b) *Other obligations in the normal course of business to be paid.*

Sec. 17. 1. *If a plan is self-funded and has 2,000 or fewer participants, the plan must obtain a contract of stop-loss insurance to provide coverage in the event that a claim relating to any one person, during a plan year, exceeds*

the individual threshold per participant for the types of plans, categorized by number of participants and amount of surplus, described below:

<u>Number of participants</u>	<u>Free surplus</u>	<u>Individual threshold per participant</u>
500 or less	Less than \$100,000	\$25,000
500 or less	\$100,000 or more	\$50,000
501 to 2,000	Less than \$250,000	\$50,000
501 to 2,000	\$250,000 or more	\$100,000

2. Any contract for stop-loss insurance as described in this section must:

(a) Provide that if the contract is terminated, a claim will remain eligible for payment if:

(1) The claim is incurred during the period in which the contract for stop-loss insurance was in effect; and

(2) The claim is submitted for payment not later than 90 days after the date that the contract is terminated; or

(b) Be supplemented by another contract of insurance which pays a claim if:

(1) The claim is incurred during the period in which the contract for stop-loss insurance was in effect; and

(2) The claim is submitted for payment not later than 90 days after the date that the contract is terminated.

3. As used in this section, “free surplus” means the amount by which the total of the cash and investments of a plan exceeds the total of its reported claims and its reserves for incurred but unreported claims and expenses.

Sec. 18. The Commissioner of Insurance shall adopt regulations to carry out the provisions of sections 2 to 18, inclusive, of this act.

Sec. 19. If a plan is in existence on July 1, 2005, the sponsor of the plan, as those terms are defined in sections 9 and 10 of this act, shall, on or before October 1, 2005, send to each participant in the plan a description of the plan, as described in section 13 of this act.

Sec. 20. 1. This section and section 18 of this act become effective upon passage and approval.

2. Sections 1 through 17, inclusive, and 19 of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to programs for public employees; establishing requirements for certain plans of group insurance for employees of certain school districts; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes requirements for certain plans of group insurance for employees of certain school districts. (BDR 23-950)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 625.

Amend section 1, page 1, line 7, by deleting: "3, 4 and 5," and inserting: "3 to 6, inclusive,".

Amend section 1, page 2, by deleting lines 10 through 19 and inserting:

"3. Except as otherwise provided in subsections 4 and 5, the Executive Director may release information from the publications, files and records of the Commission or its divisions to a person who, or a governmental entity that, provides a description of the information requested.

4. The Executive Director may deny a request for:

(a) Personally identifiable information concerning a person and other information pertaining to a person if the information was obtained by the Commission or one of its divisions because the person:

(1) Submitted a request for marketing materials; or

(2) Completed or participated in a marketing survey.

(b) An internal document or internal communication that was prepared or received by the Commission or one of its divisions, if the Executive Director determines that the release of the document or communication would:

(1) Enable another person or entity to obtain a competitive advantage over the Commission or one of its divisions, as applicable; or

(2) Tend to affect adversely the competitive position of the Commission or one of its divisions, as applicable.

5. Before the Executive Director releases information".

Amend section 1, page 2, line 31, by deleting "5." and inserting "6.".

Amend section 1, page 2, line 34, by deleting "6." and inserting "7.".

Amend the title of the bill, seventh line, after "information;" by inserting: "allowing the Executive Director to deny a request for certain information under certain circumstances;".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 633.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The fact that a particular project or undertaking does not qualify as a public work, as defined in NRS 338.010, does not exempt a person, including, without limitation, a contractor or subcontractor, or a governmental entity, from complying with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this act in the same manner as a public body is required to comply with those provisions if the person or governmental entity is required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this act pursuant to NRS 244.286, 244A.763, 268.568, 271.710, 271.800, 279.500, 318.140, 318.144, 332.390, 333A.120, 338.0115, 349.670, 349.956, 408.3886, 543.545 or other applicable law.”.*

Amend section 1, page 1, by deleting lines 1 through 4 and inserting:

“Sec. 3. 1. *The public body awarding a contract for a public work, or any person or governmental entity that is otherwise required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 2 of this act, shall ascertain from the”.*

Amend section 1, page 1, line 6, by deleting “work” and inserting: “work, project or undertaking”.

Amend section 1, page 2, line 3, after “3.” by inserting: “For the purpose of the survey required pursuant to subsection 2, the Labor Commissioner shall use the following classifications of workers:

- (a) Boilermaker;
- (b) Bricklayer, including, without limitation, tile setter, terrazzo worker, marble mason, or tile, terrazzo or marble finisher;
- (c) Carpenter, including, without limitation, millwright, piledriver (nonequipment) and drywall installer;
- (d) Cement mason;
- (e) Electrician, including, without limitation, alarm installer, electrician-communication technician, electrician-line (lineman, groundman or heavy equipment operator), electrician-neon sign and electrician-wireman;
- (f) Elevator constructor;
- (g) Fence erector;
- (h) Floor coverer;
- (i) Glazier;
- (j) Highway striping;
- (k) Ironworker;
- (l) Laborer, including, without limitation, flagperson, hod carrier-brick mason tender, hod carrier-plasterer tender, traffic barrier erector and asbestos abater;
- (m) Mechanical insulator;

(n) *Operating engineer, including, without limitation, operating engineer-steel fabricator and erector, operating engineer-tunnel, and operating engineer-piledriver;*

(o) *Painter;*

(p) *Plasterer;*

(q) *Plumber or pipefitter, including, without limitation, refrigeration mechanic;*

(r) *Roofer;*

(s) *Sheet metal worker, including, without limitation, air balance technician;*

(t) *Sprinkler fitter;*

(u) *Surveyor (nonlicensed);*

(v) *Taper;*

(w) *Truck driver; and*

(x) *Well driller.*

4.”.

Amend section 1, page 2, line 17, by deleting “for working” and inserting “that worked”.

Amend section 1, page 2, line 19, by deleting “survey.” and inserting: “survey, but each recognized class of workmen who is covered under a collective bargaining agreement will be considered to be paid at the same rate of wages.”.

Amend section 1, page 2, line 23, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 25, by deleting “3,” and inserting “4.”.

Amend section 1, page 2, line 42, by deleting “5,” and inserting “6.”.

Amend section 1, page 3, line 8, by deleting “6.” and inserting “7.”.

Amend section 1, page 3, line 15, after “the construction” by inserting: “, landscaping or fencing”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[]~~, and sections 2 and 3 of this act.

2. If the Labor Commissioner receives notification of a possible violation from a public body pursuant to paragraph (b) of subsection 1 of NRS 338.070, the Labor Commissioner shall investigate and determine whether a violation has been committed within 60 days after receipt of such notification.

3. In addition to any other remedy or penalty provided in this chapter, if any person violates any provision of NRS 338.010 to 338.130, inclusive, and sections 2 and 3 of this act, or any regulation adopted pursuant thereto, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

~~{3-}~~ 4. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

~~{4-}~~ 5. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General shall prosecute the person in accordance with law.”.

Amend sec. 2, page 3, line 30, by deleting “1” and inserting “3”.

Amend sec. 2, page 4, by deleting lines 32 and 33 and inserting: *“Commissioner at least 60 days before the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.*

Any increase in the prevailing wage pursuant to this subsection becomes effective on the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.”.

Amend sec. 2, page 4, line 34, by deleting “prevents” and inserting: ~~“{prevents} :~~

~~(a) Prevents”.~~

Amend sec. 2, page 4, line 36, by deleting “established practice.” and inserting: *“the established practice ~~{-}~~ in the area.*

(b) Requires a public body to amend a contract for a public work, authorize a change order or otherwise increase the amount of compensation paid to a contractor or subcontractor for a public work, if the Labor Commissioner increases the prevailing wage for a recognized class of workmen pursuant to subsection 7.”.

Amend sec. 3, page 5, line 2, by deleting “1” and inserting “3”.

Amend sec. 3, page 5, by deleting line 28 and inserting: *“awards a contract for any public work ~~{-}~~ and to any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act.”.*

Amend sec. 3, page 5, line 30, by deleting “section 1” and inserting: *“sections 2 and 3”.*

Amend sec. 3, page 5, by deleting lines 35 through 38.

Amend sec. 4, page 5, by deleting line 41 and inserting: *“any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act, shall:”.*

Amend sec. 4, page 5, line 43, after “inclusive,” by inserting: *“and sections 2 and 3 of this act”.*

Amend sec. 4, page 6, line 2, by deleting “and” and inserting ~~“{and}”.~~

Amend sec. 4, page 6, line 3, after “(b)” by inserting: *“If based on a copy of the record received pursuant to subsection 5, a public body reasonably believes that a contractor or subcontractor has failed to compensate a*

workman in compliance with any applicable state or federal law for work on a public work, project or undertaking other than the public work, project or undertaking that is the subject of the contract, the public body shall notify the Labor Commissioner of the possible violation; and
(c)".

Amend sec. 4, page 6, lines 6 and 15, by deleting "inclusive." and inserting: "~~inclusive.~~, and sections 2 and 3 of this act."

Amend sec. 4, page 6, by deleting line 23 and inserting:
"(a) The name".

Amend sec. 4, page 6, line 25, by deleting "work;" and inserting: "work and the city and state in which each such workman resides and, if different, the city and state in which a workman has a mailing address;"

Amend the title of the bill to read as follows:

"AN ACT relating to public works; clarifying the applicability of certain provisions requiring the payment of prevailing wages; revising the provisions governing the determination of the prevailing wages by the Labor Commissioner; providing that, with certain exceptions, the prevailing wages in effect at the time of opening bids for a contract for a public work are the prevailing wages for the duration of the contract; requiring a public body to report possible violations of certain laws by contractors or subcontractors to the Labor Commissioner; revising the provisions governing the maintenance of records relating to employees of contractors and subcontractors engaged on public works; and providing other matters properly relating thereto."

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and that all bills returned from the printer be declared emergency measures under the Constitution and placed on the General File.

Assemblyman Ocegüera moved that Assembly Bill No. 15 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 380 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Parks.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by Assemblymen Parks and Hardy:

Amendment No. 601.

Amend section 1, page 1, line 2, by deleting “12,” and inserting “10,”.

Amend sec. 3, page 1, line 6, by deleting “12,” and inserting “10,”.

Amend sec. 4, page 1, line 9, by deleting:

“officer, a general manager and inserting “officer”.

Amend sec. 4, page 1, by deleting lines 11 and 12 and inserting:

“2. The district board of health consists of:

(a) Representatives selected by the following entities from among their elected members:”.

Amend sec. 4, page 1, line 13, by deleting “(a)” and inserting “(1)”.

Amend sec. 4, page 1, line 14, by deleting “(b)” and inserting “(2)”.

Amend sec. 4, page 2, line 1, by deleting “(c)” and inserting “(3)”.

Amend sec. 4, page 2, by deleting line 2 and inserting: *“city in the county; and*

(b) Representatives selected by the board of county commissioners as follows:

(1) Two representatives who are physicians licensed to practice medicine in this State;

(2) One representative who is a nurse licensed to practice nursing in this State;

(3) One representative who has a background or expertise in environmental health or environmental health services; and

(4) One representative of either the tourism industry or another industry that is subject to regulation by the health district.”.

Amend the bill as a whole by deleting sec. 8 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer must:

(a) Be licensed to practice medicine or osteopathic medicine in this State; and

(b) Have at least the following education or experience:

(1) A master’s degree in public health administration, health care administration or a health-related field; or

(2) Ten years of experience in an administrative position in a local, state or national health facility, health department, health program or health organization.

3. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board.

4. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.”.

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sections 12 through 36 as sections 10 through 34.

Amend sec. 36, page 21, line 33, by deleting "26," and inserting "24,".

Amend sec. 36, page 21, line 34, by deleting: "28 to 35," and inserting: "26 to 33,".

Amend sec. 36, page 21, line 35, by deleting "26" and inserting "24".

Amend sec. 36, page 21, line 41, by deleting "27" and inserting "25".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblymen Parks and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 331.

Amend section 1, page 2, line 27, after "Commission." by inserting: "*At least 40 percent of the money expended annually pursuant to this subsection must be used for projects to manage and control the natural predators of mule deer.*".

Assemblywoman Buckley moved to not adopt the amendment.

Remarks by Assemblywoman Buckley.

Amendment not adopted.

The following amendment was proposed by Assemblymen Claborn, Smith, and Perkins:

Amendment No. 635.

Amend section 1, page 2, by deleting lines 3 through 29 and inserting:

"501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for ~~the~~ :

(a) *The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State ~~and~~ ; and*

(b) *The management and control of predatory wildlife in this State.*

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction or partnership in wildlife drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Trust Account,

must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than the interest earned on the money in the Account during the previous year. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; expanding the purposes for which the money in the Wildlife Heritage Trust Account must be used to include expenditures for the management and control of predatory wildlife in this State; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 629.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that the provisions of this act shall not be construed as impairing or otherwise affecting the right of a person to bring an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive.”.

Amend the bill as a whole by deleting sec. 2, renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. *“Owner” includes, without limitation, the owner of a planned unit development.*”.

Amend sec. 4, page 2, line 8, by deleting: “sections 2 and 3” and inserting “section 2”.

Amend sec. 5, page 2, by deleting lines 35 through 40 and inserting: “professional fee.

5. *A contractor does not include an owner of a planned unit development who enters into a contract with a general contractor to perform any service or conduct any activity described in subsection 2 or 4.*”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 5, to read as follows:

“Sec. 7. NRS 624.606 is hereby amended to read as follows:

624.606 As used in NRS 624.606 to 624.630, inclusive, *and section 4 of this act*, the words and terms defined in NRS 624.607 and 624.608 *and section 4 of this act* have the meanings ascribed to them in those sections.”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; providing that certain owners of planned unit developments are not contractors; providing that such owners are subject to certain rights and duties with respect to contracts and subcontracts; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 553.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 643.

Amend sec. 5, page 2, line 40, by deleting “\$750” and inserting “\$500”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 183.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 636.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against:*

(a) *The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:*

(1) Reports to his immediate supervisor, in writing, that, in his professional judgment, an assignment to provide nursing services to a patient would harm the patient; and

(2) Refuses to provide the nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.

(b) The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:

(1) Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(2) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the licensee or nursing assistant concerning his competence to provide various nursing services, he does not possess the knowledge, skill or experience to comply with the assignment to provide nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.

2. An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against the licensee or nursing assistant because the licensee or nursing assistant has taken an action described in subsection 1.

3. An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of the licensee or nursing assistant to take an action described in subsection 1.

4. As used in this section, “retaliate or discriminate”:

(a) Includes, without limitation, the following action if such action is taken solely because the licensee or nursing assistant took an action described in subsection 1:

(1) Frequent or undesirable changes in the location where the licensee or nursing assistant works;

(2) Frequent or undesirable transfers or reassignments;

(3) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(4) A demotion;

(5) A reduction in pay;

(6) The denial of a promotion;

(7) A suspension;

(8) A dismissal;

(9) A transfer; or

(10) Frequent changes in working hours or workdays.

(b) Does not include action described in subparagraphs (1) to (10), inclusive, of paragraph (a) if the action is taken in the normal course of employment or as a form of discipline.

Sec. 3. 1. A licensee or nursing assistant who has been retaliated or discriminated against in violation of subsection 2 or 3 of section 2 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.

2. If the licensee or nursing assistant prevails in such an action, he may be awarded as damages:

(a) Payment for any hours which he was unable to work as a result of the retaliation or discrimination, based on his current hourly rate of pay; and

(b) Any other amount deemed appropriate by the court.”.

Amend the title of the bill by deleting the first through sixth lines and inserting:

“AN ACT relating to nursing; prohibiting employers and certain other persons from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination may recover certain ”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits employers and certain other persons from retaliating or discriminating unfairly against certain nurses and nursing assistants for refusing to provide nursing services under certain circumstances. (BDR 54-927)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assembly Bill No. 260.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 628.

Amend sec. 6, page 2, line 38, by deleting “control;” and inserting: “control for a public health agency;”.

Amend sec. 6, page 3, line 4, after “performed” by inserting “by and”.

Amend sec. 6, page 3, line 9, by deleting “remediation; or” and inserting “remediation;”.

Amend sec. 6, page 3, line 10, by deleting “engineering.” and inserting: “engineering;

(d) Cleaning up and disposing of hazardous waste and substances performed by a person who is certified by the State Department of Conservation and Natural Resources pursuant to NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the cleanup

and disposal of the hazardous waste and substances is performed directly by and for a public health agency;

(e) Zoonotic disease ecology or vector-borne disease ecology, or both, when the practice in that field is performed as a specialty; or

(f) Mining performed by an employee of a mining company engaged in mining operations in this State.”.

Amend sec. 19, page 7, line 33, by deleting “subsection 3,” and inserting : “subsections 2 and 3,”.

Amend sec. 19, pages 7 and 8, by deleting lines 34 through 43 on page 7 and lines 1 through 7 on page 8, and inserting: “environmental health specialist, an applicant ~~must have:~~

~~(a) A:~~

(a) Must:

(1) Possess a baccalaureate or higher degree from an ~~accredited college or university;~~

~~(b) Satisfactorily] institution of higher education approved by the Board;~~

(2) Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work ~~[approved by the Board in environmental health and public hygiene or the physical and biological sciences, or a combination of both; and~~

~~(c) A:] in basic science courses, including, without limitation, biology, chemistry, physics, geology, sanitary engineering or environmental engineering;~~

(3) Have passed the written examination pursuant to NRS 625A.120; and

(4) Have at least 2 years of experience approved by the Board in this field of public health ~~[-]~~ ;

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and pass the written examination pursuant to NRS 625A.120; or

(c) Must possess training or experience obtained during service in the military forces of this State or of the United States which the Board determines is equivalent to the training and experience of a person to whom a basic certificate must be issued pursuant to subsection 2.”.

Amend sec. 19, page 8, line 8, by deleting “may ~~[register]~~” and inserting: “~~[may register]~~ shall”.

Amend sec. 19, page 8, line 10, by deleting: “~~[-]~~ if he:” and inserting: “~~[-]~~ if he:” if the person:”.

Amend sec. 19, page 8, line 15, by deleting “had” and inserting “~~[had]~~ completed”.

Amend the title of the bill by deleting the eighth and ninth lines and inserting: “elected biennially on or before a certain date; requiring the issuance of a basic certificate of registration as an”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.
Amendment adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 69 be taken from its position on General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 31.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:
Amendment No. 641.

Amend section 1, page 2, line 31, by deleting “and”.

Amend section 1, page 2, by deleting lines 32 and 33 and inserting:

“(2) *The records will be used for a journalistic purpose; and*

(3) *The local governmental entity has removed from the records any personally identifying information concerning a natural person, unless the natural person whom the personally identifying information concerns, or the parent or legal guardian of that person, as applicable, has consented to the release of such information. If a request for the disclosure of records pursuant to this paragraph meets the requirements of subparagraphs (1) and (2) but consent to the release of personally identifying information has not been obtained pursuant to this subparagraph, the local governmental entity shall remove the personally identifying information from the records and provide the records as requested.*

3. *Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.*

4. *As used in this section, unless the context otherwise”.*

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.”.

Amend the title of the bill, eighth line, after “purposes;” by inserting: “prohibiting a local governmental entity from requiring a social security number to be provided for certain purposes;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 530.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Conklin:

Amendment No. 631.

Amend sec. 5, page 4, line 16, by deleting “*satisfies*” and inserting: “*establishes by sufficient evidence that he satisfied*”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Assembly Bill No. 528:

YEAS—34.

NAYS—Arberry, Giunchigliani, Kirkpatrick, Koivisto, Leslie, McCleary, Pierce, Smith—8.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 42:

YEAS—42.

NAYS—None.

Assembly Bill No. 42 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 43:

YEAS—42.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 66:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick,
Holcomb, Mabey, Marvel, Ocegüera, Seale, Sherer, Sibley—16.

Assembly Bill No. 66 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 128:

YEAS—42.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185

Bill read third time.

Remarks by Assemblymen Gansert and Horne.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 185 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 497 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

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

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that Assembly Bill No. 69 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 260 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 142 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 183 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 210 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 210.

Bill read third time.

The following amendment was proposed by the Assemblyman Hogan:

Amendment No. 648.

Amend section 1, page 3, line 14, by deleting “work;” and inserting: “*work, or his designee;*”.

Amend section 1, page 3, line 18, by deleting “work;” and inserting: “*work, or the designee of such a subcontractor;*”.

Amend section 1, page 3, line 30, after “*payment*” by inserting: “*in an amount not to exceed \$500*”.

Amend section 1, page 3, by deleting lines 31 through 34 and inserting: “*subcontractor engaged on a public work for each failure of the contractor or subcontractor to file a report required pursuant to subsection 1 until such a report is filed. Upon the filing of the report, the public body shall promptly pay the amount of money withheld pursuant to this subsection for the failure to file that report, without interest, to*”.

Assemblyman Hogan moved the adoption of the amendment.

Remarks by Assemblyman Hogan.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 183.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 650.

Amend section 1, page 2, line 2, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend sec. 3, page 3, lines 41 and 42 by deleting: “*believes that he*”.

Amend the bill as a whole by deleting sec. 4.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 644.

Amend sec. 5, pages 2 and 3, by deleting lines 18 and 19 on page 2 and lines 1 through 6 on page 3, and inserting:

“Sec. 5. 1. *Any person listed in section 6 of this act who wishes to have personal information about himself that is contained in the records of a county assessor be kept confidential must obtain an order of a court, based on a sworn affidavit by the person that he qualifies as a person listed in section 6 of this act, that requires the county assessor to maintain the personal information of the person in a confidential manner.*”

2. *Upon receipt of such an order, a county assessor shall keep such information confidential and*".

Amend sec. 8, page 5, between lines 7 and 8, by inserting:

"(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose."

Amend sec. 11, page 6, line 2, by deleting "may:" and inserting "may".

Amend sec. 11, page 6, by deleting lines 3 and 4.

Amend sec. 11, page 6, line 5, by deleting "2. Revoke" and inserting "revoke".

Amend sec. 13, page 6, by deleting line 20.

Amend sec. 13, page 6, line 21, by deleting: "*of this act, a*" and inserting "2. A".

Amend sec. 14, page 6, line 29, by deleting "*of:*" and inserting: "*of a misdemeanor.*".

Amend sec. 14, page 6, by deleting lines 30 through 34.

Amend sec. 16, page 7, line 5, by deleting "*of:*" and inserting: "*of a misdemeanor.*".

Amend sec. 16, page 7, by deleting lines 6 through 10.

Amend the bill as a whole by deleting sections 17 and 18 and renumbering sec. 19 as sec. 17.

Amend the title of the bill by deleting the sixth through ninth lines.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 260.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 652.

Amend sec. 19, page 8, line 3, by deleting "*subsection*" and inserting: "*subsections 2 and*".

Amend sec. 19, page 8, by deleting lines 26 through 28 and inserting:

"(c) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to the training and experience of a person to whom a basic certificate must be issued pursuant to subsection 2."

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 651.

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

“1. A labor organization may require an”.

Amend section 1, page 2, by deleting lines 16 through 24 and inserting:

“3. As used in this section, “labor organization” includes an employee organization”.

Amend the bill as a whole by deleting sections 3 through 5.

Amend the title of the bill to read as follows:

“AN ACT relating to labor organizations; authorizing a labor organization to require an employee in a bargaining unit who is not a member of the labor organization and who requests and receives services from the labor organization to pay to the labor organization a service fee which represents the reasonable costs incurred by the labor organization in providing those services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes labor organization to require employee in bargaining unit who is not member of that labor organization to pay service fee under certain circumstances. (BDR 53-956)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 188.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 645.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. Except as otherwise provided in this section or by specific statute:

(a) If a person or his agent provides the electronic mail address of the person to a governmental entity for the purpose of or in the course of communicating electronically with that governmental entity, the governmental entity may maintain the electronic mail address in a database.

(b) A database described in this subsection and the electronic mail addresses contained therein is confidential and not a public book or record within the meaning of NRS 239.010.

2. The electronic mail address of a person is not confidential and may be disclosed if the person or his agent provides the electronic mail address to a governmental entity:

(a) In the course of an existing business or contractual relationship with the governmental entity; or

(b) In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.

3. *A governmental entity shall disclose the confidential electronic mail addresses contained in a database described in subsection 1 in response to an order issued by a court upon a finding that the disclosure of the electronic mail addresses is necessary:*

(a) To protect the public safety; or

(b) To assist in the investigation or prosecution of a crime.

4. *The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address of a person.”.*

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 189.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 634.

Amend sec. 8, pages 8 and 9, by deleting lines 42 through 45 on page 8 and lines 1 through 6 on page 9, and inserting:

~~“6.”~~ 4. The order of the Commission is a final decision in a”.

Amend sec. 8, page 9, line 19, by deleting “6.” and inserting “5.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226

Bill read third time.

Remarks by Assemblyman Claborn.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 226 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Conflict of interest declared by Assemblyman Carpenter.

Roll call on Assembly Bill No. 255:

YEAS—41.

NAYS—None.

NOT VOTING—Carpenter.

Assembly Bill No. 255 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 257:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Roll call on Assembly Bill No. 278:

YEAS—42.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblywomen Koivisto and Gansert.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Assembly Bill No. 296:

YEAS—29.

NAYS—Allen, Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb,
Marvel, Seale, Sherer, Sibley—13.

Assembly Bill No. 296 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 322:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick,
Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 322 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 334:

YEAS—42.

NAYS—None.

Assembly Bill No. 334 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 338 be taken
from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 342:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 355:

YEAS—42.

NAYS—None.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360

Bill read third time.

Remarks by Assemblywoman Weber.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman McClain moved that Assembly Bill No. 360 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman McClain.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 364:

YEAS—42.

NAYS—None.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblymen Sibley and Seale.

Conflict of interest declared by Assemblyman Seale.

Roll call on Assembly Bill No. 371:

YEAS—41.

NAYS—None.

NOT VOTING—Seale.

Assembly Bill No. 371 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 384:

YEAS—42.

NAYS—None.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 385 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 500 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

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

Assembly in recess at 1:31 p.m.

ASSEMBLY IN SESSION

At 1:48 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 419:

YEAS—42.

NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 425:

YEAS—36.

NAYS—Allen, Angle, Carpenter, Hardy, Marvel, Sibley—6.

Assembly Bill No. 425 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 426:

YEAS—42.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Parks and Parnell.

Roll call on Assembly Bill No. 484:

YEAS—42.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 496:

YEAS—42.

NAYS—None.

Assembly Bill No. 496 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 501:

YEAS—42.

NAYS—None.

Assembly Bill No. 501 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Remarks by Assemblymen Sibley, Perkins, Parks, Buckley, Carpenter, Hardy, and Smith.

Potential conflict of interest declared by Assemblymen Smith and Sibley.

Roll call on Assembly Bill No. 508:

YEAS—2.

NAYS—Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, Weber—40.

Assembly Bill No. 508 having failed to receive a two-thirds majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 521:

YEAS—42.

NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 538:

YEAS—41.

NAYS—Hardy.

Assembly Bill No. 538 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblymen Conklin and Smith.

Potential conflict of interest declared by Assemblywoman Smith.

Roll call on Assembly Bill No. 540:

YEAS—42.

NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen Perkins and Carpenter.

Roll call on Assembly Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 11 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.
Motion carried.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 5:11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 26, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 189.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 226, 233, 385, 497, 499, 500 and 530.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bill No. 499 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 530 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 189 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 185 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 188 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 275 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 511 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 360 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 185.

Bill read third time.

The following amendment was proposed by Assemblywoman Gansert:

Amendment No. 656.

Amend sec. 3, page 3, by deleting lines 28 and 29 and inserting: "challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and".

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 497:

YEAS—42.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 15:

YEAS—42.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 31:

YEAS—42.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 69:

YEAS—42.

NAYS—None.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 142 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 158:

YEAS—42.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 183:

YEAS—42.

NAYS—None.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 186:

YEAS—40.

NAYS—Angle, Gansert—2.

Assembly Bill No. 186 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 193:

YEAS—42.

NAYS—None.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblymen Hogan, Carpenter, and Munford.

Roll call on Assembly Bill No. 210:

YEAS—34.

NAYS—Angle, Christensen, Goicoechea, Hardy, Mabey, Seale, Sherer, Sibley—8.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 233 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 452 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblymen Sibley, Giunchigliani, and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 312:

YEAS—39.

NAYS—Carpenter, Goicoechea—2.

NOT VOTING—Angle.

Assembly Bill No. 312 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Roll call on Assembly Bill No. 380:

YEAS—39.

NAYS—Angle, Christensen—2.

NOT VOTING—Hardy.

Assembly Bill No. 380 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblymen Conklin, Carpenter, Buckley, and Anderson.

Roll call on Assembly Bill No. 455:

YEAS—30.

NAYS—Anderson, Carpenter, Christensen, Goicoechea, Grady, Hardy, Hettrick, Hogan,
Mabey, Marvel, Parnell, Sherer—12.

Assembly Bill No. 455 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Roll call on Assembly Bill No. 456:

YEAS—42.

NAYS—None.

Assembly Bill No. 456 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblymen Angle, Parks, Giunchigliani, Conklin, and Hardy.

Roll call on Assembly Bill No. 480:

YEAS—36.

NAYS—Angle, Christensen, Grady, Hardy, Sherer, Sibley—6.

Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 552:

YEAS—32.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Marvel, Seale, Sibley—10.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblymen Allen, Grady, Buckley, and Conklin.

Roll call on Assembly Bill No. 553:

YEAS—35.

NAYS—Angle, Carpenter, Goicoechea, Grady, Holcomb, Mabey, Marvel—7.

Assembly Bill No. 553 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 188:

YEAS—42.

NAYS—None.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 360:

YEAS—42.

NAYS—None.

Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 142 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 452:

YEAS—40.

NAYS—Parnell, Sherer—2.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 6:24 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 185 just returned from the printer be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblymen Parks, McCleary, Hardy, Horne, Leslie, and Mr. Speaker.

Potential conflict of interest declared by Mr. Speaker.

Roll call on Assembly Bill No. 142:

YEAS—32.

NAYS—Angle, Arberry, Carpenter, Giunchigliani, Hardy, Marvel, McCleary, Sibley, Smith, Weber—10.

Assembly Bill No. 142 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Allura Addington, Alyssa Addington, Jesus Aguilar, Adilene Agustin, Sinjin Anderson, Jolena Aquino, Cristina Barajas, Alan Barba, Celeste Bedolla, Joshua Boals, Michael Bowers, Angel Camarena, Mariela Castillo, Eduardo Cervantes, Jaimie Ceja, Tanya Chavez, Yesenia Corral, Stephanie Dominguez, Nicole Eastman, Jared Eaton, Karen Espitia, Codi Ferro, Nina Franco, Janet Godoy, Daniel Gomez, Juan Gonzalez, Zane Green, Elizabette Hernandez, Francisco Herrera, Edgar Hinojosa, Karen Innocence, Tyler Johnson, Jared Johnson, Anthony Kimpan, Kelly Lannes, Kimberly Lara, Miguel Bernal, Janet Mancha, Matthew Mangoang, Jahahi Mazariego, Nancy Mendoza, Maira Murrillo-Manzo, Anna Navarro, Linda Nelson, Aaron Nieznanski, Alex Nieznanski, Samantha Overton, Ulises Medina, Fabian Padilla, Karen Palomino, Roshani Patel, Miguel Pina, Lillian Ponce, Tiffany Reynolds, Ciara Lambright, Paige McElroy, Sunny Singh, Daniel Sanchez, Duane Scott, Kevan Scott, Luis Segura, Jonathan Serafin, Brenda Serafin, Desirae Serrano, Shelby Shrom, Marilyn Snider, Alyssa Southworth, Cynthia Felix-Torres, James Thornton, E. Yazmin Trujillo, Ivan Trujillo, Pedro Velasquez, Jessica Villasenor, Ada Weninger, Chris Wolken, Dino Moler, Dana Ryan, Eric Wacker, Judy Spencer, Lalita Cole, Chris MacDonald, Judy Norton, Karla Carr, and Kelly Hulse.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Menashe M. Bovit and Raphael N. Bovit.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Dobosh.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Magner, Jeanne Abercrombie, Laurie Johns, Joe Torres, Brandon Murray, Alejandro Rios, Christopher Spencer, Dakota Cave, Katarina Pancho, and Alexander Pray.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 27, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:37 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 27, 2005

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Christensen and McClain, who were excused.

Prayer by the Chaplain, Deacon Bob Evans.

Let us pray. We give You thanks, Lord, for the overnight rain, for the ways in which You nourish the earth and, therefore, each of us. Help us, Lord, in response to Your generosity, to be good custodians of the land and the creatures which inhabit the earth. We give You thanks, Lord, for all the people who assist us to live a fruitful and happy life. Help us, Lord, in response to Your generosity, to serve those people well who have put their trust in us. We prayerfully respond.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguela moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 104, 105 and 532; Senate Bills Nos. 12, 87, 108, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 21, 31, 62, 64, 67, 81, 98, 109, 115, 123, 125, 130, 153, 172, 184, 193, 212, 219, 224, 229, 233, 243, 245, 252, 262, 263, 267, 276, 286, 296, 323, 325, 329, 337, 338, 343, 344, 365, 384, 386, 389, 397, 402, 411, 420, 430, 431, 452, 453, 457, 462, 464, 473, 475, 477, 481, 488.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Ocegueda, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 23—Urging public and private entities to work together to establish a statewide system of care for patients suffering from strokes.

WHEREAS, The American Stroke Association, a division of the American Heart Association, is promoting the message “Time Lost = Brain Lost” to offer advocates for stroke awareness an opportunity to educate the public and policymakers about the devastating effects of a stroke; and

WHEREAS, Statistics reveal that every 45 seconds on average, someone in the United States suffers a stroke, which means that each year, about 700,000 persons in this country are victims of a new or recurrent stroke, and there are approximately 4.8 million stroke survivors in our nation today; and

WHEREAS, Strokes are a leading cause of serious, long-term disability and can result in both physical and emotional devastation, leaving many victims struggling with activities of daily living and 15 to 30 percent of victims permanently disabled; and

WHEREAS, Strokes are the third leading cause of death in the United States, with one death occurring every 3.3 minutes, and in Nevada last year, strokes accounted for over 1,000 deaths; and

WHEREAS, In 2004, the estimated direct and indirect costs of strokes in this nation totaled about \$53.6 billion; and

WHEREAS, The Institute of Medicine of the National Academies has concluded that the fragmentation of the delivery of health care services for stroke victims frequently results in suboptimal treatment, safety concerns, and inefficient use of health care resources; and

WHEREAS, The Institute of Medicine has recommended the establishment of coordinated systems of care that integrate services for prevention and treatment of strokes and promote access by each patient to care that is based on the best evidence available at the time of treatment; and

WHEREAS, The Health Division of the Department of Human Resources and the American Stroke Association are working on a systems approach that is necessary to effectuate true change in the way strokes are treated statewide so that patients have access to the most advanced treatment in centers that are best designed and equipped to deal with the critical and time-sensitive needs of stroke patients; and

WHEREAS, The main purpose of such a statewide system of care is to establish a systems approach for assisting stroke patients that includes the development and recognition of primary stroke centers, emergency medical services, protocols and field triage, transfer of stroke victims between facilities, and collection of data relating to strokes; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature of the State of Nevada recognizes the importance of proper care for victims of strokes and calls upon public and private entities to work together to establish a cohesive statewide system of care for all residents of this state who suffer from strokes; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the Department of Human Resources and to the Vice President of the American Stroke Association.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera and Carpenter.

Resolution adopted.

Assemblyman Ocegüera moved that all rules be suspended and that Assembly Concurrent Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 21.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 31.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 62.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 64.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 67.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 81.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 98.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 109.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 115.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 123.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 125.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 130.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 153.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 172.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 184.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 193.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 212.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 219.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 224.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 229.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 233.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 243.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 245.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 252.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 262.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 263.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 267.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 276.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 286.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 296.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that the action whereby Senate Bill No. 286 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblyman Ocegueda moved that Senate Bill No. 286 be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 323.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 325.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 329.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 337.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 338.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 343.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 344.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 365.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 384.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 386.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 389.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 397.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 402.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 411.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 420.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 430.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 431.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 452.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 453.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 457.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 462.

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

Motion carried.

Senate Bill No. 464.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 473.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 475.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 477.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 481.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 488.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Washington, Mathews, Raggio, Townsend, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, and Wiener; Assemblymen Anderson, Marvel, Smith, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Weber:

Senate Concurrent Resolution No. 23—Memorializing Tony Armstrong, beloved Mayor of the City of Sparks.

WHEREAS, The members of the Nevada Legislature wish to express their condolences and deep sorrow on the passing of Tony Armstrong, the beloved Mayor of the City of Sparks, on January 29, 2005; and

WHEREAS, Tony Armstrong was born in Philadelphia, Pennsylvania, on September 3, 1945, and moved to Sparks when he was 4 years of age, with his mother and younger brothers, attending local schools including graduating from Sparks High School; and

WHEREAS, Growing up in humble circumstances, Tony was a self-professed troublemaker until, at the age of 14 years, he got caught skipping school and had to spend several hours in a jail cell alone, an experience which he said made him a different person and changed the path of

his life, otherwise the people of Sparks may never have experienced the pleasure of having Tony Armstrong as their Mayor; and

WHEREAS, Tony Armstrong, a licensed general contractor, had a strong work ethic, starting his own successful construction inspection business; and

WHEREAS, In 1989, Tony Armstrong was elected as a Councilman for the City of Sparks, now Nevada's fifth largest city with a population of almost 80,000, and was reelected twice; and

WHEREAS, Tony was elected Mayor of the City of Sparks in 1999 and was serving his second term at his passing, successfully steering the Rail City to healthy growth with thriving businesses and expanding neighborhoods, while still keeping that small hometown feeling; and

WHEREAS, As a public official, Tony Armstrong is largely credited with such successful developments as Victorian Square and the Sparks Marina, while taking time to attend school functions, grand openings, dedications, parades and other special events; and

WHEREAS, Under the watchful eye of Tony Armstrong, Sparks became known for its special events that include the entire family, such as the Star Spangled Sparks fireworks extravaganza, the Sparks Hometowne Farmers' Market, the Sparks Hometowne Christmas gala, the Big Easy, Hot August Nights, and the Best in the West Nugget Rib Cook-Off; and

WHEREAS, Geno Martini, former Councilman who was recently named Mayor of the City of Sparks and a friend of Tony Armstrong's since the third grade, said, "What made him stand out as a politician was a passion for his job of Mayor, his honesty and his connection with the people"; and

WHEREAS, Preferring to be called "Tony," rather than "Mr. Mayor," he was known for his willingness to always give a hand to anyone in need and for his friendliness, making everyone who met him feel they had a personal relationship with him; and

WHEREAS, Because Tony Armstrong disliked suits and ties, people were asked to wear casual attire to the service to celebrate his life, with about 2,000 people wearing such clothing as blue jeans, khaki pants, golf shirts and cowboy boots to show their respect for "the people's Mayor," and even Governor Kenny Guinn and Pastor Randy Siever of Sparks Christian Fellowship Church got in the spirit by wearing Hawaiian shirts; and

WHEREAS, His daughter Misti remembers Tony as a perfect father who always made time for his family, no matter how busy his schedule; and

WHEREAS, Upon learning that her grandfather had passed away, 7-year-old Madison consoled her parents by writing "Dear Mom and Dad, I'm sorry that Papa died. Hopefully, God has a Mayor up in the sky."; and

WHEREAS, Tony Armstrong is survived by Debby, his loving wife of 22 years, sons Richard and Keith Armstrong, daughter Misti Franco, and grandchildren Kierra, Madison, Kole, and James; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That Tony Armstrong will be remembered for attaining many great successes on behalf of the people and the city that he loved so much, while maintaining the friendliness and caring attributes that made the residents of Sparks return that affection; and be it further

RESOLVED, That the people of the City of Sparks will surely feel the presence of Tony Armstrong as they celebrate the Sparks Centennial because he will be watching over the city that he treasured and of which he was so proud; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Debby Armstrong, cherished wife of Tony.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Marvel, Smith, and Angle.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington; Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 24—Expressing the support of the Legislature for implementing standards for the social studies curriculum that is offered in Nevada schools, particularly in the area of civics and the skills and values of citizenship.

WHEREAS, In 2003, the Nevada Legislature enacted legislation, Senate Bill No. 309, chapter 387, Statutes of Nevada 2003, at page 2257, which established the Advisory Committee on Participatory Democracy within the Office of the Secretary of State and required the preparation of a report for the 73rd Session of the Legislature evaluating efforts currently in progress to implement standards for the social studies curriculum that is being offered in Nevada schools, particularly in the area of civics and the skills and values of citizenship; and

WHEREAS, A report has been filed with the 73rd Session of the Legislature setting forth goals and a work plan for Nevada that would enable school officials to better evaluate the efforts currently in progress to implement standards for the social studies curriculum that is offered in Nevada schools, particularly in the area of civics and the skills and values of citizenship; and

WHEREAS, The Legislature finds that to ensure the health of American democracy, every student in kindergarten through high school, as well as in postsecondary school, needs to learn and experience the fundamental ideas, principles and values on which this nation was founded and to graduate ready for the responsibilities of citizenship; and

WHEREAS, In the 2004 General Election, the county clerks and registrars of voters in Nevada were confronted with record numbers of voter registrations and a record voter turnout; and

WHEREAS, The Secretary of State and the Advisory Committee for Participatory Democracy have achieved great strides in reaching the goals outlined in Senate Bill No. 309 of the 2003 Legislative Session and have established the first Jean Ford Democracy Award; and

WHEREAS, The Legislature urges every school district, with the assistance of the State Board of Education, the Board of Regents of the University of Nevada and any other educational officers involved in reviewing and approving the social studies curriculum used in this state to:

1. Provide all students with a high-quality, engaging and rigorous civic learning experience;
2. Support the civic mission of schools with adequate resources and trained teachers; and
3. Maintain standards for civic learning and the means to assess students and schools in meeting them; and

WHEREAS, The Legislature desires to express its support for the Campaign for the Civic Mission of Schools, a project of the Council for Excellence in Government and the Academy for Educational Development funded by the Carnegie Corporation of New York and the John S. and

James L. Knight Foundation, which has awarded a \$150,000, 2-year grant to the Nevada coalition to carry out state advocacy and policy activities to implement the recommendations in the report *Civic Mission of Schools*; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislature hereby declares that it is committed to working with the Advisory Committee on Participatory Democracy, the Department of Education, the State Board of Education, the Superintendent of Public Instruction and each local school district, with the advice and assistance of the University and Community College System of Nevada and the Board of Regents of the University of Nevada, in supporting the goals and work plan as submitted pursuant to Senate Bill No. 309 of the 2003 Legislative Session; and be it further

RESOLVED, That the Legislature reaffirms its support for the efforts of the Secretary of State and the Advisory Committee on Participatory Democracy to reach the goals for voter registration and voter participation set forth in that bill for the 2008 General Election; and be it further

RESOLVED, That the Advisory Committee on Participatory Democracy, working with the Superintendent of Public Instruction and representatives of other pertinent education organizations interested in improving civic learning in Nevada, should meet before the start of the 2007 Legislative Session to review the status of the recommendations presented in this resolution; and be it further

RESOLVED, That the Advisory Committee and Superintendent shall make a full report to the 74th Session of the Nevada Legislature on the achievement of the goals set forth in this resolution; and be it further

RESOLVED, That the Legislature hereby honors the first two recipients of the Jean Ford Democracy Award, Larry Struve, Outstanding Public Citizen, and Mark Peplowski, Outstanding Educator, for exemplary service in promoting participatory democracy in this state; and be it further

RESOLVED, That the Legislature hereby declares April 27, 2005, Democracy Day in the Nevada State Legislature; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Larry Struve, Mark Peplowski, the President of the State Board of Education, the Superintendent of Public Instruction, the Chairman of the Board of Regents of the University of Nevada, the Secretary of State, and the Advisory Committee on Participatory Democracy.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywoman Parnell.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

GENERAL FILE AND THIRD READING

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 496:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, McClain—2.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 62 was referred to the Committee on Natural Resources, Agriculture, and Mining be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 62 be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debby Armstrong, Richard Armstrong, Keith Armstrong, Misty Franco, John Armstrong, Evelyn Johnston, Sara Rimbey, Justine Rimbey, and Susan Bemus.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Bryan.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Parker.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Henderson.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mario Lopez, Megan Franklin, Ryan Brock, Bonnie Serpa, Cindy Myers, Karen Scarbrough, Patrice Klaich, Sheri Boyden, Kelly Boyer, Gretchen Diggs, Gabrielle Bartl, Nicholas Bennett, Sierra Bertram, Brent Bremer, Riley Brown, Mackenzie Burgess, Serena Evans, Madison Fagg, Justin Fourgis, Madeline Genco, Michael Gore, Samantha Hutchens, Allison Kolseth, Victoria Legg, Scott Meyerhoff, Jessica Moore, Nicholas Ouellette, Megan Ranklin, Malyne Rasmussen, Alex Sagastume, Alberto Santana, Leslie Ryan, Tyler Salazar, Ethan Utley, Jared Welch, Madeline Wilson, Serrina Aguilar, Davison Beenfeldt, Hayley Blonsley, Amy Bodner, Rodrigo Campos, Bryce Carroll, Jacey Crane, Mikey Cogliano, Aariah Emeterio, David Hinitz, Jake Huneycutt, Alyson King, Haili Kovac, Kimberly Martinez, Elyse Matos, Emily Meany, Joshua Mendez, Hannah Myers, Joe Olivares, Kimberley Pena, Anna Scarbrough, Adrian Serrano-Siordia, Ada Smith, Zoe Swenson, Marissa Valdez, Jacob Becker, Dominic Beye, Brett Boyer, Connor Bradley, Ryan Diggs, Chase Ferrell, Chloe Ferguson, Matthew Feters, Sam Genis, Davis Goicoechea, Adam Hettinger, Keegan Keller, Lauren Klaich, Audrey Krater, Kasey Lau, Ben Lerude, Nicholas Morales, Kate Ploeger, Ashley Stone, Ben Stone, Emily Student, Trevor Students, Esteban Valle,

Nicholas Vellis, Kylie Woodman, Weston Zach, Erica Drummer, Emma Boyden, Eric Lerude, and Stephanie Lerude.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Asay.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Keira Lowry, Samantha Altergott, Casey Scott, Christopher Carnes, Brittany Gross, Andrew Gonzalez, Jake Weirich, Michael Mathews, Erika Estrada, Whitnie Woodard, Jonathan Osborne, Francis Rossi, Cheyanne Echlar, Brooke Maze, Victoria Parker, Ashley Dunn, Braize Huxford, Candice Childress, Ms. Carolyn Soliman, Kathleen Lowry, Janette Scott, Darlene Carnes, Heidi Gross, Stacy Altergott, Stacy Parker, Terry Dunn, Rachelle Huxford, Gigi Cordero, Lauren Denney, Tore Grasso, Callie Griffin, Jason Gusman, Kenneth Halstead, T.J. Hatfield, Jestina Jurgschat, Darrian Kister, Joseph Miller, Zayna Neill, Gary Ortiz, Emilia Oscilowicz, Eliza Randall, Austin Roefer, Marissa Smith, Margaret Denney, Mr. Lee Esplin, LaDonna Hollifield Grasso, Brent Griffin, Marcella Posthuma, Carol Lynn Broadbent, and Paul Katz.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Mullikin.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Holcher.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Lehman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Emile Fedoror.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Reich, Allyson Herring, Eric Batch, and Debbie Estes.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Peplowski and Larry Struve.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Dini, Mouryne Dini, and Maria Lucia Cajarville.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Jacobsen.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Ziyad Pashich, Yozo Marich, Rahela Dzidich, Advan Mkrva, and Judy Simpson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Don Bryant.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Blackman.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, April 28, 2005, at 11:00 a.m. and do so in memory of Richard Burdett.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 28, 2005

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hettrick and McClain, who were excused.

Prayer by the Chaplain, Deacon Bob Evans.

Let us pray. Come to our assistance, O Lord. Come with Your mercy and compassion and shower us with these gifts. As we receive these gifts from You, O Lord, help us to be aware of those who need our pardon and reconciliation. Assist us, Lord, that we might respond to this awareness by knowing that it is in pardoning that we are pardoned and in reconciling we are given peace. It is in deep faith that we say . . .

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 137, 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Government Affairs.

BERNIE ANDERSON, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 52 be re-referred to the Committee on Government Affairs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Mathews, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 24—Memorializing lifelong humanitarian Thomas Eugene Swart.

WHEREAS, Tears of sadness were mingled with warm-hearted memories of, and with love and appreciation for, Thomas Eugene Swart upon his death on November 10, 2004; and

WHEREAS, Thomas Swart, a lifelong resident of Nevada, passed away in his home at the age of 92; and

WHEREAS, Tom was born in Sparks on October 29, 1912, to Elizabeth and Clarence Swart, and a neighbor from his “growing-up years” fondly recalls the neighborhood games played under the street lamps during their high school days; and

WHEREAS, Following his graduation as a “Railroader” from Sparks High School in 1930, Tom began working in the shops for the Southern Pacific Railroad and later became a salesman at Harry’s Business Machines, where he worked for 5 years selling typewriters and calculators; and

WHEREAS, Tom continued his career as a salesman by taking a job with Moore Business Forms, during the course of which he traveled his beloved state for 37 years until his retirement in 1974; and

WHEREAS, An untold number of lives were touched and enriched by Tom Swart as he became a pillar of humanitarianism in his community; and

WHEREAS, As the youngest Master, Scottish Rite, in the history of DeMolay’s Wadsworth Lodge No. 25 Free and Accepted Masons, Tom unselfishly dedicated time to help prepare young men to lead successful, happy and productive lives; and

WHEREAS, The years spent serving on the Board of the Shriners Hospital for Children that was located in San Francisco represented another aspect of Tom’s benevolent spirit toward others; and

WHEREAS, Tom further demonstrated his concern for the betterment of his fellow man through his participation in community service projects and programs with the Reno Kiwanis Club during the years he worked for Moore Business Forms; and

WHEREAS, Because of Tom’s enthusiasm about the history of the state of Nevada, and Sparks in particular, he was instrumental in the founding of the Sparks Heritage Foundation and Museum, and he spent many years volunteering there; and

WHEREAS, The installation of a proper monument at the Masonic Memorial Gardens Cemetery in Reno for former Governor Emmet Boyle, the first Nevada-born Governor, constitutes another community project for which Tom Swart’s involvement was critical; and

WHEREAS, In addition to the wonderful humanitarian efforts Tom performed for the state of Nevada, his legacy of warmth and friendliness lives through his family and the lives of those to whom he so generously gave; and

WHEREAS, Whenever the name of Tom Swart is mentioned, everyone who knew him will recall with great affection his tremendous memory and the engaging stories he loved to tell about his life; and

WHEREAS, One story that will probably be repeated often is a tale which proves that his love of life and adventure never grew old, as at the age of 80, Tom decided to ride the Giant Dipper, a monstrous, wooden rollercoaster in Santa Cruz, California, and the ride was great, but the hat was lost; and

WHEREAS, Tom was preceded in death by his beloved wife, Freda Fremd Swart of Susanville, California, and a marriage of 54 years speaks for his devotion to her and his family; and

WHEREAS, The admiration and appreciation for Thomas Swart from his community and the residents of Nevada is superseded only by the love of his family for this caring, giving, supportive husband, father, grandfather and great-grandfather; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby express their admiration and appreciation for the contributions made to the community of Reno-Sparks and to the state of Nevada by Thomas Eugene Swart; and be it further

RESOLVED, That each Legislator conveys sincere condolences to the family and friends of this model of the philanthropic spirit; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Thomas Swart's daughters, Barbara Courtney of Reno, Nevada, and Diane Johnson of Ashland, Oregon.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. For me, it is always hard to speak of people like Tom Swart, or his brother Hank, who clearly had a huge impact upon the community in which I live. Tom was a model native Nevadan. He was born in 1912 in the city and spent all of his life there, growing up along with the city. He graduated from Sparks High School in 1930, clearly a time period in the middle of the Great Depression. Imagine him going out and moving and selling product with Harry's Business Machines. His movement about the state put him in direct contact with every business and every store. He learned the inner workings of each one of those stores and the people in the stores, because Tom Swart was a people person. Everything he did was a relationship and your word was what it was. His involvement in life was constantly filled with what was good for the community as a whole. His knowledge of the inner workings of most businesses and where they were helped make him successful. Also, his activity within the Sparks Historical Society caused him to be in the center of what was happening.

However, that really doesn't carry the essence of who Tom Swart was. It was that "I am always up for the adventure," the riding of the roller coaster, the dapper dresser who made everybody think, "Gee, why is he here?" He was there to make sure things happened. He was the kind of person we all wanted to be. As a child, I looked to Tom as the kind of person you could be in a community to be effective, to hear and listen to your neighbors, to care about people.

So, when I was at his memorial service I wanted to make sure that I could share his memory and tell his family, once again, how important he was to all of us. He has always been active. The memorial for Emmet Boyle is a great example of that. He talked to me in 1999, saying we had ignored the first native-born governor of the state of Nevada and the youngest man ever to be the governor of the state, and he felt that was wrong. He felt something had to be done and when we reapportioned in 2001, lo and behold, he became part of my reapportioned district. He made it clear that he expected to see something done. In the last session, he was here, at 90 years of age, to make sure that we asked the State Historian, Mr. James, to work and get a memorial in

place. Last Memorial Day that stone was placed because Tom Swart wanted to make sure that we didn't forget about the giants who we stand on and are with. The giants, in fact, are people like Tom Swart. In honoring him today I believe we step forward to honor the kind of citizens who make our state what it is; the people with the heart and mind of Tom Swart, who brings the humor of life, the richness of life to all of us.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 24 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Weber, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith; Senators Rhoads, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 25—Commemorating the 20th anniversary of the sister-state relationship between the State of Nevada and the Republic of China on Taiwan.

WHEREAS, On October 24, 1985, the state of Nevada invited the Republic of China on Taiwan to join the state of Nevada as a sister state to strengthen international understanding and good will and to establish a greater friendship between the residents of Nevada and Taiwan; and

WHEREAS, For the past 20 years, the bonds of friendship have strengthened resulting in a better understanding of the economic, social, and cultural heritages of Nevada and Taiwan; and

WHEREAS, As a token of this friendship, in 1991, the people of Taiwan presented the state of Nevada with two beautiful metal state seals which were placed prominently on the north and south exterior walls of the Legislative Building; and

WHEREAS, In 1993, The state of Nevada was honored by receiving as a gift, five beautiful paintings by Professor James Yeh-Jau Liu and Professor Wang Ch'ang-chieh which are displayed inside the Legislative Building; and

WHEREAS, The commercial interaction with the Republic of China on Taiwan and the state of Nevada has grown substantially with each passing year resulting in increased economic growth for both Taiwan and Nevada; and

WHEREAS, Taiwan is the seventh-largest trade partner of the United States, with over \$45 billion in two-way trade in 2003; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature, on behalf of the people of the state of Nevada, do hereby express their sincere gratitude and appreciation to the people of the Republic of China on Taiwan for 20 years of enlightenment, friendship, and mutual economic growth as our sister state; and be it further

RESOLVED, That it is with great pride that the state of Nevada looks forward to many more rewarding years as a sister state with the Republic of China on Taiwan; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Director General Matthew S. Lee of the Taipei Economic and Cultural Office in San Francisco.

Assemblywoman Weber moved the adoption of the resolution.

Remarks by Assemblywoman Weber.

Resolution adopted.

Assemblywoman Weber moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Concurrent Resolution No. 26—Congratulating Director General Matthew S. Lee on assuming the position of Representative of the Taipei Mission to Latvia and Mark W. P. Liao on being named successor to the position of Director General of the Taipei Economic and Cultural Office in San Francisco, California.

WHEREAS, The Republic of China on Taiwan has been a true friend and partner of the state of Nevada in an enduring sister-state relationship for 20 years; and

WHEREAS, For more than 3 years, the Taipei Economic and Cultural Office in San Francisco has operated successfully under the guidance of the highly respected Director General Matthew S. Lee; and

WHEREAS, Upon assuming the position of Director General of the Taipei Economic and Cultural Office in San Francisco, Director General Matthew S. Lee quickly became a good friend of the state of Nevada, strengthening the bond that has grown with each passing year; and

WHEREAS, Among his many accomplishments during his term at the Taipei Economic and Cultural Office, Director General Matthew S. Lee has helped strengthen the relationship between the Republic of China on Taiwan and the state of Nevada; and

WHEREAS, Before his departure on June 10, 2005, to assume the position of Representative of the Taipei Mission to Latvia, Director General Matthew S. Lee will be honored in a number of receptions to be held in appreciation for his dedication, cooperation, and exceptional leadership; and

WHEREAS, On June 11, 2005, the honorable Mark W. P. Liao will assume the position of Director General of the Taipei Economic and Cultural Office in San Francisco; and

WHEREAS, Mark W. P. Liao's educational background includes a Bachelor of Arts degree from National Chengchi University in Taiwan and a Master of Science in Foreign Service degree from Georgetown University, and he also was a visiting scholar at Stanford University; and

WHEREAS, In addition to his outstanding educational background, Mark W. P. Liao has had a distinguished career with the Republic of China on Taiwan, including serving as Director General in Auckland, New Zealand, Director of Political Affairs in the United Kingdom, Secretary General of the NGO Affairs Committee with the Ministry of Foreign Affairs and, most recently, 3 years as the Deputy Director General of the Taipei Economic and Cultural Office in San Francisco; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby expresses its appreciation for the outstanding efforts made by Director General Matthew S. Lee to further an understanding between the state of Nevada and the Republic of China on Taiwan and congratulates him on assuming the position of Representative of the Taipei Mission to Latvia; and be it further

RESOLVED, That the Nevada Legislature looks forward to working together in the future with Director General Mark W. P. Liao while continuing to strive for a strengthening of relations between the Republic of China on Taiwan and the state of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Director General Matthew S. Lee and Director General Mark W. P. Liao of the Taipei Economic and Cultural Office in San Francisco.

Assemblywoman Weber moved the adoption of the resolution.

Remarks by Assemblywoman Weber.

Resolution adopted.

Assemblywoman Weber moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Perkins, Buckley, Hettrick, Allen, Anderson, Angle, Arberry, Atkinson, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Assembly Resolution No. 5—Expressing appreciation to the Chief Clerk of the Assembly, Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attachés, Committee Members, Committee Attachés, Clerical Services Staff, Bill Services Staff and other Attachés of the Assembly for their commitment and exceptional performance during the 73rd Session of the Nevada Legislature.

WHEREAS, With each session, the Chief Clerk of the Assembly, Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attachés, Committee Members, Committee Attachés, Clerical Services Staff, Bill Services Staff and other Attachés of the Assembly take on the daunting responsibility of ensuring that the Legislative Session runs smoothly; and

WHEREAS, There are different challenges facing each new session of the Legislature, requiring that the staff of the Assembly take on difficult tasks which they execute with efficiency and dedication; and

WHEREAS, The extraordinary individuals who have chosen to work with the Assembly during the 73rd Session of the Nevada Legislature have worked diligently and efficiently in their service to the members of the Assembly and to the people of our state; and

WHEREAS, The professional attitude and tireless efforts of the staff of the Assembly are truly appreciated and valued as these extraordinary individuals assist the members of the Assembly in carrying out their duties on behalf of the residents of the state of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 73rd Session of the Nevada Legislature do hereby express their sincere appreciation for the commitment and proficiency with which their staff performs its duties and do hereby commend the outstanding support staff of the Assembly, which includes Nancy Tribble, Diane Keetch, Lucinda Benjamin, Matthew Baker, Kathryn Fosnaugh, Jason Hataway, Harle Glover, Kasey Sheldon, Terry Sullivan, Robin Bates, Gwenavere Dally, Steven Henriksen, Kathleen Maskaly, Kyle Wentz, June Riggsby, Theresa Horgan, Kathryn Alden, Jennifer Arias, Ethan Guillen, Dylan Shaver, Marge Griffin, Barbara Houger, Nenita Wasserman, Kerry Porec, Christina Bailey, Laurel Armbrust, Kathryn Oetting, Sheree Rosevear, Julie Morrison, Patricia Hutson, Jasmine Shackley, Victoria Thompson, Millicent Jorgenson, Rachel Pilliod, Deanna Duncan, Angela Flores, Linda Utt, Stacy Shaffer, Connie Davis, Anne Bowen, Susan Cherpeski, Lila Clark, Linda Smith, Carol J. Thomsen, Mirenda Haywood, Vanessa Brown, Joe Bushek, James Cassimus, Mary Garcia, Sarah Gibson, Celeste Gunther, Nancy Haywood, Judy Maddock, Jane Oliver, Paul Partida, Linda Ronnow, Michael Shafer, Gregory Sharry, Carole Snider, Shari Andreasen, Katherine Andrews, Casey Bales, Matthew Mowbray, Susan Bailey, Patricia Baker, C. Ryan Bauman, Mary Bean, Chelsea Bibb, Alecia Biddison, Sylvia Brown, MaryLou Burks, Cynthia Carter, Patrick Cowan, Ann Marie Cutkosky, Keris Dahlkamp, Vicky Goodson, Donna Hancock, Joyce Hess, Novella Kowallek, Carol Loomis, Christopher Mayhew, Carolyn Maynick, Toshiko McIntosh,

Alan Mills, Linda Paul, Loretta Peterson, Helen Poupeney, Sheila Sease, Ashley Smith, Jerry Stacy, Janet Stokes, Maxine Milabar, Stephanie Elliott, Michael Nakamoto, Jerry Pieretti, Bruce Pfeiffer, William Souigny, June Bennett, Norm Budden, Mary Carel, Diane Bacus, Brandi Colunga, John Davis Jr., Gail Eller, Mark Frady, Joyce Ghiselli, Don Hataway, Juanita Heston, Stephen Honey, Laverne LaFleur, Lois Lahair, Teresa Love, Bob Maynick, Reid Meyer, Robert Murphy, Elaine Quilici and Frank Tetz; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the staff of the Assembly.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera and Mr. Speaker.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OCEGUERA:

Thank you, Mr. Speaker. First of all, great job on all those names. Holy moly. Mr. Speaker, I don't know what to say, to tell you the truth. The place would not run without the folks who are here sitting with us on the Floor today. They all make us look so good. People do not realize that we have these incredible staffs, sitting behind us, that take care of every need. Mr. Speaker, I just think that if the members of the Assembly could stand and give all these people a great big applause, I think it would be in order.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the Body, I would like to add my thanks as well. We are the folks that get elected, we are the names in the newspaper, for better or worse, usually for worse. And we're the folks who actually sponsor the bills and that sort of thing, but none of that could happen—whether it is funding for education or correcting one of the social ills in our state, or making a new criminal law—without all of your help. You have not only our undying gratitude, but that of the entire state of Nevada and all the citizens we serve. This is the democratic laboratory that is closest to the people, as we learn from Mr. Anderson on an every-session basis. It is all of you who make this work and really do the things for the state of Nevada. You help us make this to be the greatest state in the greatest country in the world. We do appreciate everything you do.

Resolution adopted unanimously.

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

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 104

Bill read second time and ordered to third reading.

Assembly Bill No. 105.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that Assembly Bill No. 415 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 532.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 87 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 108.

Bill read second time and ordered to third reading.

Senate Bill No. 504.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 108:

YEAS—40.

NAYS—None.

EXCUSED—Hettrick, McClain—2.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that Assembly Bill No. 415 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 594.

Amend section 1, page 2, after line 37, by inserting:

“5. After the general election immediately preceding a regular session of the Legislature, upon the request of a Legislator, the Legislative Counsel shall add the name of the Legislator as the primary requester of any measure requested by a Legislator who will not return to the Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Legislature; requiring the disclosure of the name of each Legislator who requests the preparation of a legislative measure on the list of requests prepared by the Legislative Counsel; requiring the Legislative Counsel to, upon request, add the name of a Legislator as primary requester of any request, the original primary requester of which will not be returning to the Legislature; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to requests by Legislators for preparation of legislative measures. (BDR 17-722)”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblymen McCleary, Anderson, Giunchigliani, and Smith.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 415 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Ocegüera moved that vetoed Assembly Bill No. 135 of the 73rd Session be made a Special Order of Business for Monday, May 2, 2005, at 11:30 a.m.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 557—AN ACT making an appropriation for the continuation of Project Safe Neighborhoods; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 558—AN ACT making an appropriation for Rainbow Dreams Academy Charter School; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 559—AN ACT relating to state employees; making appropriations from the State General Fund and the State Highway Fund to the State Board of Examiners for increases in the salaries of certain employees of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 560—AN ACT relating to education; revising the provisions governing the administration of the Millennium Scholarship Program and the Millennium Scholarship Trust Fund; revising the provisions governing eligibility for millennium scholarships; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Peterson, Lorry Peterson, and Robert Witt.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to June Rigsby, Terry Horgan, Barbara Courtnay, Diane Johnson, John Ascuaga, Rose Ascuaga, Jane Oliver, Judy Maddock, Carole Snider, Laurel Armbrust, Kyle Zive, Lee Amaitis, and Joe Asher.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tianna Robertson, Jacob Robertson, Joye Robertson, Alan Mills, Ted Angle, and Joy Wyche.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Bowen, Cyndie Carter, Susan Cherpeski, Lila Clark, Connie Davis, Mirenda Haywood, Linda Smith, and Carol Thomsen.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Shaffer and Vanessa Brown.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Raine and Donna Hancock.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to James Barton and Linda Paul.

On request of Assemblyman Claborn, the privilege of the floor of the Assembly Chamber for this day was extended to Millicent Jorgenson, Mary Garcia, and Sarah Gibson.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne-Marie Soderquist.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Novella Kowallek.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Oetting.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Marge Griffin.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Smith.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Keira Lowry, Samantha Altergott, Casey Scott, Christopher Carnes, Brittany Gross, Andrew Gonzalez, Jake Weirich, Michael Mathews, Erika Estrada, Whitnie Woodard, Jonathan Osborne, Francis Rossi, Cheyanne Echler, Brooke Maze, Victoria Parker, Ashley Dunn, Braize Huxford, Candice Childress, Carolyn Soliman, Kathleen Lowry, Janette Scott, Darlene Carnes, Heidi Gross, Stacy Altergott, Stacy Parker, Terry Dunn, Rachelle Huxford, Gigi Cordero, Lauren Denney, Tore Grasso, Callie Griffin, Jason Gusman, Kenneth Halstead, TJ Hatfield, Jestina Jurgschat, Darrian Kister, Joseph Miller, Zayna Neill, Gary Ortiz, Emilia Oscilowicz, Eliza Randall, Austin Roefer, Marissa Smith, Margaret Denney, Lee Esplin, LaDonna Hollifield Grasso, Brent Griffin, Marcella Posthuma, Carol Lynn Broadbent, Ann Marie Cutkosky, Bill Albin, and Haley Albin.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Stacy.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Lea and Mary Lou Burks.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick, Casey Bales, and Bill Souligny.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Jasmine Shackley, Celeste Gunther, and Sylvia Brown.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Bailey.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Garrett Coyne and Keris Dahlkamp.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Alexander Andresian, Alex Becerra, Taylor Brigman, Matthew Casella, Courtney Cirone, Tyler Clark, Zacary Corona, Jocelle Flores, Sarah Forsythe, Ramez Ghally, Emily Haines, Matthew Hall, Frank Hernandez, Bethany Kozal, Alexander Kulwin, Kenneth Lanzalaco, Genean Lopez, Nicholas Manfredi, Ashley Novak, Matthew Paglia, Isabella Pasbakhsh, Kyler Pollick, Michelle Powelson, Brooke Primm, Andrew Race, Victoria Spelman, Erin Taylor, Gabriela Torresani, Katherine Wells, Lauren Wojtaszek, Anne Womack, Michael A. Thompson, Jeremy Derkovitz, Marianne Corr, Carol Loeffelholz, Sylvia Cobeaga, Lisa Giancana, Debia Barnett, Terri Hanlon, David Kulwin, Rick Denzler, Mark Lindstrom, Bryan Dial, Rosa Morgan, Karen Forsythe, Dirgi Garcia, Carolyn Wells, Adam Andrewjeski, Philip Antram, Devin Bailey, Ryan Barnard, Dillon Barnett, Madoriann Bernal, Cassandra Bilotta, Timothy A. Castillo, Brandon Coury, Alyssa Crame, Brandon DeLeon, Wesley Denzler, Andrea Dial, Samantha Diersen, Melodi Friend, Natalie Garcia, Valerie Gray, Jenny Hagenmaier, William Harrison, Zared Jaimes, Ryan Johnson, Cedric Kovacs, Marguerite Lindstrom, Tamra Lovelace, Karla Meza, Gregory Morgan, Benjamin Nemec, Alexander Olivieri, Andrew Sanders, Kate Sharp, Larissa Silcox, Jaimie Swickard, Erin Verdi, and Brittany Wilson.

On request of Assemblyman Mortenson, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Sease.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Cowan.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Linzy Ronnow, Kate Andrews, Angela Flores, and Kerry Porec.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hutson.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Duncan and Chelsea Bibb.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Pilliod and Carol Loomis.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Arias, Dylan Shaver, Ethan Guillen, Linda Utt, and Kathy Alden.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Baker.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Toshiko McIntosh.

On request of Assemblyman Sibley, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Bailey.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Liao, Jenny H.C. Kuo, and Sheree Rosevear.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, April 29, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:06 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 29, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Buckley, Hardy, McClain, Sherer, and Sibley, who were excused.

Prayer by the Chaplain, Deacon Bob Evans.

Let us pray. Lord, You reveal yourself to us in many ways . . . the beauty of our environment, the varied people and cultures of this earth, the spoken and written words of inspired people, the lyrics and melodies of music, the vastness of space, perhaps a whisper to us when we need You most . . . We thank You, Lord, for revealing Yourself to us, for loving us and for guiding us. In loving gratitude, we thank You.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 71, 301, 328, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 79, 82, 88, 92, 126, 178, 205, 227, 243, 445.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 24, 25, 26.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 26.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 29, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 557, 558, 559 and 560.

MARK STEVENS

Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 26.

Assemblyman Oceguela moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture, and Mining and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 137.

Bill read second time and ordered to third reading.

Senate Bill No. 271.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that Assembly Bills Nos. 104, 105, 532; Senate Bills Nos. 12, 108, 504 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 23; Assembly Resolution No. 4; Senate Bill No. 496; Senate Concurrent Resolutions Nos. 23 and 24.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, May 2, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:18 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), May 2, 2005

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

Look graciously, O Lord, upon this state and on those who are elected to make its laws. Where there is pride, subdue it. Where there is need, supply it. Where there is division, unite it. Where there is error, rectify it. Where there is misunderstanding, give pardon. Where there is despair, bring hope. Where there are those who are vulnerable and weak, bring compassion and justice. Where there is hatred, sow acts of kindness. Where there is callous disregard for the poor and the distressed, bring comfort and support. And there is the will to do the right and loving thing, support it.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to the Committee on Ways and Means.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

JOURNAL OF THE ASSEMBLY
MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 295.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 91, Amendment No. 661, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 15.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and Carpenter.

Resolution adopted.

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

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 11:30 a.m. having arrived, vetoed Assembly Bill No. 135 of the 73rd Session was considered.

Vetoed Assembly Bill No. 135 of the 73rd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, April 7, 2005

THE HONORABLE RICHARD D. PERKINS, *Speaker of the Assembly*, Nevada State Assembly, Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701-4947

DEAR SPEAKER PERKINS:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 135, which is entitled:

AN ACT relating to insurance; increasing the maximum annual amounts that may be assessed against certain insurers for purposes relating to investigation of insurance fraud; and providing other matters properly relating thereto.

The Legislature has established the Special Investigative Account within the State General Fund. This special account supports the programs established by the Commissioner of Insurance and the Attorney General's Insurance Fraud Control Unit to investigate and prosecute insurance fraud in our state.

Each year, both insurance and reinsurance companies transacting business in Nevada pay an assessment into the Special Investigative Account that is based upon the total amount of premiums charged to its policyholders. The fraud assessment constitutes good public policy. The policy supporting the assessment is that insurance fraud damages the industry and that, therefore, the industry has an investment in aggressively prosecuting fraud as a deterrent.

The Office of the Attorney General has requested two new investigators for the Insurance Fraud Control Unit in its proposed budget. Assembly Bill 135 was intended to provide funding for these new positions by increasing the annual fraud assessment levels. While it is always good to provide state agencies with needed resources, Assembly Bill 135 does not serve that purpose.

Deposits into the Special Investigative Account from current fraud assessment levels will grow during the next two years and this account has a healthy reserve should a shortfall in deposits occur during the upcoming biennium. The annual fraud assessment levels do not need to be increased. I am informed by our State Budget Division that the current fraud assessment levels will produce sufficient revenue to fund the existing services being provided and will also allow the Office of the Attorney General to hire the two insurance fraud investigators that have been requested by that office.

It does not constitute good public policy to pass along increased costs to our citizens when it is not necessary to do so. Further, no state agency should be provided with more funding than is needed to carry out its duties, even if state government is experiencing a substantial surplus in its revenues. Therefore, I must exercise my constitutional grant of authority to veto Assembly Bill 135.

Sincerely,
Kenny C. Guinn
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywomen Buckley and Angle.

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

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I urge that this Body vote no and sustain the Governor's veto. For those of you who do not have the opportunity to serve in the Assembly Commerce and Labor Committee, I would like to give a little background on this bill and on this fund.

Nevada has one of the highest insurance rates in the nation. One of the contributing causes to this high insurance rate has been the issue of fraud, so in 1999 the Legislature established a fraud control unit in the Office of the Attorney General. The office's purpose was to look at all kinds of frauds: frauds by consumers, by businesses, by companies themselves, anything that might be driving up the cost of insurance in the state. The office, by all accounts, has been successful in doing a good job.

The bill that came before us, Assembly Bill 135, sought to raise the amount the insurance companies pay into this fund. This is one of those ironic areas where the creation of this office was always funded by an assessment against insurance companies and they begged us to be able to pay it, saying if they could reduce fraud it would ease their workload and make their business more competitive by eliminating insurance fraud. They came to our committee again this session and asked that the assessment be increased by \$250, and that is what this bill did.

I would note that the bill was offered by the Department of Administration, that is the Governor's Office, so it is the Governor's bill to fund the Attorney General and was supported by every insurance company with no opposition. That is why this bill was passed unanimously by the Legislature and received our full assent. If we had known that the Governor did not want the bill, if we had known that the Attorney General's Office did not think that they needed the

funds, we certainly would not have processed the bill. So, with those remarks, I urge this Body to sustain the veto by voting no.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I just want to make a small correction to my colleague's statement. There was one "No" vote. Thank you.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 135:

YEAS—None.

NAYS—Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, Weber—42.

Assembly Bill No. 135 having failed to received a two-thirds majority, Mr. Speaker declared the veto sustained.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Tiffany, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener; Sibley, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Smith, and Weber:

Senate Concurrent Resolution No. 25—Commending Frank Lamping Elementary School on its visionary and ambitious science program.

WHEREAS, Frank Lamping Elementary School, located in Henderson, Nevada, is involving the entire community in its mission to give its students an advantage in science by planting the seeds of inquiry early and by exposing children to hands-on experiments that allow them to see, touch, taste, and smell the wonders of science at an early age; and

WHEREAS, On November 14, 2000, the Frank Lamping Elementary School opened its Christa McAuliffe Observatory, built with a grant procured by science teacher Cathy Grimes from the Christa McAuliffe Fellowship Program, providing the students, teachers, and the community the ability to view the planets and stars; and

WHEREAS, In the fall of 2004, the administration, faculty, staff and parents and friends of students at the Frank Lamping Elementary School raised nearly \$90,000 to bring the Space Explorers Program developed by the Total Learning Research Institute to southern Nevada; and

WHEREAS, The Space Explorers Program uses a three-quarters scale working model of the space shuttle cockpit and its corresponding mission control center to teach students teamwork

strategies, communication skills, critical thinking, problem solving, and decision making as they experience firsthand the tasks of shuttle pilots and mission control technicians; and

WHEREAS, The Frank Lamping Elementary School is now in the process of raising funds to build a 4,300 square foot science center and has formed a partnership with Barry and Audrey McCool of Las Vegas to honor their son, William McCool, space shuttle *Columbia's* pilot, by naming the future center the William McCool Science Center, a fitting memorial to William's plans to teach students the wonders of science when he retired from the National Aeronautics and Space Administration; and

WHEREAS, In the William McCool Science Center, students will become astronauts as they fly a model space shuttle cockpit with the help of a mission control station, astronomers as they study the stars and planets using the telescopes and planetarium, scientists as they experiment with biology, chemistry and physics in the science labs, paleontologists as they dig in the outdoor digging station and botanists as they compare and contrast the plant life in the tri-desert garden; and

WHEREAS, Implanting a love of learning and providing the tools to fuel the excitement that comes with increased knowledge are two of the greatest gifts we can give to the children of our nation as we prepare them to take on productive and satisfying lives in our society; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the vision and ambition of the administrators, faculty, staff and parents, and friends of students at Frank Lamping Elementary School as they continue to create a visionary and ambitious science program; and be it further

RESOLVED, That the residents of Nevada applaud the dedicated educators at Frank Lamping Elementary School who realize that instilling a love of science in children at the elementary school level strengthens the chance that some students will maintain that interest and eventually choose careers in scientific fields; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Michael O'Dowd, Principal of Frank Lamping Elementary School.

Assemblyman Sibley moved the adoption of the resolution.

Remarks by Assemblymen Sibley and Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 542.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 665.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 and 4 as sections 2 and 3.

Amend sec. 4, page 6, lines 15 and 16, by deleting: "the county clerk shall charge and collect a fee of ~~[\$5]~~ \$15 from" and inserting: "~~[the county clerk shall charge and collect a fee of \$5 from]~~ a board of county commissioners

may impose by ordinance a filing fee in an amount not to exceed \$15 to offset a portion of the costs of providing programs of arbitration and other alternative methods of resolving disputes on”.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend the title of the bill to read as follows:

“AN ACT relating to courts; providing that a client of a legal aid program which provides services to indigent persons may be allowed to proceed as an indigent litigant without submitting further proof of indigency to the court; increasing the maximum amount of certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices’ courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes related to fees charged in district courts. (BDR 2-522)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 294.

Bill read second time and ordered to third reading.

Senate Bill No. 301.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 328.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 328 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 415 be taken from the Chief Clerk’s desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 71 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 318 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 4 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 675.

Amend section 1, page 2, line 34, after “requester.” by inserting:

“5. If the primary requester of a measure will not be returning to the Legislature for the legislative session in which the measure is to be considered, the primary requester may authorize a Legislator who will be serving during that session to become the primary sponsor of the measure, either individually or as the chairman on behalf of a standing committee. If the Legislator who will be serving during that session agrees to become or have the committee become the primary sponsor of the measure, that Legislator shall notify the Legislative Counsel and may request to have his name or the name of the committee listed as an additional primary requester of the measure on the list.

6.”.

Amend section 1, page 2, line 37, before “primary” by inserting “original”.

Amend the title of the bill, fourth line, after “Counsel;” by inserting: “authorizing an additional primary requester to be listed on the list of requests prepared by the Legislative Counsel in certain circumstances when a Legislator does not return to the Legislature; and providing other matters properly”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to requests by Legislators for preparation of legislative measures. (BDR 17-722)”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 413.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Assembly Bill No. 104:

YEAS—42.

NAYS—None.

Assembly Bill No. 104 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Roll call on Assembly Bill No. 105:

YEAS—42.

NAYS—None.

Assembly Bill No. 105 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Assembly Bill No. 532:

YEAS—42.

NAYS—None.

Assembly Bill No. 532 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 12:

YEAS—42.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Roll call on Senate Bill No. 108:

YEAS—42.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 271:

YEAS—42.

NAYS—None.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblymen Mabey, Angle, and Anderson.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 458; Senate Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 79, 82, 88, 92, 126, 178, 205, 227, 243, and 445; Assembly Concurrent Resolutions Nos. 24, 25, and 26; Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Steele and Kenneth C. Kleine.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Carns.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Shultz, Shelby Farney, Maggie Lee, Page Kirby, Victoria Fristed, Michelle Gibbons, Katie Kelly, Adrielle Fuller, Julia Callahan, Brittany Tipton, Karen Weihskopf, Victoria Rogers, Christy Shultz, Barbara Gibbons, and Jordan Burke.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Crow, Henry A. Weiner, and Michael Nolan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Leonel Chavez, Dayanna Cortes, Mariah Crom, Ariel Dross, Andrea Duran, Amber Dutra, Hunter Ferguson, Justin Gerard, Diana Gonzalez, Tyler Hanninen, Alyssa Hawkins, Matt Knight, Drew Martinez, Micaela Mattice, Saxon Miskow, Jason Moriarty, Taylor Palmer, Rosa Perez, Ike Sanders, Sierra Snell, Nathan Sours, Angela Tallerico, Tehenia Telliano, Brandon Vecchirelli, Sara Velasco, Jessica White, Dakota Winward, Mrs. Schroeder, Mr. Ferguson, Matthew Aney, Alexis Bringham, Jake Burke, Diedre Cook, McKenna Davis, Dominique Felker, Ciaira Ferrel, Paige Illingworth, Karlee Jones, Stephen Lemons, Sean Lokke, Jenny Machuca-Olayo, Taylor Martinez, James McCarty, Chelsea Mead, Kolt Mieras, Ramiro Montes, Candace Murphrey, Matthew Rios, Courtney Rosaen, Brian Teetor, Skyler Vernon, Yadira Villa-Quintanilla, Shane Wedin, James Moriarty, Storey Ginn, Brandon Ahm, and Devin Nash.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 3, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), May 3, 2005

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

O gracious Lord, You who brought a people out of slavery and gave them freedom, You who gave voice to the prophets to bring justice for the oppressed, You who exalt them of low degree and fill the hungry with good things, help us to remember and side with those who are weak, poor, and least able to help themselves. Guide these Assembly members to find some solutions to the perplexing and challenging issues that affect our most needy citizens.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 47, 59, 111, 116, 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 58, 76, 182, 206.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 106, Amendment No. 615, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 293.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 293.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 662.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 7 as sections 4 through 6.

Amend sec. 5, pages 3 and 4, by deleting line 43 on page 3 and line 1 on page 4, and inserting: "of the Department of Human Resources the sum of \$370,000 for the establishment of a mental".

Amend sec. 5, page 4, by deleting lines 4 through 6.

Amend sec. 6, page 4, line 8, by deleting "5" and inserting "4".

Amend sec. 6, page 4, line 9, by deleting "2006," and inserting "2005,".

Amend sec. 6, page 4, line 10, by deleting "15, 2006." and inserting "16, 2005.".

Amend sec. 7, page 4, line 11, by deleting: "5 and 6" and inserting: "4 and 5".

Amend sec. 7, page 4, line 13, by deleting: "1 to 4, inclusive," and inserting: "1, 2 and 3".

Amend the title of the bill by deleting the second through sixth lines and inserting: "triage centers by the State Board of Health; making an appropriation; and".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 458.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 671.

Amend the resolution, page 2, line 4, by deleting: "Treasurer, ~~fa~~ ~~Controller,~~" and inserting: "~~[Treasurer, a Controller,~~ Secretary of Finance".

Amend the resolution, page 2, between lines 13 and 14, by inserting:

"RESOLVED, That a new section, designated Section 19A, be added to Article 5 of the Nevada Constitution to read as follows:

Sec. 19A. The Secretary of Finance shall appoint as deputies a Treasurer and a Controller to assist in carrying out the duties of the Office of the Secretary of Finance. The Treasurer and Controller so appointed must be qualified to serve in such capacity as defined by the Legislature.

And be it further".

Amend the resolution, page 2, by deleting lines 16 and 17 and inserting:

"~~[Section]~~ Sec. 22. The Secretary of State, ~~[State Treasurer, State Controller,~~ Secretary of Finance, Attorney General, and Superintendent of".

Amend the resolution, page 2, by deleting lines 26 and 27 and inserting: "shown by the reports of the county assessors to the ~~[State Controller,~~ Secretary of Finance, except for the purpose of defraying".

Amend the resolution, page 3, by deleting lines 15 and 16 and inserting:

"~~[Sec:]~~ Sec. 12. The Governor, Secretary of State, ~~[State Treasurer, State Controller,~~ Secretary of Finance and Clerk of the Supreme".

Amend the resolution, page 3, after line 18, by inserting: "And be it further RESOLVED, That this resolution becomes effective on January 3, 2011.".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to eliminate the Office of State Controller and the Office of State Treasurer and to transfer those duties to the Office of the Secretary of Finance.".

Assemblyman Seale moved the adoption of the amendment.

Remarks by Assemblyman Seale.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 663.

Amend section 1, page 1, line 2, by deleting “\$38,000” and inserting “\$35,000”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 97.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 415:

YEAS—42.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 542:

YEAS—42.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 27—Memorializing eminent educator and coach Bud Beasley.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of eminent educator and coach Bud Beasley on July 17, 2004, at the age of 93; and

WHEREAS, Born December 8, 1910, in Melrose, New Mexico, and raised in Santa Cruz, California, Bud Beasley became a star athlete at Santa Cruz High School and was encouraged by his football coach, former Nevada All-American James “Rabbit” Bradshaw, to attend the University of Nevada, Reno; and

WHEREAS, Bud Beasley began his career as an educator in 1934 as a student teacher, and he has received commendations from four Presidents of the United States and two Nevada Governors, been named Phi Delta Kappa Nevada Teacher of the Year and been recognized by the Nevada-California-Hawaii District of Kiwanis International as Educator of the Year; and

WHEREAS, Bud Beasley taught over 11,000 students in his 70-year career as a coach and educator, mentoring future judges, coaches, businessmen, legislators, attorneys, doctors, athletes and educators, many of whom say he was one of the biggest influences in their lives; and

WHEREAS, State Senator William Raggio, Reno High School class of 1944, indicated that Bud Beasley was an inspiring man who stood for integrity and what was right and that he will be missed; and

WHEREAS, Known for his good humor, dynamic storytelling, and genuine affection for his students, Bud Beasley loved children and loved to teach, with a special knack for those students who were in difficult circumstances, and his positive outlook on life motivated many students who may have given up on their education were it not for his influence; and

WHEREAS, After leaving Reno High School in 1974, Bud Beasley taught adaptive physical education to children with special needs at several schools and taught history and American government at Washoe High School, an alternative school with mostly at-risk students, where one of his students recalled that if a student did not know the answer to a question on the daily quiz, he could write in “The cardinal sin of mankind is ignorance” and get full credit, which only served to further motivate them to learn; and

WHEREAS, While an outstanding athlete and coach in many sports, Bud Beasley had a special sparkle in his eyes when he talked about baseball, having pitched professionally for the Sacramento Solons and the Seattle Pilots of the Pacific Coast League during his summers off from teaching, and was especially known for reciting his version of the classic poem “Casey at the Bat” at speaking engagements; and

WHEREAS, Having followed the careers of many of his students, collecting vast amounts of news clippings over the years, even sending a constant stream of letters to his former students overseas in World War II, Bud Beasley attended every class reunion and cofounded the Reno High School Alumni Association, in part to keep track of his beloved students by maintaining a database with up-to-date information on them and in part to enhance the recognition of Reno High School and to provide scholarships for its students; and

WHEREAS, When Reno High School was moved from its old building to a new one in 1951, Bud Beasley saw precious memorabilia being tossed away, motivating him to begin plans to preserve Reno High history in what is now the Link Piazza Alumni Center, named after a

former student of Bud Beasley and built on the Reno High campus, a virtual museum filled with Re-Wa-Ne yearbooks dating from 1906, band uniforms from 1950, a letter sweater from 1921, a diploma from 1905, class rings and trophies and, the pride and joy of the Association, the bell from the building that housed Reno High School in 1879; and

WHEREAS, Having coached the Reno Huskies and taught at Reno High School for 38 years, Bud L. Beasley Athletic Complex was named in honor of his dedication to his students and of the inspiration he gave to the many athletes he coached over the years; and

WHEREAS, The entryway of Bud Beasley Elementary School in Sparks bears a dedication plaque which quotes the school's namesake: "May this school become not a shrine to me, but an opportunity for all who enter herein," echoing his selfless philosophy of serving the children of Nevada; and

WHEREAS, Bud Beasley and his wife of 67 years, Nellie, cared for dozens of foster children through the years and adopted 17 children; and

WHEREAS, Bud Beasley is survived by his beloved wife Nellie and his brother Oral "Tex" Beasley of Pacific Grove, California; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That Bud Beasley will long be remembered and greatly missed by his many thousands of students as a teacher and coach who truly cared about them and their futures; and be it further

RESOLVED, That Bud Beasley set the standard that all educators and coaches should strive to meet; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Bud's loving wife Nellie and to his brother Tex.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Angle, and Marvel.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Mr. Speaker, it is with both fear and pleasure that I attempt to honor this outstanding man in front of this distinguished Body. I think it is important to know, in describing who Bud Beasley was, it is equally important to you who he is. Mr. Beasley, through his teaching style and everyday interaction, instilled small parts of his wisdom, personality, and good humor into people throughout Nevada, the United States, and, possibly, the world. In both the classroom and on the ball field, Bud always treated his students with the utmost respect regardless of their ability. There have been over 1,000 lives affected by Mr. Beasley during his 70-year teaching career.

When Senator Raggio approached me about presenting this Resolution on the floor, I tried to formulate some thoughts about this outstanding, beloved Nevadan, but struggled immensely. There are so many things to be said about Bud that for the first time I was unable to formulate my thoughts and I actually became speechless. Anybody who has met Bud knows both a funny and remarkable story about him. Regardless of what occupation I name, all would say they attribute some of what they are doing to their acquaintance with Bud Beasley.

As a teacher and coach, Bud inspired self-confidence in his students, to know the value of self-worth and responsibility for their actions. After teaching at Reno High School for more than 38 years, he went on to teach at-risk students at Washoe High School.

His real life experiences, as described in the Resolution, can be best illustrated with countless stories, but I will only share a few with you. The first story that comes to mind is about his teaching style and his ability to obtain a free milkshake from his students. He would often wager milkshakes when arguments about the rules of baseball came up. Having an unfair advantage, due to his professional playing of baseball and later, teaching, Bud always won and cashed in for his milkshakes. This type of interaction is what he had with all his students. His teaching and coaching styles were anything but conventional. Several years ago, while Bud was teaching the evening alternative education program, he was hospitalized. He missed one class, and the next evening he arranged to be driven to class so his students would know that he was both all right

and he was there to make sure all went well in class.

Some of you may have seen a movie about women's baseball in World War II called, *A League of Their Own*. The second baseman on one of those teams was interviewed about her experiences on the field and with the coaches. She told a story about being moved from second base to the center field by the coach and how she was unhappy with the change. When asked how she got back at the coach, Nellie Beasley replied, "I married him."

These few stories and small, descriptive words about Bud are mere mortal words trying to describe an immortal person. The people in Bud's life know how incredibly hard it is for one simple Floor speech to give the proper justification to this man's phenomenal life. Bud is a kind, brilliant teacher whose love for the game could only be surpassed by his love for his family, and I ask you to help me honor him today.

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. I rise in support of SCR 27. Nellie and Bud Beasley are my constituents, and it is one of those pleasures that you look forward to when you are walking door-to-door. You look forward to walking their neighborhood because you know you are going to get a fun thing that day, meeting with them. I guess the thing I remember most about them is they were such good friends to my parents, so I would ask you to support this Resolution. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I also rise in support of SCR 27. I go back a long ways with Bud Beasley, but I think his first teaching job was in Battle Mountain. Bud, at that time, was just a prolific baseball player. He started the town baseball team, but you only needed the pitcher and the catcher because Bud would strike out about everybody that he faced. He had quite a brilliant career in the Pacific Coast League and it was a pleasure to watch his career develop. Incidentally, his wife, Nellie, taught my wife in high school bowling. Bud was small in stature, but a giant of a man. I hadn't seen Bud for maybe 30 years and we were on a tour in Reno, looking through the schools, and I walked in and Bud knew me right then. Bud was a role model for all people. He is going to be sorely missed. Certainly you should be proud of Bud Beasley.

Resolution adopted.

By Senators Nolan, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Ocegueda, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 28—Commending the California/Nevada Automotive Wholesalers' Association on 50 years of distinguished service to its members.

WHEREAS, The California/Nevada Automotive Wholesalers' Association was established in August 1955 with a mission to provide communications, education, legislative and regulatory advocacy, and group purchasing of services for its members, while promoting the automotive aftermarket industry, which provides products and services for the maintenance of motor vehicles; and

WHEREAS, Each year, neglected maintenance of motor vehicles leads to more than 2,600 deaths, nearly 100,000 disabling injuries and more than \$2 billion in lost wages, medical expenses and property damage; and

WHEREAS, Because disabled vehicles are a major cause of highway congestion and are hazards on the highways, proper maintenance of motor vehicles is a major concern for the safety of the public; and

WHEREAS, According to the United States Environmental Protection Agency, 30 percent of motor vehicles are responsible for the majority of vehicular pollution as a result of improper maintenance; and

WHEREAS, Proper maintenance of a motor vehicle will reduce fuel usage, saving not only money, but also valuable natural resources; and

WHEREAS, To educate motorists regarding the importance of the proper maintenance of their motor vehicles, the Association has initiated the “Be Car Care Aware” campaign; and

WHEREAS, In its long history of service to its members, the Association established the Multiple Employer Welfare Association in the mid-1980s to provide its members a self-insured, affordable medical and dental insurance package and established an Automotive Parts Association Federal Credit Union, which offers its member employees and families a member-owned financial institution; and

WHEREAS, The Association has also been committed to innovative and aggressive public affairs activities, including sponsorship of legislation to eliminate unnecessary state regulation of auto parts distributorships with affiliated machine shops and legislation to guarantee motorists the right to choose independent motor vehicle repair options in this state; and

WHEREAS, Activities celebrating this momentous anniversary of the Association will occur throughout the 2005 calendar year, culminating with the annual meeting during Industry Week in November 2005 in Las Vegas, to serve as a reminder of the valuable benefits that the Association provides to its members, public policymakers, and motorists in this state and of the Association’s service to the industry; and

WHEREAS, The Association continues today as one of the nation’s premiere automotive parts trade associations; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the 73rd Session of the Nevada Legislature takes great pride in commending the members and leadership of the California/Nevada Automotive Wholesalers’ Association on its distinguished history and exemplary record of service to the people of the state of Nevada; and be it further

RESOLVED, That the Nevada Legislature applauds the California/Nevada Automotive Wholesalers’ Association for its advocacy on behalf of the automotive aftermarket industry and motorists in general and extends best wishes for continued success in its next 50 years; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the California/Nevada Automotive Wholesalers’ Association.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblyman Ocegüera.

Resolution adopted.

GENERAL FILE AND THIRD READING

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblymen Ocegüera and Buckley.

Conflict of interest declared by Assemblywoman Buckley.

Roll call on Senate Bill No. 177:

YEAS—40.

NAYS—Angle.

NOT VOTING—Buckley.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Senate Bill No. 294:

YEAS—42.

NAYS—None.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Senate Bill No. 301:

YEAS—42.

NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 413.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 413:

YEAS—42.

NAYS—None.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 5 be rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 295; Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Rich Davies and Marilee Wright.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Mayes, Laurie Campbell, Mark Schwartz, Peter Gullo, Tamara Heinrich, Kenneth Howell, Gary Lake, Maureen Rockenfeller, Kari Sanford, Jill Stewart, Mark Teepen, Terry Willis, Madeline Campbell, Kenna Chubb, Justine DeRenobe, Clinton McCabe Garvin, Shelby Gullo, Alexander Heinrich, Tanner Howell, Ki Hong Kim, Olivia Kincaid, Jena Monique Lake, Michael Paolini, Shawna Rivera, Kristen Rockenfeller, Jamie Sanford, Matthew Stewart, Bryce Teepen, Jessica Tobler, Robin Coppola, Ron Cummings, Lee Esplin, Heather Frost, Kyle Johnson, Lisa Nix, John Richner, Tiffany Shea, Robert Valley, Lori Weber, Mary Scialabba, Danielle Cummings, Kaine Davis, Christian Frost, Alexandra Frye, Jayd Johnson, Zachary Minnis, Sommer Nix, Searra Padilla, Angelique Powell, Aaron Richner, Jeremiah Rodriguez, Allison Shea, Patrick Valley, Steven Weber, Ian West, and James Wing.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Teri Waters, Reed Waters, Bonnie Bates, and Linda Utt.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Stewart and Matthew Stewart.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Abner Aguirre, Lidia Arrechiga, Norma Balbaneda, Damein Berry, Kim Bostwick, Randy Braudel, Anthony Cordova, Matt Davidek, Chrismark Dizon, Jeannette Estrada, Donald Fells, Sandra Figueroa, Cameron Fitzwater, Amanda Gililand, Corey Green, Cecilia Herrera, Alicia Hodgen, Anthony Lara, Leslie Loaliza, Carmen Lopez, Brian Lord, Ray Manuta, Jose Marquez, Cristina Marroquin, Angel Martinez, Sara Martinez, Josh Masini, Fatima Mendoza, Jennifer Nadimi, Jennifer Oglesby, Crystal Ortiz, Jose Ronaldo Perez, Javier Renteria, Adriana Rizo, Andres Torres, Rosi Trejo, Beria Valerio, Eric Velasquez, Collin Wiley, Matt Wilson, Amanda Levin, Billy Kruger, and Russell Goodwin.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 4, 2005, at 11:00 a.m. and that it do so in honor of Sgt. Eric W. Morris.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), May 4, 2005

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

O God, as You anointed leaders and called prophets, bless these leaders in Your cause of love and compassion. May they be men and women who love Your people and can walk with them, who feel their pain and share their joys, who dream their dreams and seek to reach their common goal. In Your breath and with Your spirit, embolden and commission them to bring greatness to our political system, to serve Your people and bring real glory to Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 16, 21, 28, 49, 157, 164, 166, 256, 368, 469.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 203, 276, 502, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins and Senator Raggio:

Assembly Concurrent Resolution No. 27—Recognizing May 4, 2005, as Peace Officers' Memorial Day and May 15 through 21, 2005, as Peace Officers' Memorial Week in Nevada.

WHEREAS, Of all the promises America offers, none is more precious or more elusive than the right to be free from crime and violence; and

WHEREAS, The dedicated men and women who have chosen law enforcement as a career face extraordinary risk and danger in preserving our freedom and security; and

WHEREAS, Seeing a need to honor those who died trying to make a safer life for American citizens, on October 1, 1962, President John F. Kennedy signed Public Law 87-726 designating National Peace Officers' Memorial Day and National Police Week; and

WHEREAS, In 1994, the United States Congress and President William J. Clinton approved Public Law 103-322 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year as a special tribute to the brave men and women who died upholding our laws and preserving public safety; and

WHEREAS, This year marks the 17th annual candlelight vigil held at the site of the National Law Enforcement Officers' Memorial in Washington, D.C., where, since 1989, thousands have gathered to salute all of America's law enforcement heroes, both past and present; and

WHEREAS, During the week of May 15 through May 21, 2005, National Police Week will be observed throughout the nation to increase public awareness of the hazardous work, serious responsibilities, strong commitment and sacrifices of our nation's peace officers and to provide the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; and

WHEREAS, In conjunction with this important observance, May 4, 2005, will be observed as Peace Officers' Memorial Day and May 15 through 21, 2005, will be observed as Peace Officers' Memorial Week in Nevada in commemoration of those noble officers who have tragically sacrificed their lives in the line of duty; and

WHEREAS, These special observances provide all Nevadans with the opportunity to appreciate the heroic men and women who have dedicated their lives to preserving public safety; and

WHEREAS, The tragic loss felt when a peace officer is killed in the line of duty is expressed in these poignant words from a poem by Harry Koch:

Yes, somebody killed a policeman today,
It happened in your town or mine.
While we slept in comfort behind our locked doors,
A cop put his life on the line.
Now, his ghost walks a beat on a dark city street,
and he stands at each new rookie's side.
He answered the call and gave us his all,
And a part of America died;
now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize May 4, 2005, as Peace Officers' Memorial Day and May 15 through 21, 2005, as Peace Officers' Memorial Week in the state of Nevada; and be it further

RESOLVED, That the Legislature urges all residents of this state to remember those who have given their lives while preserving our safety, to attend the special ceremonies held in their honor and to express appreciation to those who continue to face death every day in their dedication to making Nevada a safer place in which to live.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Assemblyman Perkins requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. It is my honor, not just to put forward, but to stand here in support of Assembly Concurrent Resolution 27. As the son of a police officer and as a police officer my entire adult life, I can remember where I was each and every time that I heard about the loss of an officer in our state. It is one of those stark realities that you know come with the job when you put yourself in harm's way for the safety of others.

We have lost more than 100 police officers in our state over the course of our state's history in the last 140 years, over 20 in my short law enforcement career, but I can tell you, we have a safer Nevada today because of their sacrifice. Our communities are safer and our state is a better place to live. For these reasons and many others, Madam Speaker pro Tempore, I rise in support of the resolution and I encourage our colleagues to support it as well.

Resolution adopted.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 3.

Assemblywoman Gerhardt moved the adoption of the resolution.

Remarks by Assemblywoman Gerhardt.

Resolution adopted.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 47.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 111.

Bill read second time and ordered to third reading.

Senate Bill No. 116.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time and ordered to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington; Assemblymen Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 29—Acknowledging the planning group established by the Health Division of the Department of Human Resources and the Department of Education for its collaborative commitment to design a statewide policy to prevent obesity in Nevada.

WHEREAS, According to the Centers for Disease Control and Prevention and the Nevada State Health Division, nearly 40 percent of adults in Nevada are overweight and nearly 22 percent of Nevada's adults are obese, and since 1992, obesity in Nevada has increased 73 percent; and

WHEREAS, According to the United States Surgeon General, childhood obesity is responsible for 50 percent of new cases of pediatric diabetes, sleep apnea and asthma, and overweight adolescents have a 70 percent chance of becoming overweight or obese adults; and

WHEREAS, Health risks associated with obesity include cardiovascular disease, hypertension, diabetes, stroke, arthritis, gallbladder disease, and certain cancers; and

WHEREAS, Obesity has an enormous impact on health care costs and businesses in this country; and

WHEREAS, In recognition of the direct and indirect costs to the state of Nevada from overweight, obese, and unhealthy residents of the state, Senate Concurrent Resolution No. 13 of

the 2003 Legislative Session directed the Legislative Committee on Health Care to appoint a subcommittee to study the medical and societal costs and impacts of obesity in Nevada; and

WHEREAS, In response to this legislative study, the Health Division of the Department of Human Resources and the Department of Education established a planning group to network with groups and organizations interested in preventing obesity, with the goal of coordinating their efforts and receiving input about ways to prevent obesity in Nevada; and

WHEREAS, The Health Division leveraged existing federal funding for chronic disease prevention to subgrant to the Nevada Public Health Foundation for the facilitation of meetings throughout the state; and

WHEREAS, The meetings held in Carson City, Las Vegas, Reno, and Winnemucca yielded valuable information that will be consolidated and published by the Health Division as the State Obesity Plan; and

WHEREAS, Participants at these meetings included representatives from the Bureau of Community Health and the Bureau of Family Health Services of the Health Division, the Welfare Division of the Department of Human Resources, the Nevada Public Health Foundation, the Great Basin Primary Care Association, the University of Nevada School of Medicine and Schools of Public Health and the nutrition programs of the University, the Cooperative Extension of the University of Nevada, the Golden Health Medical Center in Elko, the Reno-Sparks Indian Colony Health and Human Services Clinic, Washoe County Senior Services, the Washoe County District Health Department, the YMCA of the Sierra, the High Sierra Area Health Education Center, the Southern Nevada Area Health Education Center, the Food Bank of Northern Nevada, the American Heart Association of Nevada, Special Recreation Services, Inc., The Children's Cabinet, Inc., Project MANA (Making Adequate Nutrition Accessible), the school districts of Clark County, Nye County, Pershing County and Washoe County, the Nevada PTA, the Teachers Health Trust, the Dairy Council of Utah/Nevada, the Clark County Health District, Sierra Health Services, Inc., Sunrise Hospital and Medical Center, the Moapa Paiute Band, the Carson City Recreation Department, Carson-Tahoe Hospital, the Ron Wood Family Resource Center, Nevada Hispanic Services of Carson City, Health Smart of Carson City, Friends in Service Helping of Carson City and the Carson City Public Health Department; and

WHEREAS, The priority goals identified at these meetings include preventing obesity among children, creating and improving community environments to make physical activities available and more conducive for use by youth and adults, promoting workplace wellness, sharing information and resources relating to the prevention of obesity and studying the relationship between poverty and obesity; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the vision of the Health Division of the Department of Human Resources and the Department of Education in the establishment of the planning group and recognize the efforts of the Nevada Public Health Foundation in facilitating meetings to gather information and hear the concerns of organizations and groups dedicated to the prevention of obesity; and be it further

RESOLVED, That the Legislature further applauds the work of organizations in our state determined to prevent chronic disease and supports the Health Division as it prepares the State Obesity Plan, which will serve as an essential reference for steps that are necessary to prevent the chronic disease of obesity in Nevada; and be it further

RESOLVED, That the people of the state of Nevada praise the public and private partnerships formed in the ongoing pursuit of protecting the health of the residents of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Health Division of the Department of Human Resources, the Department of Education, and the Nevada Public Health Foundation.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 40:

YEAS—42.

NAYS—None.

Assembly Bill No. 40 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 458; Assembly Joint Resolution No. 3; Senate Bills Nos. 92 and 97 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 58, 76, 182, and 206; Senate Bills Nos. 12, 108, 137, 271, 456, and 504; Senate Concurrent Resolutions Nos. 15 and 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Jean Schmidt.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Warren Wish.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Whitley and Keith Rheault.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Mason Simons.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Flahive.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Bobbi West, Lucero Aguirre, Guillermo Caballero DeLa Riva, Austin Correa, Dora Cueva Navarrete, Hannah Dickson, Erick Estrada, Tyler Giles, Diana Guerrero, Alexander Hernandez, Marvin Hernandez, Henry Jaime, Christopher Kirby, Carlos Lopez, Miguel Martinez, Alejandro Melendez, Marie Navarro, Maria Negrete, Jose Perez, Jeymi Reyes, Marco Rodriguez, Claudia Rosales Blanco, Michael Smith, Tyana Valdes, Aliyah Wrights, Nikki Beck, Alonzo Cisneros Gonzalez, Delsy Cueva Navarrete, Christopher Daniels,

Jenna Earle, Christopher Galloway, Alain Gomez, Alejandra Hernandez, Edgar Hernandez, Kourtney Hunt, Sunia Kelepi, Prickida Ladore, Shadow Lutu, Zachery McCoy, Fernando Montes Romero, Aldo Negrete, Angel Adrian Ortiz, Shela Pickrell, Saul Rios, Katherine Rogers, Diana Silva Molina, Mareza Uribe, Logan Volkening, and Carolyn Sullivan.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Blosser.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, May 5, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 5, 2005

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

Almighty God, You created us in Your own image. Bless these good citizens who the people have entrusted with making our laws. Grant us the grace fearlessly to contend against greed and self-interest, and to make no peace with oppression. And that we may reverently use our freedom, help us to employ it in the maintenance of justice to the glory of Your holy purpose.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 174, 250, 257, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 164, 209, 266, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 27, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 167, 187; Senate Bill No. 315.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 237, Amendment No. 668; Assembly Bill No. 465, Amendments Nos. 672, 676; Assembly Bill No. 474, Amendment No. 669, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Munford, Kirkpatrick, Koivisto, Anderson, Angle, Arberry, Buckley, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Ohrenschall, Parks, Parnell, Sherer, Smith, and Weber:

Assembly Concurrent Resolution No. 28—Urging the Commission on Economic Development to develop programs for economic development and stimulate employment within certain areas.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Remarks by Assemblyman Munford and Ocegüera.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 315.

Assemblywoman Buckley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 684.

Amend section 1, page 2, by deleting lines 4 through 7 and inserting:

“5. Any other procedure approved by the Health Division for the surgical treatment of refractive errors of the eye.”

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 682.

Amend the bill as a whole by adding the following Assemblyman as a primary joint sponsor:

Assemblyman Munford.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 458:

YEAS—42.

NAYS—None.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Joint Resolution No. 3:

YEAS—40.

NAYS—Angle, Munford—2.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 23:

YEAS—42.

NAYS—None.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 47:

YEAS—42.

NAYS—None.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 59:

YEAS—41.

NAYS—Smith.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 66:

YEAS—42.

NAYS—None.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Roll call on Senate Bill No. 92:

YEAS—42.

NAYS—None.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblymen Gansert, Anderson, and Arberry.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 97 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 111.

Bill read third time.

Roll call on Senate Bill No. 111:

YEAS—42.

NAYS—None.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Senate Bill No. 116:

YEAS—42.

NAYS—None.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 197:

YEAS—42.

NAYS—None.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Joint Resolution No. 1:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 91.

The following Senate amendment was read:

Amendment No. 661.

Amend section 1, page 2, line 4, by deleting “fees:” and inserting “[~~fees~~] compensation:”.

Amend section 1, page 3, line 12, by deleting “[~~\$3.55~~] \$3.75” and inserting “\$3.55”.

Amend section 1, page 3, line 13, by deleting “[~~55 cents~~] \$1” and inserting “55 cents”.

Amend section 1, page 3, line 36, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 4, line 3, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 4, line 5, by deleting “fee” and inserting “[~~fee~~] compensation”.

Amend section 1, page 4, lines 11 and 18, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 4, line 21, by deleting “fee” and inserting “[~~fee~~] compensation”.

Amend section 1, page 4, line 26, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 5, line 3, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 5, line 6, by deleting: “A fee of [~~\$5.33~~]” and inserting: “[~~A fee of \$5.33~~] Compensation of”.

Amend section 1, page 5, lines 11, 12, 13, 14 and 16, by deleting “fees” and inserting “[~~fees~~] compensation”.

Amend section 1, page 5, line 17, by deleting “are” and inserting “[~~are~~] is”.

Amend section 1, page 5, lines 19 and 33, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend section 1, page 5, line 36, by deleting “whole fee.” and inserting: “~~{whole fee.}~~ *entire compensation.*”.

Amend section 1, page 5, line 37, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend section 1, page 5, line 40, by deleting “fees have” and inserting: “~~{fees have}~~ compensation has”.

Amend section 1, page 5, line 43, by deleting “fees” and inserting “~~{fees}~~ compensation”.

Amend the bill as a whole by adding new sections designated sections 1.3 and 1.7, following section 1, to read as follows:

“Sec. 1.3. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, he is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, he is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, he is entitled to the same ~~{fees}~~ compensation as set forth in NRS 3.370.

2. The ~~{fees}~~ compensation for transcripts and copies must be paid by the party ordering them. In a civil case the preparation of the transcript need not commence until the ~~{fees have}~~ compensation has been deposited with the deputy clerk of the court.

Sec. 1.7. NRS 18.005 is hereby amended to read as follows:

18.005 For the purposes of NRS 18.010 to 18.150, inclusive, the term “costs” means:

1. Clerks’ fees.

2. Reporters’ fees for depositions, including a reporter’s fee for one copy of each deposition.

3. Jurors’ fees and expenses, together with reasonable compensation of an officer appointed to act in accordance with NRS 16.120.

4. Fees for witnesses at trial, pretrial hearings and deposing witnesses, unless the court finds that the witness was called at the instance of the prevailing party without reason or necessity.

5. Reasonable fees of not more than five expert witnesses in an amount of not more than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances surrounding the expert’s testimony were of such necessity as to require the larger fee.

6. Reasonable fees of necessary interpreters.

7. The fee of any sheriff or licensed process server for the delivery or service of any summons or subpoena used in the action, unless the court determines that the service was not necessary.

8. ~~{The fees of}~~ *Compensation for* the official reporter or reporter pro tempore.

9. Reasonable costs for any bond or undertaking required as part of the action.

10. Fees of a court bailiff who was required to work overtime.

11. Reasonable costs for telecopies.

12. Reasonable costs for photocopies.

13. Reasonable costs for long distance telephone calls.

14. Reasonable costs for postage.

15. Reasonable costs for travel and lodging incurred taking depositions and conducting discovery.

16. Fees charged pursuant to NRS 19.0335.

17. Any other reasonable and necessary expense incurred in connection with the action, including reasonable and necessary expenses for computerized services for legal research.”.

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. NRS 656.290 is hereby amended to read as follows:

656.290 1. The Board may subpoena and bring before it any person in this State and take testimony orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in courts of this State.

2. Any district court, upon the application of the accused or complainant or of the Board may, by order, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relative to the application for or refusal, recall, suspension or revocation of a license or certificate, and the court may compel obedience to its order by proceedings for contempt.

3. The Board shall provide a court reporter to transcribe the testimony and preserve a record of all proceedings at the hearing of any case wherein a license or certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and its orders constitute the record of the proceedings. The Board shall furnish a transcript of the record to any person interested in the hearing upon payment therefor of the statutory ~~{fees}~~ *compensation* for transcription as provided in NRS 3.370.

4. At any time after the suspension or revocation of any license or certificate, the Board may restore it to the accused without examination upon unanimous vote by the Board.”.

Amend sec. 17, page 13, by deleting line 12 and inserting:

“3. Sections 1, 1.3, 1.7, 4, 5, 11, 12, 13.5, 14 and 16 of this act become”.

Amend the title of the bill, first line, by deleting “fees” and inserting “compensation”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 91.

Remarks by Assemblyman Anderson.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 276.

The following Senate amendment was read:

Amendment No. 581.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. This act becomes effective upon passage and approval.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 276.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 474.

The following Senate amendment was read:

Amendment No. 669.

Amend sec. 2, page 3, by deleting line 19 and inserting: “*sports official based on the performance of his duties at a*”.

Amend sec. 2, page 3, lines 31 and 32, by deleting: “*immediately prior to, during or immediately after*” and inserting: “*based on the performance of his duties at*”.

Amend sec. 3, page 5, lines 3 and 4, by deleting: “*immediately prior to, during or immediately after*” and inserting: “*based on the performance of his duties at*”.

Amend sec. 3, page 5, lines 17 and 18, by deleting: “*immediately prior to, during or after*” and inserting: “*based on the performance of his duties at*”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 474.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered to enrollment.

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

Assembly in recess at 12:09 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 30, 31.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 30—Memorializing former First Lady Carolyn O’Callaghan.

WHEREAS, Fulfilling the demands and expectations placed on the First Lady of Nevada is a uniquely challenging responsibility; and

WHEREAS, Carolyn Randall O’Callaghan quietly and graciously took charge of the role with the greatest dignity, serving Nevadans in such a way as to evoke the admiration of everyone who knew her, as well as those who will imitate her as a model and guidepost in the future; and

WHEREAS, Carolyn Randall, the daughter of Claude and Marjorie Randall, was born on December 15, 1935, in Twin Falls, Idaho, where she spent many happy childhood hours playing in the greenhouses behind her family’s flower shop, and is remembered as a nature lover and a tomboy who enjoyed riding stick horses in the fields; and

WHEREAS, In spite of her tomboyish propensities, this young lady early revealed her maternal instincts, as her sister Harriet recalls that Carolyn “on her own as a teenager took on the responsibility of looking after me” and “took me everywhere with her”; and

WHEREAS, Carolyn attended the University of Idaho in Moscow, where she met Mike O’Callaghan, and the two were married on August 25, 1954, and remained devoted to each other during the almost 50 years they were together; and

WHEREAS, In 1971, when Mike became Governor and Carolyn assumed her position as First Lady of Nevada, she set a standard for hospitality that is unequalled by maintaining the proper sophistication while truly making the Governor’s Mansion the house of the people of Nevada, as seen in her custom of rising early each morning to serve coffee at the kitchen table and discuss the issues of the day with the mailman, milkman, and whoever else might be passing by and in her joy of “spooking-up” the Mansion at Halloween and making hundreds of bags of popcorn to hand to trick-or-treaters; and

WHEREAS, One favorite story about this very special First Lady involves the time when the Governor received word that picketers from Las Vegas had gathered at the Governor’s Mansion to protest his support of the motorcycle helmet law, but on arriving to evaluate the situation, he discovered only dozens of picket signs on the porch and lawn because Carolyn, explaining that those people had come all the way from Las Vegas and it was cold outside, had everyone in the kitchen being served coffee, hot chocolate and lunch; and

WHEREAS, In her private life, Carolyn was known for athletic ability that enabled her to win numerous bowling tournaments and pro-am golf championships, and as a person who could do anything she set her mind to, she even included the driving of school buses and moving vans as well as the building of an addition to the family home in her repertoire of skills; and

WHEREAS, In addition to athleticism, keen driving abilities and carpentry, Carolyn excelled as a guitar player, gourmet cook, crack shot, and masterful angler who, in fact, just 3 weeks before her death, had taken several of her grandchildren on a fishing expedition to Lake Mead; and

WHEREAS, As a wife, Carolyn's love and support for her husband knew no limits, and even though she disagreed with him on many issues, she knew they thought alike regarding all the most important subjects including their children, their family, and their home; and

WHEREAS, Her children remember Carolyn as a "class lady" and a mom who created a tight-knit family in a home filled with love, living intensely her belief that family came before politics; and

WHEREAS, Underneath all the external qualities making her such a remarkable woman, lay the vivaciousness and inner beauty that created the magnetic charisma of this First Lady whom friends remember as a generous benefactor completely consumed with doing good for others and as a mentor who taught them how to be better people; and

WHEREAS, Carolyn Randall O'Callaghan slipped away on August 7, 2004, only a few months after losing the love of her life, and those who knew her well find comfort in believing that she and Mike are together in a better place and that they did indeed celebrate that 50th wedding anniversary together; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature express their respect and admiration for Carolyn Randall O'Callaghan as a loving, compassionate, dedicated wife and mother who served the people of Nevada as their First Lady with the honor and dignity befitting that position, and they offer their sincerest condolences to Carolyn's beloved family and to the friends whose love and respect she earned through the quality of the life she lived; and be it further

RESOLVED, That Carolyn O'Callaghan will always be remembered fondly in the annals of great personages of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Carolyn's treasures on Earth, her children Michael, Brian, Tim, Colleen, and Teresa.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Resolution adopted unanimously.

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 31—Memorializing former Governor Mike O'Callaghan.

WHEREAS, Tracing the journey of a son born in Lacrosse, Wisconsin, into a poor family that lost its farm during the Great Depression, to become the man who is one of the most prominent, beloved figures in the history of the state of Nevada encompasses a story of extreme courage and remarkable character; and

WHEREAS, The leading actor in that story, Donal Neil "Mike" O'Callaghan, affectionately known as "Big Mike," approached each role throughout his life in such a way that endeared him to all he knew, and his imprint will forever be stamped upon this state; and

WHEREAS, Former Governor Mike O'Callaghan grew up on his family's farm and helped earn a living by raising cows and selling cream until, at the age of 16, he joined the Marine

Corps and served in the U.S. Pacific Fleet as an anti-aircraft gunner, earning the rank of sergeant, and after his discharge in 1948, served in the Marine Corps Reserves until 1950; and

WHEREAS, As a young man, the former Governor was employed as an ironworker and participated in amateur boxing until he continued his military service by joining the Air Force as an intelligence officer, but because he wanted to see action, he transferred to the Army as an infantryman in 1952 and served in the Korean War, during which he lost the lower half of one leg after courageously rescuing soldiers who were cut off from the trenches by enemy action; and

WHEREAS, Following his military service, Mike graduated from the University of Idaho in Moscow, where he not only earned a master's degree and graduated in the top 10 of his class, but also won the heart of Carolyn Randall, and the two were married on August 25, 1954, and dedicated themselves to each other and their children during their marriage of almost 50 years; and

WHEREAS, Heeding his new wife's advice, Mike chose to accept a job as a teacher at Basic High School in Henderson, rather than a position as a principal in Idaho, and the family moved to Nevada in 1956; and

WHEREAS, Upon completion of 5 years of teaching, Mike continued his public service in municipal, state, and federal positions from 1961 to 1969; and

WHEREAS, O'Callaghan was elected Governor of the State of Nevada in 1970 after waging a campaign in which he sought to get in touch literally with the "average man on the street" by greeting motorists on the corners of busy intersections in Las Vegas during blistering heat; and

WHEREAS, As Governor of this State for two terms, O'Callaghan continually fought for the "little man" and accomplished his goal of creating a government that was responsive to the needs of its people by promoting the welfare of disadvantaged children and the mentally ill, creating new agencies to assist senior citizens, consumers and the poor, actively working to preserve the beauty of Lake Tahoe, ensuring affordable housing for all, providing assistance to workers injured on the job and advocating for prison reform, rights for women and laws requiring motorcycle helmets; and

WHEREAS, There is little doubt that he could have won a third term as Governor, but instead he accepted an executive position with the *Las Vegas Sun*, where he became a popular columnist and an important voice in Nevada, and as Executive Editor, he acted as the conscience of the newspaper; and

WHEREAS, For his extraordinary courage, he was awarded multiple military medals, and a few of the other honors he attained include membership in the Hall of Fame at the University of Idaho, an award from the Nevada Judges Association, the selection by *Time Magazine* in 1974 as one of 200 promising young Americans, induction into the Nevada Newspaper Hall of Fame, the David L. Simon Bridge Builder for Peace Award and the honor of being nominated shortly before his death to serve on the federal Veterans' Disability Benefits Commission; and

WHEREAS, Outside of the public eye, Mike O'Callaghan conducted himself with honor and compassion, never bringing attention to his quiet acts such as arriving early in the morning at homeless shelters to serve coffee and doughnuts to the poorest of the poor and frequently visiting hospitals to encourage recent amputees; and

WHEREAS, His devotion to the youth of this state inspired the lives of innumerable young people as he actively and ardently supported children in sports throughout his life, took time as Governor to change lives of juvenile offenders by being instrumental in the building of China Spring Youth Camp in Douglas County and Spring Mountain Youth Camp in Las Vegas, and performed random acts of generosity such as graciously hosting, impromptu, in the Governor's Office, a basketball team of underprivileged boys from Hawthorne when they came to play in Carson City; and

WHEREAS, Possibly the most predominant thread intertwining the eulogies offered for former Governor Mike O'Callaghan was the mention that he never succumbed to developing an ego that could so easily have accompanied the prominence he attained, but continually dedicated himself to the service of others in every aspect of his daily life; and

WHEREAS, By the end of his journey, Mike O'Callaghan had become the epitome of the words of the novelist James Michener, who penned fictional sagas that can only rival the real-life story of this great man, a life "decently led and work well done"; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature express their admiration, respect, and veneration for Donal Neil "Mike" O'Callaghan and empathize with the members of his family and all those who feel an emptiness as the result of his loss; and be it further

RESOLVED, That former Governor Mike O'Callaghan will never be forgotten by the people of the state of Nevada, and when he is remembered, the memories will be of a man who proved himself to be an icon to which all can aspire; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Mike's beloved children, Michael O'Callaghan, Colleen O'Callaghan-Miele, Teresa Duke, Brian O'Callaghan, and Tim O'Callaghan.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Horne, Buckley, Carpenter, Anderson, Manendo, Hardy, Ohrenschall, and Giunchigliani.

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

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. Growing up in Henderson, Governor Mike was a figure larger than life for me. First, starting out there before I attended Basic High School, as a teacher there and then as Governor, and in so many other activities that he performed. He was a mentor to all—to me and everyone in Nevada who was willing to have those conversations with him. He always helped young people, loved youth and education, whether it was scholarship programs or just visiting schools and cheering the students on, giving them the desire to do well.

The Governor was a fighter for those who could not fight for themselves. I am sure that is one thing that we all remember about him, among others. His door was always open. It was common to find somebody just right off the street who would come visit the Governor, and as much as somebody off the street, any dignitary might be visiting.

Even though we are here to celebrate the lives of two extraordinary people, it is difficult to celebrate these wonderful folks without having a sense of sadness. I can remember in 1995 a phone rang in my apartment, just a little east of here, at 5:00 a.m. I was thinking, who the heck was calling me at 5:00 a.m.? It was Mike and the phone call went something like this, "Perkins." "Yes, Governor." "You awake?" "Uh, yeah, sure." Understand, he had already been to the gym and had something burning on his mind. How he got my phone number I couldn't tell you. I think my wife was the only other person in the world who had it, but he had his ways. He never hesitated to reach out and to explain something when he saw what he thought was something going wrong in our state.

He was known as Governor Mike because he connected with the common people in our state. That was the way he reached out. That is what he was always known for. He had a number of other names, some of which we cannot share with you on the floor, but all of them were used in a context that was, honestly, very flattering.

The Children's Home, both north and south, was a big battle for him. This Legislature changed that, I think, in the 1995 or 1997 era. He felt very strongly about that and had many disagreements with folks. It was not that the disagreements were there just because he felt differently about it; he just really felt strongly about those kids and wanted them taken care of. It was very important to him.

I remember growing up as a young boy in Henderson, the Boys' Club (it was only a Boys' Club back then), he pretty much started the Boys' Club through the boxing programs that he had. Getting youth involved in sports was a huge passion. I can remember seeing him there when I was just a very small child.

As the Resolution mentioned, he always looked out for the less fortunate. That was his way of really making sure that Nevada was truly a great state, dealing with those less fortunate in Nevada.

He was elected to do two terms. The *Nevada Constitution* was changed at the same time he was first elected. He could have actually run for as many terms as he wanted, but he chose not

to. He did his two terms and said, "It was my time. That is enough." Most certainly he would have been reelected had he sought an additional term or more.

He never hesitated to call and chew on you if he thought you were doing wrong. And you know what, he wasn't looking for you to just roll over and accept what he had to say. In fact, he would probably be very disappointed if that was the way you operated. If you had a difference of opinion and expressed it, he really respected that and always wanted to have that debate. He wanted to make sure the right thing was happening and he wanted to be well-informed.

I remember him telling me a story once about when he used to smoke. There was a hole in his prosthesis and he had tapped the ashes in the hole. Apparently there was some lint in that hole and after tapping a few ashes, a small conflagration occurred in the prosthesis and he had to take it off and put out the fire. The funny thing about that is the fact that he was missing a part of a leg and it was never an impediment for Big Mike. I think it was one of the things that shocked me so much about his passing. He was such a robust person and unless you knew about him, you did not know that he had any sort of handicap whatsoever. In fact, he would never consider it that.

I was talking to Mike O'Callaghan, here at my desk, and he was explaining to me that apparently the loss of the family farm was because the military needed to expand and the base expanded into the area where the farm was located. In this day and age, certainly someone would be very put out by that, but the grandfather apparently thought that was just their duty to this country, allowing it to happen, felt patriotic, and moved on from that area. That is how the farm was apparently left behind.

I practically grew up with a number of the O'Callaghan clan, whether it was Mike at the D.A.'s office and a few of the cases that we dealt with together, or Tim in Henderson at the newspaper, or Colleen on a hundred different Henderson projects, and I learned a lot about both Carolyn and Mike through them. I can tell you, they were so loved by their parents, all the family was. I did not know the rest of them as well, but they were loved by their parents. I had countless conversations with Mike, not as many with Carolyn, but there was not a single conversation about a single topic that the conversation did not turn to the kids and how proud they were of those other children and what they were doing in life. Mike talked to me a lot about Brian and his police service, what Mike was doing at the D.A.'s office, the newspaper was always coming up, and the challenges of a home-town newspaper.

He was always volunteering to do various things, always tapped by the administrations out of Washington, D.C., to do a lot of things having to do with veterans or national and worldwide events, frankly. I know he volunteered to go to Southeast Asia and be a part of that delegation to talk about POWs and MIAs. He dealt with veterans' issues. Another thing that Mike mentioned to me just this afternoon was Big Mike was there to document the free elections that the Kurds held in 1992. But for that action, as part of a region in Iraq, we probably would have lost many more soldiers in this current conflict. It created a sense of belonging, if you will, by the Kurds in that region, and they were much less antagonistic toward our troops in this current conflict.

There are a number of monuments to Big Mike. There is the bridge over the Colorado River that will be coming soon, and I think that speaks a lot to the way he bridged a lot of gaps, whether for the less fortunate, worldwide events, or for so many things.

One other story I would like to share with you was I remember going to see him at the old office in the old *Las Vegas Sun*. His desk had a pile of paper on it about this high. Every corner of his desk was covered with that much paper. You would walk in and wonder, how could someone so strong in what he believes in, so organized in what he does, so passionate about all the things he believes in, have this kind of a mess on his desk? However, it was not a mess, it was a filing system. You would get into a conversation and he would bring something up asking if you had read about such-and-such, and you would answer, "No, Governor," and he would reach his hand into the middle of that pile and pull out the copy of the newspaper article or something he had read. He knew where everything was on that desk. It was truly amazing.

I spent some time with Mrs. O'Callaghan just after the Governor's passing. I was able to visit their home and have great conversations with her. It is my opinion that she died of a broken heart. They had such a bond. They had such a long relationship. It was more than just being able to complete each other's sentences. They were as one in their relationship. To see the passion that she held continually and that they had for each other was something I think we can and

should all learn from. There is no way that Governor Mike could have been the extraordinary person he was without Mrs. O'Callaghan. She was truly the yin to his yang. She was the support system that he always needed, but she was not just a support system. As First Lady she was very active in many of the things that he did and was always there for him and made him a much better person.

I would be remiss if I didn't talk about the Governor's passion for religion. It is widely known that he suffered his heart attack while he was at church. He went to church every day. He was a devout Catholic, but he was also one of those people who was very interested in protecting your freedom of your choice of religion, as well. He spent a lot of time in Israel. In fact, when I met with Brian Greenspun, I asked him to give me the "*Readers' Digest* version" of why we don't seem to have any possible way of resolving the conflicts between Israel and Palestine, and he said, "If you want that discussion, go see Mike." He was very interested in my religion; your religion, it did not matter. He wanted you to feel comfortable.

I would also be remiss if I did not mention all the time he spent in Latin America. He took a lot of trips down there and he would organize a lot of activities. He would bring doctors and supplies to Latin America for those who were literally dying in the jungles, building shelters to put them in a place to be self-sufficient. He had passions for people all over this world and it was something he pursued forever.

As I finish, Madam Speaker pro Tempore, may I suggest that Nevada lost its two finest public servants it has ever known, and they are people I am proud to call my friends. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Concurrent Resolution 31. I had one meeting with the Governor. It was before I was elected. I think the meeting lasted maybe two or three minutes. After I took the bar exam and failed, the phone rang at home and it was him. He said, "Sorry you didn't pass the bar. Keep your head up. You'll tackle it." Out of the blue like that. Something like that you will never forget. I thought, "Wow." I had met him months ago that one time, for about two minutes. That was the kind of man he was. He reached out and patted me on the back and said, "Go on, you'll be all right." That was it, and I will always remember.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. I rise in support of SCR 30 and SCR 31. Governor Mike encouraged me to run for office for the first time. I will never forget, after I won and I was in, the phone calls started. I think the first one was right when we were doing the Patient Bill of Rights, and it was much like the Speaker described: "Buckley. Don't let these HMOs win. Keep going. You are right. You'll win. Keep your head up." After the bill passed and he had reported on it he called me up and said, "We have a problem. I got a call from this woman this morning and she has cancer and she was denied surgery. It doesn't make any sense. Will you fix it?" I said, "Absolutely, Governor." He said, "Will you call me today? Will it be done today?" I said, "You know it." Every time Governor Mike called it was my first priority, whether it was calling an HMO executive on my lunch hour or helping someone with a legal problem, because every person he met, every person he touched, he cared about. Whether it was calling a colleague to pat him on the back when they were down, or helping the waitress he met at a restaurant, it did not matter who had a problem, Governor Mike was there to solve it. In all my years of politics if, there is any politician I would like to be and have tried to emulate, it is Governor Mike.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I rise in support of SCR 30 and 31. I first met Mike O'Callaghan when I was a county commissioner from Elko. I'm sure Mike, being the farm boy that he was, understood the needs of rural Nevada. He was a guy that you just couldn't help but like. He was a compassionate man, but he did not want to waste money either, you know. You helped your fellow man, but you did it in a way that made you proud and made him proud. He was a hands-on Governor and he did not take anything and he would not stand any nonsense from federal agencies.

The thing I remember most is that my children really loved Mike O'Callaghan. My boys were state presidents of the Future Farmers of America and my daughters were presidents of the

Future Business Leaders of America. So they got to meet Mike O'Callaghan. In our home we have a series of pictures that depict the lives of our children and my wife and I, and all our friends. There are two or three pictures there of Mike O'Callaghan, when he was Governor, when he invited my boys and my daughters into his office. Every once in a while we get together and look at those pictures and my kids will say, "There's Governor Mike. He invited us in and he treated us just like family." They were so proud to think he had invited them and would talk to them. He was such a great guy.

I think the last time I saw him, and I hadn't seen him for a long time, my wife and I were in Las Vegas going to one of the shows. Mike O'Callaghan was over there in the line and he still remembered me. He got out of the line and we talked. It was great to renew the friendships we had so many years ago. I just want to say something else, as well. In this Resolution, about Mrs. O'Callaghan, it talks about people who are married for a long time and it says something, basically, like we can disagree and we probably do disagree with each other, but when it comes to family, and homes, and the things that are most important, we do not disagree. So, thank you very much, Madam Speaker pro Tempore.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I had really kind of thought to keep quiet. It is against my nature, I guess the Irishman in me just won't let it happen. Many of you are probably aware that I once worked extensively with teachers' organizations and teachers' rights issues. I was once involved in a teacher dismissal case that was of interest to the Governor. The nature of what I had been doing for some time had often required telephone calls to my home. My wife had become somewhat upset about the interruption of dinner and had spoken to me about the fact that dinnertime was important to the kids. My two daughters were very young at the time. She had explained to me that there would be no more telephone calls interrupting dinner, that it just wouldn't happen. I, like any good, bright young man, understood what that meant and readily agreed. The telephone rang a few minutes after dinner began and my wife answered it. She said, "Yes, he'll call you back right after dinner." The person said, "Fine." She took the message and her face turned absolutely dead-white. I thought, "Oh my goodness, there must be something terribly wrong." She hung up the telephone, after having taken the telephone number and message. Clyda, my wife, looked at me and said, "That was the Governor and he wants you to call him right away. You'll call him right away, but you have to finish your dinner first. So, hurry up and eat." I can't believe the size of the portion on my plate went to where it was to half that real quickly. I called the Governor back in a few minutes. He went, "Bernie, it's Governor Mike, and did you finish dinner?" I said, "Yes." And he said, "Are you still in trouble with your wife?"

I guess he recognized, as all of us that are bright enough to recognize do, that you don't want your wife upset with you for too long. Carolyn, clearly, had spoken to Mike about not only his early morning call but those that might be interrupting dinner. Mike O'Callaghan was the kind of caring individual that we wish all of us could be. We all loved him dearly. And those kinds of memories are a lasting memory in my family. It is the kind of question that I think, as my attaché from the university has reminded me of, that highlights the telling line that makes Mike O'Callaghan an "is" and not a "was." He will always be a living person within the hearts of us who knew him. His legacy will be one that we all care about.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the two Resolutions. Talking about a popular columnist, everyone read Big Mike's column. My father was a hundred percent disabled veteran. My dad couldn't do a whole lot. I never knew my father to be healthy. But my father loved to read Governor Callaghan's articles. He loved them. When I first ran for office and I put in a bill for a veterans' home, Nevada's first veterans' home, the Governor called me up and said, "Why are you doing this? Where do you want to put it, in your district?" And I said, "No. There are several locations, but probably in Boulder City." He already knew the answer. He said, "Okay." The bill actually failed. The next session, however, I brought it forward again and we started having a conversation again. He called and said, "I'm going to help you. I'm going to write a column about it." I said, "I really appreciate that." So we got into a conversation about my father and how he served in the Korean War and how he was disabled. I

shared those conversations with my father and it was really touching to me, as the average guy on the street running for office, having such a historic, popular, and beloved individual calling me up and wanting me to come in and see him and talk to him about the issues that were most important to him and the people of the state of Nevada. I was just absolutely awestruck. I just want the family to know that my family and I loved your father, very much. We are sorry for the passing of your mother and father. Thank you.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker pro Tempore. In 1971, I was 21 years old. I was in charge of publicity for a development organization that helped start the Meals on Wheels program, and a program called IUDA for the people in Guatemala. And in that publicity capacity I interacted with Governor O'Callaghan and organized a walk and pledged how much money we would do if we walked. He not only came, but he literally went the extra mile and walked a mile, albeit on his peg leg, with us. It was a great experience to watch how he not only cared, but he walked. He walked, literally, the walk. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the two Resolutions. Of course we all remember Governor O'Callaghan, First Lady O'Callaghan, and so on, but the recollections that are the strongest and dear are when they retired. They lived not too far from us in southern Nevada, and they were great neighbors. You'd run into Carolyn in the grocery store, doing her own shopping. Mike and Carolyn would give out candy on Halloween. My children, when they were young, loved to go trick-or-treating on Halloween. It was known that the O'Callaghan house gave out very good candy and really looked at the costumes and so on. And Governor Mike, driving by our house every morning on his way to work at the newspaper, would give a friendly wave as he came by. It was just nice to know that you had neighbors like that who cared about the community, were there and interacted with the neighborhood. It was wonderful. It was a real inspiration to everybody in the neighborhood, certainly to my children as they were growing up. Thank you.

ASSEMBLYWOMAN GIUNCHIGLIANI:

I had the privilege of trying to represent your mom and dad as the Assemblyperson from their area. I have quite a few stories. My first term as president of the teachers association, I thought I should go meet the right people and your dad was one of the ones I called. He said for me to come on down. I went and we had a very interesting discussion. The Speaker said it correctly; piles were everywhere. We were having a debate already and I was scared to death because I was brand new at all this. After I left the office, he commented to my husband, who I didn't know at the time, "I don't know how she is going to do, but at least she ain't no sissy." I guess that is probably the best compliment I have ever received, especially from Mike. Over the years I relied a great deal on his passion and his knowledge.

Eileen Brookman was your neighbor. After Mike passed away, Carolyn would come by and lie on the bed next to Eileen and they just would sit there and talk back and forth. I think it was comforting for them both at that time. What I always appreciated was, while I was going door to door one day, your dad came out, answering the bell, and said, "I am mad at you." I said, "Okay, do you want to talk about it?" And he said, "Get in the house." He was there with the German Shepherd, I forget the dog's name, and he said, "Bite her." I said, "You must be really mad." The dog came up and started licking me instead, which didn't help matters. We went into the living room and I think, Michael, you came by that day and George Brookman came by to smoke a cigar, and we got into a huge discussion about St. Jude's Children's home. It was six years after we had voted on it and he was still upset with me. We had a great time. You could sit and argue and make your case and as long as you were up front with him that is all he looked for. I think that is what is so key in a public servant. Mike had great expectations for everyone in this Body whether he knew you or not. It was, "Are you going to do the best job that you can? Don't worry about what the polling says, do what is best in your heart, and make it go forward, whether you win or you lose."

All I can say is, between your dad's passion and your mother's compassion, what a wonderful one whole person they made. They gave us a great gift. Thank you, and I also support both Resolutions.

Resolution adopted unanimously.

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

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker Pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 16, 21, 28, 49, 157, 164, 166, 256, 368, and 469; Senate Bills Nos. 294, 301, 413, and 472; Senate Concurrent Resolutions Nos. 27 and 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Kibbe.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Janie Newman Jackson, Father Jerry Hanley, Sister Marie, Mary Ann Randall, Brian Randall, Michael O'Callaghan, Brian O'Callaghan, Sherrie O'Callaghan, Tim O'Callaghan, Donna O'Callaghan, Mary Colleen O'Callaghan-Miele, Pearl Miller, Carolyn Jean O'Callaghan, and Brian Jay O'Callaghan.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, May 6, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:10 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 6, 2005

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry and Carpenter, who were excused.

Prayer by the Chaplain, Reverend Rob Jennings-Teats.

O Great Spirit, whose breath gives life to the world, and whose voice is heard in the soft breeze—we need Your strength and wisdom. Cause us to walk in beauty, give us eyes ever to behold the red and purple sunset. Make us wise so that we may understand what You have taught us. Help us learn the lessons You have hidden in every leaf and rock. Make us always ready to come to You with clean hands and steady eyes, so when life fades, like the fading sunset, our spirits may come to You without shame. Amen.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 130, 210, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 179, 235, 372; Senate Bills Nos. 101, 104, 131.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 123, Amendment No. 667, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 665 to Senate Bill No. 177.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 101.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 104.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 131.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 689.

Amend section 1, pages 1 and 2, by deleting lines 4 and 5 on page 1 and lines 1 through 11 on page 2, and inserting: "as alternate jurors.

2. Alternate jurors , in the order in which they ~~are~~ were called , shall replace jurors who become unable or".

Amend section 1, page 2, line 13, by deleting "4." and inserting "3."

Amend section 1, page 2, line 20, by deleting "5." and inserting "4."

Amend section 1, page 2, line 23, by deleting "6." and inserting "5."

Amend section 1, page 2, by deleting lines 26 through 29 and inserting: "or four alternate jurors are to be impaneled [-] , and three peremptory challenges if five or six alternate jurors are to be impaneled. The additional".

Amend the bill as a whole by deleting sections 2 through 4 and renumbering sec. 5 as sec. 2.

Amend the title of the bill, second line, by deleting "and civil".

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing selection of alternate jurors in criminal trials. (BDR 14-851)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 174.

Bill read second time and ordered to third reading.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Senate Bill No. 250.

Bill read second time and ordered to third reading.

Senate Bill No. 257.

Bill read second time and ordered to third reading.

Senate Bill No. 266.

Bill read second time and ordered to third reading.

Senate Bill No. 278.

Bill read second time and ordered to third reading.

Senate Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 690.

Amend sec. 2, page 2, lines 8, 16 and 23, by deleting “1,000” and inserting “150”.

Amend sec. 3, page 3, lines 5 and 15, by deleting “1,000” and inserting “150”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 68:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Senate Bill No. 68 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 202.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 202:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Senate Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 286:

YEAS—40.

NAYS—None.

EXCUSED—Arberry, Carpenter—2.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 91, 167, 187, 276, and 474; Assembly Concurrent Resolution No. 27; Senate Bill No. 177; Senate Concurrent Resolutions Nos. 3 and 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Ellis, Diane Chamberger, Megan Moffit, Janice Meroth, Noel Donahue, Brenda Boone, Tanner Boone, Clifton Caffero, Tyler Cole, Jacob Conway, Brian Currier, Cody DeWeever, Brandon Donahue, Joshua Gordon, Brandon Hall, Morgan Campbell, Kayley Hyde, Haley Jorgensen, Dylon Lorow, Nick Marsan, Megean McKnight, Tyler Meroth, Celene Mincer, Bailey Mitchell, Sarah Moffit, Dakota Reeves, Will Shamberger, Brian Smith, Darcy Tedford, Dylan Tedford, Samantha Van Peer, Erik Von Dippe, Lanni Mori, Melessa Camilon, Trenton Cooper, Robert Fagundes, Quinton Green, Justin Gregory, Phillip Grossman, Alyssa Hauger, Parker Jones, Garrett Llams, Jesse Medrano, Chad Oney, Haley Petty, Brittany Saiz, Joseph Shyne, Jacob Stone, Daniel Tilley, Quentin Wagner, Mariah Ward, Brooklen Whitaker, Samuel Williamson, Kylee Lewis, Michael Chadwick, Morgan Dodge, Destiny Davis, and Chris West.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Biddison and Brandon Biddison.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to John C. McIntosh, Daphne McIntosh, Audrey G. McIntosh, and Lauren S. McIntosh.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 9, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 9, 2005

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

On the first day of this week, we meet again in this Assembly Chamber. We ask that You hold us steady lest we lose our poise. Blunt our speech lest by cutting words and careless deeds we hurt our colleagues and the cause for which we speak.

Where we differ in approaches to a problem, may we ever be open to consider another and a better way, guided not by whether it's popular, or expedient, or practical, but always whether it be right. Hear our prayer, O Lord, and help us achieve the reason for our coming here at all.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 30, 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 9, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 32.

MARY JO MONGELLI

Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Senate Bill No. 130.

Bill read second time and ordered to third reading.

Senate Bill No. 210.

Bill read second time and ordered to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Ocegüera moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Perkins, Hettrick, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 29—Designating May 9, 2005, as “Vintage Car Day” at the Nevada Legislature.

WHEREAS, Automobiles and the automobile industry have played a vital role in the growth of the state of Nevada and this great country; and

WHEREAS, Automobile sales in the United States have grown over the years from \$4,100 in 1900 to \$3.7 million in 1925, \$6.7 million in 1950, \$9.3 million in 1965 to over \$140 billion worth of motor vehicles and parts produced in the United States by companies employing over 6.6 million workers nationwide; and

WHEREAS, The automobile industry has become one of the largest purchasers of many key American industrial products, such as steel; and

WHEREAS, Since 1987, the automobile industry has grown by more than 47 percent, helping to drive the economy of the United States to new heights; and

WHEREAS, Automobiles have shaped our everyday lives over the past 100 years more than any other invention by allowing consumers to commute long distances for family visits, tourism, entertainment, shopping and work; and

WHEREAS, Automobiles have encouraged the development of a far-reaching system of highways and roads which made possible the growth of suburbs and shopping centers around major cities; and

WHEREAS, Many people all over the nation, including a large number in Nevada, maintain their classic automobiles as a pastime and do so with a great passion; and

WHEREAS, The members of the Nevada Legislature recognize the effect the automobile has had on this state and our country, and support wholeheartedly all activities involved in the restoration and exhibition of these fine automobiles; and

WHEREAS, Thousands of local clubs have been instrumental in preserving a historic part of this country's heritage by encouraging the restoration and exhibition of these vintage works of art which easily evoke smiles and fond memories; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby designate May 9, 2005, as "Vintage Car Day" at the Nevada Legislature in recognition of all that automobiles and the automobile industry have done to shape the state of Nevada and this country; and be it further

RESOLVED, That the members of the Nevada Legislature express appreciation to Battle Born Regional Group #12 of the Early Ford V-8 Club of America for organizing a nostalgic display on the legislative grounds in commemoration of this event; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Battle Born Regional Group #12 in recognition of the diligent work of its members in organizing this event and of their dedication to encouraging the restoration and preservation of Ford, Lincoln, and Mercury vehicles manufactured from 1932 to 1953.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Claborn, and Giunchigliani.

Resolution adopted.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

By Senators Horsford, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Horne, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicochea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 32—Commending Dr. Claude Perkins, former Superintendent of Schools in Clark County, for his service to the Clark County School District and encouraging the naming of a school in his honor.

WHEREAS, Dr. Claude Perkins began his distinguished career in education in 1971 after being hired to serve as assistant to the Superintendent of Schools in Clark County by Governor Kenny Guinn, who placed him in charge of desegregation programs; and

WHEREAS, In 1978, Dr. Perkins was hired by the Clark County School Board to replace Kenny Guinn in the District's top post, thus becoming the only African American to serve as Superintendent of Schools in Clark County; and

WHEREAS, During his 3-year tenure as Superintendent of Schools, Dr. Perkins pushed successfully for an increase in requirements for graduation from high school, exceeding those required by the State with an additional year of mathematics, a fourth year of English and a course of study in world history; and

WHEREAS, Dr. Perkins' track record included an increase in the rate of attendance at schools throughout the Clark County School District, the establishment of a stricter dress code on campuses and a reduction in class sizes; and

WHEREAS, Dr. Perkins was also responsible for gains in the performance of students on standardized tests, an increase in the percentage of women hired as administrators and department heads and an expansion of vocational programs; and

WHEREAS, Since the resignation of Dr. Perkins as Superintendent of Schools in Clark County in 1981, a campaign has been under way to have a school within Clark County named after Claude Perkins and this campaign was recently endorsed by Governor Kenny Guinn; and

WHEREAS, In the words of the Governor through his spokesman, "Claude Perkins has had a distinguished career in education and deserves to be honored by the Clark County School District;" now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby commend Dr. Claude Perkins for his dedicated service and many accomplishments as a school administrator for the Clark County School District from 1978 to 1981, and encourage the Clark County School Board to publicly recognize and honor Dr. Perkins by naming a school after him; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Claude Perkins, former Superintendent of Schools in Clark County, and the Chairman and each member of the Clark County School District Board of School Trustees.

Assemblyman Horne moved the adoption of the resolution.

Remarks by Assemblymen Horne and Munford.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Leslie, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 33—Recognizing Jake Waters as the Children's Miracle Network Champion Child of Nevada.

WHEREAS, Jake Waters is a happy, busy 5-year-old who handles everything in life head-on, including his leukemia; and

WHEREAS, Diagnosed at the age of 4 years with acute lymphoblastic leukemia, Jake's cancer required a long, intense treatment program which included daily medications, monthly intravenous medications and quarterly intrathecal medication and was prolonged at one point because of severe complications from a reaction to the chemotherapy he was receiving; and

WHEREAS, For the courage and strength he exhibited while he battled cancer, Jake Waters was selected by Washoe Medical Center as the Children's Miracle Network Champion Child for Nevada; and

WHEREAS, As part of the Foresters Champions Across America program in conjunction with the Children's Miracle Network, Jake and other remarkable children like him from around

the country who have triumphed despite severe medical challenges were honored for their courage, tenacity, and perseverance with a trip to Washington, D.C., in March of this year to share the message that their lives, and the lives of millions of children just like them, are better because of the tremendous work of children's hospitals; and

WHEREAS, After their work as ambassadors at the Nation's Capital, Jake and the other champions traveled with their families to Walt Disney World in Orlando, Florida, to represent their states by participating in the national television production of the Children's Miracle Network Celebration and to enjoy a little leisure time; and

WHEREAS, Jake Waters has completed the maintenance phase of his therapy and has returned to maintaining his busy schedule, which includes swimming, tubing behind a boat, shooting hoops with his dad, and dressing up as Spiderman or Batman; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby recognize Jake Waters as the Children's Miracle Network Champion Child of Nevada; and be it further

RESOLVED, That Jake's enjoyment of and enthusiasm for life, despite the difficult times, is an inspiration of hope and healing to other children and is a call to all of us to live life to the fullest and to be positive and strong in the face of adversity as Jake has been; and be it further

RESOLVED, That in appreciation for all that has been done for millions of children over the years, the residents of Nevada are urged to show their support for the Children's Miracle Network and the nonprofit children's hospitals that depend on communities to help fund the vital services they offer to brave children everywhere; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Jake Waters of Reno, Nevada.

Assemblywoman Leslie moved the adoption of the resolution.

Remarks by Assemblywoman Leslie.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 114 and 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that Senate Bills Nos. 174, 250 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 27:

YEAS—42.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209

Bill read third time.

Remarks by Assemblyman Carpenter.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that 209 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblyman Seale.

Potential conflict of interest declared by Assemblyman Seale.

Roll call on Senate Bill No. 257:

YEAS—42.

NAYS—None.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 266:

YEAS—42.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Senate Bill No. 278:

YEAS—42.

NAYS—None.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 382 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 442 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 106.

The following Senate amendment was read:

Amendment No. 615.

Amend sec. 2, page 2, line 2, after "act" by inserting: "for the preparation of new offices for occupancy".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 106.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 123.

The following Senate amendment was read:

Amendment No. 667.

Amend section 1, page 2, by deleting lines 18 through 28 and inserting:

“3. A child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device.

4. Except as otherwise provided in this section, a person within this State shall not sell, give or otherwise provide an electronic stun device to another person if he has actual knowledge that the other person:

(a) Is a child under 18 years of age;

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;

(c) Is a fugitive from justice;

(d) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(e) Is illegally or unlawfully in the United States.”.

Amend section 1, page 2, line 29, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 37, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, between lines 2 and 3, by inserting:

“7. A person who violates the provisions of subsection 4 is guilty of a category D felony and shall be punished as provided in NRS 193.130.”.

Amend section 1, page 3, by deleting line 3 and inserting:

“8. The provisions of subsections 1, 2 and 4 do not apply to a”.

Amend section 1, page 3, line 4, after “uses” by inserting: “or sells, gives or otherwise provides to another person”.

Amend section 1, page 3, line 6, by deleting “7.” and inserting “9.”.

Amend the title of the bill, fourth line, by deleting: “providing a penalty;” and inserting: “prohibiting the sale or disposal of an electronic stun device to certain persons; providing penalties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits use, possession and sale or disposal of electronic stun devices under certain circumstances. (BDR 15-600)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 123.

Remarks by Assemblymen Anderson and Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 179, 235, and 372; Senate Bills Nos. 23, 24, 47, 59, 66, 111, 116, 121, 192, and 197; Senate Joint Resolution No. 1; Senate Concurrent Resolutions Nos. 30 and 31.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Pete Harding, Dick McNeely, and Ken Kleine.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Rohleder.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Garrett Adams, Callie Black, Amanda Bracher, Colt Capurro, Bobby Cervantes, Bailey Corkill, Marta Crawford, Trent deBraga, Luis Dominguez, Edith Enriquez, Alex Faught, Alan Gray, Shayna Gross, Brandi Martin, Faviola Montes, Dominic Pasquale, Taylor Pearce, Kate Pinder, Nichole Rothery, Lauren Ryon, Racheal Schmidt, Shane Smith, Rylan Stevens, Emma Stotz, Tyler Sugg, Kenny Tedford, Melissa Thomas, Kristine Trader, Racel Vanderbeek, Elizabeth Withers, Katherine Withers, Kathy Buckmaster, Lydia Guterrez, Suzanne Hurst, Keith Lund, Joanne Tanner, Sandy Vanderbeek, and Callie Walsh-Bailey.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jane Harding.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Claude Perkins, Reginald Perkins, Cordell Stokes, Hannah Brown, and Donovan Chambers.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Waters, Joe Waters, Shanlee Waters, Eric Guevin, Bob Olson, and Tia Spears.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Myron G. Martin.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 10, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 10, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Gansert, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We open our hearts to You, O God, and pray that You may indwell in each one of us and give us poise and power. We have printed on our paper money, "In God We Trust." Give us the faith to not only put it in print but to apply it to our lives. Help us to do our very best this day and be content with today's troubles so that we shall not borrow the troubles of tomorrow. Save us from the sin of worrying, lest stomach ulcers be the badge of our lack of trust in You. These things we ask from Him who is so trustworthy.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 16, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

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

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 234.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 663 to Senate Bill No. 92.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Koivisto, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Oceguela, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 30—Designating April 28, 2005, as Workers Memorial Day in Nevada.

WHEREAS, Since 1989, April 28 has been observed as Workers Memorial Day by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and the day has been recognized internationally since 1996 when a Global Union delegation lit a commemoration candle at the United Nations Headquarters in New York City to highlight the plight of workers who die, are injured or become ill on the job; and

WHEREAS, This date is significant in that it is the anniversary of the enactment of the Occupational Safety and Health Act of 1970, and trade unionists in nearly 100 countries around the world now mark April 28 as an “International Day of Mourning”; and

WHEREAS, Workers Memorial Day is not only a day on which to remember the workers who have succumbed to an occupational disease or been injured or killed on the job, but a time to renew the commitment to prevent these tragedies from occurring in the future by supporting needed protections and defending the promise of safe jobs for all workers; and

WHEREAS, The theme for Workers Memorial Day for this year is “Good Jobs, Safe Jobs: Protect Workers Now”; and

WHEREAS, Decades of struggle by workers and their unions has resulted in significant improvements in working conditions, but the toll of workplace injuries, illness and deaths remains too high, with statistics showing that in 2003 alone, more than 4.3 million workers were

injured, and 5,559 workers died as a result of job hazards and another 60,000 died from occupational diseases; and

WHEREAS, Too often these tragedies and the devastation they cause for the workers, their families and their coworkers are quickly forgotten; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Nevada Legislature hereby designates April 28, 2005, as Workers Memorial Day, a day to honor and remember the workers who have succumbed to occupational diseases or been injured or killed as a result of work-related accidents; and be it further

RESOLVED, That the residents of the State of Nevada are hereby urged to observe this day by recognizing the need for strengthening safety and health protections in the workplace so that future workplace tragedies can be prevented.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblymen Koivisto, Claborn, Pierce, Ocegüera, Ohrenschall, Carpenter, and Smith.

Resolution adopted.

Assemblywoman Koivisto moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Marvel, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 34—Memorializing Jackalyn Ross Laxalt, former First Lady of the State of Nevada.

WHEREAS, The members of the 73rd Session of the Nevada Legislature note with sadness the passing of Jackalyn Ross Laxalt on July 17, 2004; and

WHEREAS, A true Nevadan, Jackalyn Ross was born to Margaret Burns Ross and the Honorable John R. Ross in Yerington, Nevada, on January 31, 1927, was raised in Carson City and attended the University of Nevada, Reno; and

WHEREAS, Jackalyn married Paul Laxalt in 1946 and, 20 years later, became Nevada's First Lady when Paul was elected Governor of the state; and

WHEREAS, Along with lovingly tending their family of six children and performing all the duties expected of the Governor's wife, Jackalyn took on the daunting task of overseeing the

refurbishing and remodeling of the Governor's Mansion during the 4 years that the Laxalts, the largest family to occupy the Mansion, lived there; and

WHEREAS, After her service as Nevada's First Lady, Jackalyn Ross Laxalt spent many years working as a substance abuse counselor in Arizona and Nevada; and

WHEREAS, Jackalyn Ross Laxalt is survived by her children, Gail Laxalt Johnson of Denver, Colorado, Sheila Laxalt Lokan of Milwaukie, Oregon, John Paul Laxalt of Carson City, Michelle Laxalt of Alexandria, Virginia, Dr. Kevin Marie Laxalt of Greeley, Colorado, and Kathleen "Neena" Laxalt of Reno, 12 grandchildren, a great granddaughter and her brother, John Tom Ross of Carson City; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature extend their condolences to the beloved family and many friends of Jackalyn Ross Laxalt; and be it further

RESOLVED, That Jackalyn Ross Laxalt will be remembered for her warmth, her sense of humor and her love of her family and Nevada, and her radiant smile will be missed by all who knew her; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the children of Jackalyn Ross Laxalt.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblyman Marvel.

Resolution adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 3.

Bill read second time and ordered to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 701.

Amend sec. 3, page 2, by deleting lines 25 through 27 and inserting: "*company, must not exceed 25 cents each month; and*".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 702.

Amend section 1, page 1, line 7, by deleting: "~~tax of \$6~~ fee of \$10" and inserting: "~~tax~~ fee of \$6".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 533.438 is hereby amended to read as follows:

533.438 1. Except as otherwise provided in subsection 4, if an appropriation of groundwater pursuant to a permit to appropriate groundwater results in the transfer to and beneficial use of water in a county in this State other than the county in which the water is appropriated or in another state, the county of origin may impose a fee of ~~[\$6]~~ \$10 per acre-foot per year on the transfer.

2. A county of origin shall not impose a fee pursuant to subsection 1 without the prior approval of the State Engineer. The county of origin shall notify the State Engineer in writing of its intent to impose the fee. The State Engineer shall review the notice of intent to impose the fee to determine:

(a) Whether the appropriation of groundwater pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state; and

(b) The amount of water, if any, that is:

(1) Subject to the proposed fee because of that transfer and beneficial use; or

(2) Not subject to the proposed fee pursuant to subsection 4.

3. Within 30 days after reviewing the notice of intent to impose the fee, the State Engineer shall send a written notice to the county of origin that includes the results of his review. If the State Engineer determines that the appropriation of groundwater pursuant to the permit results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state, the State Engineer shall include in the notice the amount of water that is subject to the proposed fee. The county may, upon such a determination, impose the fee on the transfer.

4. A fee may not be imposed pursuant to this section on water that is appropriated and beneficially used pursuant to a permit to appropriate groundwater which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a county in this State other than the county of origin or into another state.

5. All money collected from a fee imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.

6. For the purposes of this section, if a basin includes land lying in more than one county, each county any part of whose land is included is a county of origin to the extent of the proportionate amount of water transferred from it. The State Engineer shall determine the respective proportions.

7. As used in this section:

(a) A “basin” is one designated by the State Engineer for the purposes of chapter 534 of NRS.

(b) “Origin” means the place where water is taken from underground.”.

Amend sec. 3, page 3, by deleting line 21 and inserting:

“Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 2005.

2. Section 2 of this act becomes effective on January 1, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; redesignating the tax that a county of origin may impose for intercounty and interstate transfers of groundwater as a fee; increasing the amount of the fee; and providing other matters properly relating thereto.”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 114:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 114 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblywomen Leslie and Buckley.

Roll call on Assembly Bill No. 493:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblymen Sibley, Buckley, and Anderson.

Roll call on Senate Bill No. 130:

YEAS—40.

NAYS—Hogan.

EXCUSED—Gansert.

Senate Bill No. 130 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 210:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 210 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Senate Bill No. 243:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 243 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Roll call on Senate Bill No. 250:

YEAS—40.

NAYS—Angle.

EXCUSED—Gansert.

Senate Bill No. 250 having received a two-thirds majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 408:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 408 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:13 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 203.

The following Senate amendment was read:

Amendment No. 658.

Amend the bill as a whole by deleting sec. 8 and adding:

“Sec. 8. (Deleted by amendment.)”.

Amend sec. 17, page 11, by deleting lines 12 through 23 and inserting:

“2. The provisions of section 9 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

3. Section 10 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill by deleting the fifth through the seventh lines and inserting: “unprofessional conduct; revising the provisions”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 203.

Remarks by Assemblymen Conklin, Angle, and Seale.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 106 and 123; Senate Bills Nos. 92 and 202.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Ho.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to David Adams, Alex Carpenter, Kelly Dickerson, Jennifer Machen, Kat Newman, Ian Norman, Ivette Quintero, Weston Spann, Tiffany Thomas, Jade Diaz, and Rob VanCleve.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Vicky Thompson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Karrasch, Jonathan Javier Avila, Garnett Logan Cateil, Jason Richard Cummins, Brittany Nicole Ferris, Anna Foley, Katharine Elizabeth Griffiths, Anthony Guerra, Kevin Heckathorn, Amy Lorraine Hesselgesser, Kimberly Makayla Homen, Colton David Jeffery, Tony Eugene Jenkins, Tabitha Johnson, Kevin Ray Ohlandt, Kenneth Perry, Stephen Phillips, Lisa Michele Randall, Christopher Anthony Riddle, Kyle Nickolas Rutberg, Brandon Shane Smith, Lillian Frances Smith, Miranda Angelle Smith, Suade Strange, Meaghan Michelle Summerbell, Morgan Taylor, Victoria Jane Wagoner, Mrs. Madraso, Bryan Nick Campbell, Kelsey Tremaine Coon, Danyelee Lyn Deardorff, Guardeeon Jake Erler, Jasmine ALize Evans, Corey Allen Gray, Dylan Mykel Gray, Ashly Lyn Hill, Ashly Breanna Homen, Brady Scott Johnson, Travis Reed Johnson, Wesley Shane Kyte, Ashley Rose Ladner, Kendra Ray Lozano, Melyssa Marie Luesing, Lacie Rae McElvain, Morgan Elizabeth Olson, Naomi Lynn Orr, Mitchell Pascual, Veronica Adreena Perry, David Edward Revels, Dustin Nathaniel Smith, Mielissa Kathlen Stevens, Justin Allen Turner, Ms. Jones, Timothy Skylar Boody, Lea Michele Brown, Kyonna Yvonne Caillouette,

Dylon Miguel Chavez, Breanna Catherine Fain, Stephanie Clairce Gahr, Brandon Lee Hafferty, Julianne Rachelle Hale, Corey Lynn Haley, Christina Mae Hesselgesser, Alice Mae Horton, Joshua Deja Klockman, Chasity Renee Martinez, Brandy Nicole Mejia, Preston Micheal Moore, Edwin Enrique Navarro, Keith Perry, Christy Lynn Phipps, Rachel Estelle Smith, Kristina Faye Taylor, Kylee Miran VanGorder, Alicia Renee Vanoosbree, Paul Rodaigo Vazquez, Derek Anthony Whitten, and Kailyn Rose Zielke.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Thompson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to John Paul Laxalt, Kevin Ross Laxalt, David Ross Laxalt, Neena Laxalt, Kevan Danielle Laxalt, Joe Guild, and Billie Calvin.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 11, 2005, at 11:00 a.m. and that it do so in honor of Jack Rittenhouse.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 11, 2005

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Save this moment, O God, from being merely a gesture to custom or convenience, and make it a real experience for each one of us in this place, as we call on You for guidance and help. You have admonished us: "When you stand praying, forgive, if you have aught against any." Give us the grace to lay aside all bitterness or resentment we may be nursing in our hearts, lest their acid eat into our peace and corrode our spirits. You have said: "It is more blessed to give than to receive." Give us the grace today to think not of what we can get but of what we can give, that a new spirit may come into our work here, with a new vision and a new purpose, that You will delight and bless. These things we leave in Your hands knowing that You will give us what is best.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Joint Resolution No. 11 of the Seventy Second Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HARRY MORTENSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 682 to Senate Bill No. 286.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 684 to Senate Bill No. 68.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen McClain, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington:

Assembly Concurrent Resolution No. 31—Recognizing May as Older Americans Month in Nevada.

WHEREAS, In 1963, President John F. Kennedy established the month of May as “Senior Citizens Month,” which was renamed “Older Americans Month” in 1980, and for the past 42 years, May has been designated as the month during which we acknowledge, as a nation, the extraordinary and varied contributions of older Americans living in the United States; and

WHEREAS, Older Americans are among our greatest treasures and provide us with invaluable links to the past as well as counsel for the future as these vital citizens continue to make significant contributions to our communities, through civic leadership and mentoring, and in our homes, by sharing their wisdom and experience; and

WHEREAS, Today, one in six Americans is 60 years of age or older and, of those 44 million people, almost 400,000 reside in Nevada; and

WHEREAS, The United States is in the midst of a boom in the aging population with people living longer and staying healthier and more active much later in life, and this expanding elder population requires our continued commitment to the goal of ensuring that our senior citizens enjoy active, productive and healthy lives, and do so independently, safely and with dignity; and

WHEREAS, This year marks the 40th anniversary of the passage of the Older Americans Act by the United States Congress, and the Administration on Aging, which was established by that Act, has chosen the theme “Celebrate Long-Term Living” to recognize that people are not only adding years to their lives but life to their years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 73rd Session of the Legislature hereby recognizes May as Older Americans Month in Nevada and pays tribute to the older residents of this state for their many contributions to our country, our state, our communities and our families; and be it further

RESOLVED, That all Nevadans are urged to treat older Americans with the respect they deserve and to recognize the responsibility of each of us to ensure that our senior citizens enjoy active, productive and healthy lives as we celebrate and honor the richness and beauty of their many years lived in service to others.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblymen McClain, Carpenter, and Grady.

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

ASSEMBLYWOMAN MCCLAIN:

Thank you, Mr. Speaker. This month marks the 40th anniversary of the Older Americans Act. I would like to relate a few statistics to everybody, and it will hit home to a lot of us.

On July 1, 2004, there were 36.3 million people aged 65 and older in the United States; 4.9 million of these were age 85 and over, and almost 65,000 were over 100 years old. In Nevada, there are nearly 400,000 people 65 and over, and that age group accounts for approximately 21 percent of Nevada's population. By the year 2050, an estimated 86.7 million will be age 65 or over in the United States. This age group will comprise 21 percent of the total population at that time, which translates to a 147 percent increase in the 65 and over population between 2000 and 2050. By comparison, the population of the whole population would have increased by only 49 percent over the same period of time. As you can see, the Baby Boomers are making their impact on the nation and on our state.

A couple of tidbits on baby boomers: by 2015, all Baby Boomers will be 50 and over. The Baby Boom generation runs through births in 1964, which is including a lot of us. Every seven seconds another Baby Boomer turns 50; that is more than 12,000 people each day. In 2011, the Baby Boomer generation will begin turning 65, and by 2030, it is projected that one in five will be 65 or older. The size of the older population is projected to double over the next 30 years to 70 million by 2030. As you can see, it is appropriate that we honor these people in this category. They have given a lot to us over the years. We owe our parents and our veterans a great deal of thanks for the way that they have helped us and raised us.

I am kind of shaking right now, because we did the PEBS budget and I am so glad it is over. I think we fixed that, too, for our Medicare retirees.

In honor of Older Americans Month, and at the request of the Division on Aging, we put together this resolution.

ASSEMBLYMAN CARPENTER:

I don't know whether I am really in favor of this resolution or not. When I was 25 I thought, "Boy, those guys who are 75 are sure old." Now that I am darn near 75 I don't feel old at all, so maybe I am going make it to 100. Thank you, Mr. Speaker.

ASSEMBLYMAN GRADY:

I just really like the last part of this, and now I hope that some of us who fit this category will be treated with a little respect. Thank you.

Resolution adopted.

Assemblywoman McClain moved that all rules be suspended and that Assembly Concurrent Resolution No. 31 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Ohrenschall, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Care, Amodei, Beers, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener:

Assembly Concurrent Resolution No. 32—Memorializing Supreme Court Justice Myron E. Leavitt.

WHEREAS, On January 9, 2004, the state of Nevada lost a beloved and dedicated public servant, the legal community lost an extraordinary Supreme Court Justice and the family of Justice Myron E. Leavitt lost a great patriarch and teacher; and

WHEREAS, A native Nevadan and the youngest of three boys, Myron Leavitt was born in Las Vegas on October 27, 1930, to Myron “Mike” and Estella Leavitt; and

WHEREAS, Myron attended Las Vegas High School where he distinguished himself in academics, athletics and theater and was named the outstanding athlete of his class in 1948; and

WHEREAS, Myron continued his education at the University of Nevada, Reno, on an athletic scholarship, where he won letters in both football and track and was named sports editor of the University newspaper, the *Sagebrush*; and

WHEREAS, After graduation in 1952, Myron worked briefly for the *Las Vegas Review-Journal* as sports editor, and then enrolled in law school at the University of Utah where he received his juris doctor degree and graduated eighth in his class in 1956; and

WHEREAS, It was in Salt Lake City where Myron met his future wife, Shirley, and where they began their life as a married couple on June 10, 1954, in the Salt Lake Temple; and

WHEREAS, After his graduation from law school, Myron and Shirley returned to Las Vegas where they raised 11 children, where Myron enjoyed a rich and fulfilling career in public service that spanned 5 decades and where he realized that his greatest accomplishments were his achievements as a father, husband, mentor, athlete and coach; and

WHEREAS, Myron began his career in the legal profession in southern Nevada in 1957 as a deputy city attorney for the City of North Las Vegas and served in other nonelective positions as a member of the Clark County Juvenile Probation Committee, the attorney for the Clark County District Health Board, an original member of the Las Vegas Metropolitan Police Commission and a member of the Board of Directors of the Nevada League of Cities; and

WHEREAS, The accomplishments of Myron Leavitt during the first 2 decades of his career in public service centered around the establishment of the first medical coroner system in Clark County and the first night court for small claims during the time he served as a Las Vegas Township Justice of the Peace from 1961 to 1962, the organization of the drive to build the Dula Senior Citizen Center while he served as a Clark County Commissioner from 1971 to 1974, an effort which brought the City of Las Vegas and Clark County together to promote joint funding of the project and the construction of a sheriff’s substation in the southeastern sector of the City of Las Vegas; and

WHEREAS, During his tenure as a Las Vegas City Councilman from 1975 to 1978, and as Lieutenant Governor from 1979 to 1982, he is remembered for casting the deciding vote to break a tie retaining capital punishment and halting action to remove the Lieutenant Governor as President of the Senate; and

WHEREAS, Justice Leavitt’s years from 1984 until 1998 as a trial judge in Clark County, his term as President of the District Judges Association and two terms as Chief Judge of the Eighth Judicial District Court, and the fact that he was repeatedly ranked as one of the top judges in the Biennial Judicial Evaluation Survey were all evidence of the admiration and respect of his colleagues; and

WHEREAS, In 1998, Justice Leavitt’s political career ascended to its highest level with his election as a Justice of the Supreme Court of Nevada, a position to which he was reelected in the year 2000; and

WHEREAS, While Justice Leavitt honored Las Vegas and the State of Nevada with his commitment to public service, he was also very active in community affairs, and his dedication to and love of his community were recognized when the Justice Myron E. Leavitt Middle School in Las Vegas was named and dedicated in his honor in March 2002; and

WHEREAS, For over 35 years, Justice Leavitt was also known as “Coach” Leavitt to hundreds of young people as he dedicated much of his free time to coaching basketball, football, softball and baseball and serving as a role model for the many young people whose lives he touched; and

WHEREAS, Justice Myron E. Leavitt left behind his beautiful wife of 49 years, Shirley, whom he considered to be his best friend, life-long companion, confidant and campaign manager, six sons, Dennis, Steve, Tom, Andrew, Delbert and Jim, and five daughters, Kathy

Wright, Cindy Foote, Debbie Earl, Sue Abbatangelo and Michelle and 34 loving grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature extend their heartfelt sympathy to the family and friends of Justice Myron E. Leavitt, a man who will long be remembered for his professional integrity, the encouragement he offered to those who crossed his path, his dedication to public service, his passion for Nevada and the love he had for his family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Justice Leavitt's beloved wife, Shirley, and each of his children.

Assemblywoman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblywomen Ohrenschall and Buckley.

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

ASSEMBLYWOMAN OHRENSCHALL:

Today we honor in ACR 32 not only a judge, but a man of character, honesty, and dedication. In nearly five decades of public service, Myron Leavitt did just that—he served. He served the public every day, around the clock. He was concerned. There is not anyone I know of who called him who did not get a response or get an opportunity to get to speak with him. He began his public service in 1961 when he was elected Justice of the Peace in Las Vegas. From there, he continued to serve the public as a Clark County Commissioner in Las Vegas, City Councilman, Lieutenant Governor, Las Vegas District Court Judge, and Justice of the Supreme Court.

His professional accomplishments include establishing the first medical coroner system in Clark County, establishing the first night court for small claims, leading the drive to build the Dula Senior Citizen's Center, and establishing a sheriff's substation in the southeastern part of the valley in Clark County. Tributes from his friends and family reveal the personal side of Justice Myron Leavitt. A boyhood friend described him as an honest, caring young man with integrity. Others have echoed the same tributes, describing him as generous, kind, dedicated, a role model with quick wit and sense of humor, a true friend. I connect with that when I think of Myron Leavitt. I think of a wonderful friend and a wonderful neighborhood, someone who always had the time to discuss my problems, whether they were with my family or whether they concerned an upcoming election cycle. He was there to give advice and he never said no.

As for his family, I know he was a beacon for his family. He was Shirley's husband for 49 years, a father to 11 children, and a grandfather to 34. He enjoyed sports. In high school, he won the Nevada state championship in the 100- and 220-yard dashes, forever claiming he was the fastest man in the state. He was competitive, but compassionate. He continued his involvement in sports by coaching children, including his own, in Little League baseball, junior football, and Bobby Sox softball. Following his footsteps, five of his children became lawyers. He guided his family with loving advice. He advised his daughters, "Don't marry a lawyer, be a lawyer." His daughter Debbie did both. His daughter Michelle, a district judge now, sits in the district court her father had previously served in.

Myron was the greatest example in the world of helping others. When you think about the tremendous sacrifice that his own son made for him, his son was following the example his father had set. He was a loving husband, guiding father, a true steward of the community. The people he served and cared for will forever benefit from his personal and professional legacy. So will the entire state of Nevada. This legacy that began with honesty and integrity will carry on through the state, through his children, and what they are giving to the state.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker. I just wanted to add the rest of the Assembly's thanks to the Leavitt family. We loved Myron Leavitt. We loved what he stood for, his decision, and how much compassion he had for everyday Nevadans. The thousands of people who came to the memorial service showed how much of an impact he had on all our lives. So, we thank you for sharing Myron with us. He has left a legacy we will never forget.

Resolution adopted.

Assemblywoman Ohrenschall moved that all rules be suspended and that Assembly Concurrent Resolution No. 32 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 664.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 3, by deleting lines 28 through 39 and inserting:

“(b) For those persons who retire on or after January 1, 1994, with at least 5 years of ~~[state service]~~ *service credit with the State or a local government, or both*, 25 percent plus an additional 7.5 percent for each year of ~~[state]~~ *such service credit* in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 1A.310 or 286.300, of the base amount provided by law for that fiscal year.

If the person had service credit with more than one public employer, the amount calculated pursuant to this subsection must be divided among all public employers with which the person had service credit, in the proportion that the service credit of the person with each public employer bears to the total service credit of the person with all public employers.”.

Amend sec. 2, page 4, by deleting lines 1 through 3 and inserting:

“(a) ~~[Credit for service]~~ *Service credit* must be calculated in the manner provided by chapter 286 of NRS.

(b) ~~[No]~~ *In calculating the percentage of the base amount to be paid, no proration may be made for a partial year of ~~[state service]~~ service credit.”.*

Amend sec. 3, page 4, by deleting lines 18 through 21 and inserting: “paragraph (b) of subsection 2 of NRS 287.046 decreased during Fiscal Year 2004-2005,

for any increased amount that the participant was required to pay for coverage during that period as a result of the decrease in his subsidy.”.

Amend the title of the bill, fifth line, after “retirement;” by inserting: “requiring the Public Employees’ Benefits Program to reimburse certain retired participants for increased amounts paid for coverage under the Program during Fiscal Year 2004-2005 in certain circumstances;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 691.

Amend section 1, page 3, line 7, by deleting "50" and inserting "70".

Amend section 1, page 3, by deleting lines 9 through 11 and inserting: *"allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month."*

Amend section 1, page 4, by deleting lines 6 through 22 and inserting:

"8. As used in this section:"

Amend sec. 2, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 through 3 on page 6, and inserting: *"submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the effectiveness of participation in counseling sessions in a program for the treatment of persons who commit domestic violence ordered by a court pursuant to NRS 200.485 and the effect of such counseling sessions on recidivism of the offenders who commit battery which constitutes domestic violence pursuant to NRS 33.018; and"*

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. The report submitted to the Legislature by the Court Administrator in 2007 and 2009 pursuant to subsection 13 of NRS 1.360, as amended by this act, must include information concerning the effectiveness of biweekly counseling sessions and the effect, if any, of participating in biweekly counseling sessions on recidivism of offenders.

Sec. 4. On or before February 15, 2009, the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature a written report concerning the efforts and progress made by the Division in certifying programs for the treatment of persons who commit domestic violence provided by rural mental health clinics."

Amend sec. 3, page 6, by deleting line 6 and inserting:

"Sec. 5. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of section 1 of this act expire by limitation on June 30, 2009."

Amend the title of the bill to read as follows:

“AN ACT relating to domestic violence; authorizing a court to order a person convicted of domestic violence to participate in counseling sessions on a biweekly basis in certain circumstances; requiring the Court Administrator to submit reports to the Legislature concerning the effectiveness of court-ordered participation in programs for the treatment of persons who commit domestic violence; requiring the Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources to report to the Legislature concerning certification of such programs in rural mental health clinics; and providing other matters properly relating thereto.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 263.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Giunchigliani, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 36—Memorializing former Assemblywoman Eileen Brookman.

WHEREAS, All Nevadans were deeply grieved at the passing of former Nevada Assemblywoman Eileen Brookman, who died in her home in Las Vegas on July 1, 2004, after a battle with cancer; and

WHEREAS, Eileen Milstein was born on October 25, 1921, in Denver, Colorado, and attended Eagle Rock High School in Los Angeles, California, and Los Angeles City College; and

WHEREAS, Eileen married George Brookman on July 11, 1941, while he was in the Army, and after the birth of their two children, the family moved to Las Vegas, where George became a general contractor and Eileen entered the political arena; and

WHEREAS, In 1966, Eileen Brookman was elected to the first of eight terms in the Nevada Assembly, serving in each legislative session from 1967 through 1977 as well as in the 1987 and 1989 Sessions; and

WHEREAS, Eileen Brookman truly earned the appellation “the embodiment of a citizen Legislator” as, in her own words, she fought for “the little people” by advocating for senior citizens, persons with disabilities, minorities, persons with low incomes, women, who were not as well-represented in the Legislature as they are now, and children; and

WHEREAS, “Queenie,” as she was fondly nicknamed by those who admired her, was a sponsor of such legislative milestones as the reorganization of the Nevada National Guard and adoption of the Nevada Code of Military Justice, creation of the Aging Services Division of the Department of Human Resources, prohibition of discrimination in private employment on the basis of age, entitlement of senior citizens to vote by absent ballot, passage of the “hate crimes” bill for Nevada and creation of the Governor’s Advisory Council on Education Relating to the Holocaust; and

WHEREAS, Eileen Brookman’s dedicated service to the people of this state was demonstrated by her participation on many different committees in the Assembly, and by her service as Chair of the Assembly Committee on Federal, Indian and Military Affairs and the Assembly Committee on Legislative Functions; and

WHEREAS, Many former colleagues warmly remember Eileen as a mentor, mother, sister, nurse and friend around whose desk they often gathered for practical assistance or nurturing; and

WHEREAS, Eileen Brookman’s service to our State was not only in the Legislature but also consisted of her participation in the Indian Affairs Commission, the Las Vegas Ethics Review Board and numerous other civic organizations, as well as her chairmanship of the Taxicab Authority of the Department of Business and Industry; and

WHEREAS, Many honors have been bestowed upon this dynamic woman including Woman of the Year for Clark County, Humanitarian Mother of the Year Award for Clark County, the Nevada Distinguished Citizen Award from the Board of Regents of the University of Nevada, and the Brotherhood Award of the National Conference of Christians and Jews; and

WHEREAS, Eileen was not only dedicated to serving the people of Nevada but also recognized the priorities of being a wife and mother; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature offer their sincerest condolences and heartfelt sympathy to the family and many friends of Eileen Brookman, a dedicated, energetic, caring woman who fought for the rights of those who most needed a voice; and be it further

RESOLVED, That the rich legacy left by Eileen Brookman lives on in her family, the changes that she instituted through legislation as an Assemblywoman in Nevada, the elementary school in Las Vegas that is named in her honor and the hearts of all those who knew and appreciated her; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to George Brookman, Eileen’s husband of 62 years, and to her daughter, Deborah.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Arberry.

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

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. This resolution does not really capture the individual who was described. For those of you who did not know Eileen Brookman, she was feisty, kind, compassionate, said it just the way she felt it, and was just a tremendous asset to this state.

Unfortunately, the last paragraph here, we cannot forward it to George because we lost George three weeks ago, unfortunately. So Deborah is the family member who is left, and I will take this down to her.

A little bit about Eileen: Besides what was in here, she was my mentor. When she decided, after Michael, her son, was declared having to have a heart transplant, she made the decision to not seek reelection, even though she had already filed. She called me and said, "Listen, you've been going door to door for me, more than I have. I think it is time for you to run for office." She gave me all the support and encouragement. I was privileged to follow a very strong woman who did all the things that were talked about here, and more. Too often we forget that there are pioneers, no matter what. You have to break certain barriers that come about. I still remember Eileen telling me this story. I think at the time Senator Jacobsen was Speaker, and he refused to allow her on the floor because she had pants on. She said, "Listen, my husband doesn't tell me what to wear; you're not going to tell me what to wear." She led a protest, and the women began to be able to wear pantsuits. And that was not that long ago. That was in the 1960s, as far as that was concerned.

Another one that she gets tagged with that we laugh about, but which is absolutely key, is that we do not pay to go to the bathroom in the state of Nevada. There had been a piece of legislation that had passed one year that you had to pay in public restrooms. Eileen had landed at the airport and was in the restroom talking to a mom with two kids who was pregnant. The kids were scared and the mom was telling them to crawl under the door because she did not have any change. The little girl was crying. And the mother said she could not get under the door. Eileen said, "Oh, my god." She got the door open for the woman, but she came back after that weekend and introduced a bill to repeal the law that made you pay in public restrooms. You do not pay in public restrooms anymore. She said, "How can you do that to a family?" It kind of just woke her up, and she said, "Oh my heavens. Look at what we did that we thought didn't have any impact." They repealed that.

Those are the type of things that affect lives every day, that we sometimes forget, that we all do. All of you in here do those little things that make a difference in someone's life. Eileen Brookman did that. She became a dear, dear friend. I had gone to her bedside within a week of her passing, actually. We were sitting there and Carolyn O'Callaghan was lying on the bed and Brian came in. It was just kind of everyone chatting away and talking. George was hanging in there and he was not feeling real well himself. Eileen was still, "Hey, where's my lavender pillow?" "What lavender pillow?" She would say, "Didn't I call you and tell you to go and buy me one?" Eileen was famous for that. She said say, "Oh, you're going to the grocery store? While you're going, buy me some bananas and drop them by." That was Eileen Brookman. She always did that. And everyone would do that for her. You didn't even question it when you got the phone message.

That day, Eileen was just reminiscing about life with the O'Callaghans. She and George really were the O'Callaghans' neighbors, best friends, and I think allowed Mike O'Callaghan to be as successful as he was because they took the family into their home when he was Governor, because he did not have enough money for housing at that time. They put them up. People do not realize how much support the Brookmans actually gave to the O'Callaghans. Their closeness was just incredible.

Finally, the pleasure and opportunity that I had to meet her was greatly felt. She never left this Body. She watched everything that was going on. During the second special session last session, I came into my office. It had been a grinding day. We all know what that was like. And I found a phone message and it just said, "Chris, hang in there. You're doing the right thing." That is the type of person she was. I honor her. She was thrilled to have a school named after her. We were just as excited in the neighborhood to put that together for her. Her legacy will live on in that way. Eileen Brookman was truly a queen, in her own little way.

ASSEMBLYMAN ARBERRY:

I just wanted to say a few words to this Body about Eileen Brookman. I had the honor to serve with her for quite a few sessions. She used to sit on the left side, third seat. Before we all had this modern technology, when you needed to get the Speaker's attention, you had to hold your microphone up in the air. As you know, Eileen was a very little lady, and one day

Mr. Speaker did not see her and did not recognize her, so Mrs. Brookman got on the top of her desk and yelled at the Speaker, and said, "Mr. Speaker, Mr. Speaker, you better let me speak." I tell you, she was always a little character.

I will share a couple of more things before I sit down, Mr. Speaker. When we were trying to get the Martin Luther King holiday approved for this state, Eileen Brookman saw Senator Raggio coming down the hall. She saw him, walked up to him, fell down on her knees and said, "Senator, would you please, please, when the bill comes over from our House, pass the bill on the Dr. Martin Luther King holiday." He was so moved, as you see, it is a holiday today.

The last thing, Mr. Speaker. As a new person chairing the committee on Health and Human Services back in the day, Eileen Brookman was on my committee. Back then you were allowed to smoke in the Chambers and in the committee rooms. Well, I did not smoke. That was before the cigars. But I did not smoke. I was sitting in committee and I was the only committee chair that did not allow smoking in the committee hearing room. Well, Mrs. Brookman was a strong smoker, worse than Marvin Sedway. So, one day, I was sitting in a hearing, and Mrs. Brookman got up and walked out to the audience and fired up a cigarette. She looked at me and said, "Mr. Chairman, I don't care what you say, I'm smoking." I said, "Mrs. Brookman, put that cigarette out. Put that cigarette out." She did not put the cigarette out. I adjourned the meeting. That is how feisty she was.

She was a great, great lady. When she had a belief, she fought it to the end. I will always miss her because I was one of her little babies even though I am what I am. She will always be missed. I have a lot of respect for her and just wanted to share this with this Body. There were fun times here and some great things, and she was part of that.

Resolution adopted.

By Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Grady, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 37—Congratulating the Virginia City High School boys' basketball team for winning the 2005 Nevada Interscholastic Activities Association 1A State Basketball Championship.

WHEREAS, Excitement and tension were at their peak on Saturday, February 26, 2005, as Mich McDowell of the Virginia City Muckers made the game-winning shot in the last 5 seconds of play to lift the Muckers to a 63 to 61 victory over the Lake Mead Eagles in the Nevada Interscholastic Activities Association (NIAA) 1A boys state basketball championship game at the Orleans Arena in Las Vegas; and

WHEREAS, Virginia City has a strong tradition of basketball, and teams through the years have won 17 state titles, by far the most in the history of Nevada, with 6 state titles between 1962 and 1967, and an amazing winning streak of 93 games and five state championships between 1982 and 1986; and

WHEREAS, Individual members of this year's winning team were presented with awards for First Team All-Division, Second Team All-Division and Honorable Mention, as well as two sportsmanship awards; and

WHEREAS, The championship team, consisting of Nathan Adaki, Cory Dacha, Zack Dotson, Miles Lugo, Kevin Lynch, Mich McDowell, Chad Sprong, Sam Turman and Andy Wilson, not only proved its excellence on the basketball court, but also won the 1A State Academic title with a 3.72 team grade point average; and

WHEREAS, The Muckers have consistently been supported, inspired and cheered on by the people of the historic mining town of Virginia City and, with the aid of manager Skyler Jones, were led to this year's victory by Coach Hector Buchianeri, who was awarded Coach of the Year, and Assistant Coach, Deny Dotson; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature do hereby extend their congratulations to the Virginia City High School boys' basketball team for winning the NIAA 1A State Basketball Championship; and be it further

RESOLVED, That the achievements of the members of the Muckers basketball team in the areas of academics and athletics are recognized as an example for their schoolmates and all young people of Nevada as they strive for excellence in their lives; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Todd Hess, Principal and Athletic Director of Virginia City High School, and to Coach Hector Buchianeri.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady, Anderson, and Hardy.

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

ASSEMBLYMAN GRADY:

As stated in the Resolution, there is a rich history and pride on the Comstock for high school basketball. These young men were not born when the last state title game came to the Comstock. The tradition of state championship is not only dreamed of in Virginia City, it is expected. Back in the days of the great Jake Lawlor and Hugh Gallagher Sr. and winning streaks of 93 games, 55 games, 45 games, are past legends that these young men hear about all year long. Family names like Coach Lyle Damon, the Andreasens, the Gallaghers, the Gladdings, the Hesses, and the McBrides, have all brought pride to the Comstock during these past 17 state championships.

When Fred Gladding was coach, there was a 93-game winning streak, and the now-principal, Todd Hess, was part of the long tradition. All 17 autographed basketballs on the shelf at the Ponderosa are now joined by number 18. As important as bringing the state championship trophy home is the fact that this team also won the 1A state academic title with a 3.72 grade point average.

Mr. Speaker, I had the pleasure and the honor to referee some of those earlier games in history-making places, like the Gabbs Tarantulas, the Fernley Vaqueros, the Smith Valley Bulldogs, and many others, and I can tell you, whenever you went to a Virginia City game, there was a very high intensity, but these young men were always taught that they had to be gentlemen, because they not only represented their team, their school, and their city, most importantly, they represented their families. It is truly my honor to welcome the team here today for this Resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

I wish to rise in support of the Resolution. Clearly the long tradition of the Muckers is one that anyone who lives here in the northern part of the state has had an opportunity to observe. I am always thankful that they are in the 1A so that I don't have to worry about my Raiders at Reed having to face the onslaught of the backboard from such a distinguished team. The Railroaders at Sparks are happy that you are not in their league, and I know the Hawks at Hug are equally concerned. We are happy that you are in the 1A and we hope you stay there because, like the Hoosiers from Indiana, we know you are capable of taking the State. I rise in support of the Virginia City Muckers.

ASSEMBLYMAN HARDY:

Likewise, I rise in support of SCR 37. I grew up in the Reno area during the legend of Virginia City High School basketball. One of the highlights of my life, in basketball, was when the Virginia City Muckers came to Sparks High School and taught us how to play basketball. They did not do it during a game, they did it during practice. I was always grateful that they never played us, but I was thrilled that they always beat Reno High and the other high schools

that liked to try and beat us, too. It is an honor to be in this Body and be able to recognize such a tradition of truly the best sport in the world.

Resolution adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 3, 30, 35, 90, 136, 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 311 just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 43, 198, 199, 201, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 203 and 234; Assembly Concurrent Resolution No. 29; Senate Bills Nos. 164, 257, 266, 278, and 286; Senate Concurrent Resolutions Nos. 32 and 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Griffin Lerude, Stephanie Lerude, Sheri Boyden, and Zachary Boyden.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Chiappini, Candice Millar, Jacqueline Finney, Jonathan Pitts, Amy Pescio, Nicole Pintar, Seth Almberg, Lauren Yourdon, Jacob Bybee, Leslie Cardinal, Shevon Hernandez, Kate Hutchinson, Sheryl Libbee, Raeann Lilly, Christina Loghry, Misti Mocaby, Jamie Muir, Caitlin Summers, Thomas Tracy, Tracy Wise, Kevin Brown, Tyson Gardner, Clinton Henriod, Jenna Holmes, Ember Jordan, Amanda Evers, Noe Perez, Matthew Tilby, and Christopher Vaughn.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Lynch, Chad Sprong, Zack Dotson, Mich McDowell, Cory Dacha, Miles Lugo, Andy Wilson, Sam Turman, Nathan Adaki, Skyler Jones, Hector Bucchianeri, Deny Dotson, and Todd Hess.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Abercrombie, Kaleb T. Bailey, Kimberly Baily, Bailey Barker, William Barth, Joseph Kyle Butler, Alissa Caresse Clarke, Jacob Milo Cook, Austin Taiyo Donnelly, Brock Henry Esplin, Jason Faircloth, Lorraine Faircloth, Mary Clarke, Troy Cook, Daniel J. Henderson, Bunny A. Henderson, Tanner Fenton Imlay, Darin Fenton Imlay, Blake Jacobs, Maria Jacobs, Garrett L. Lockhart, Eric L. Lockhart, Midori Francesca Molina, Tino Michael Ragone, Nadine Chandler Cloud, Willie Reyes Jr., Brianna Saenz, Jessica Saenz, Gabriel Dean Vasquez, Michelle Camara-Vasquez, Crystal Weaver, Shaun Fleming, Keane Foster, Mary Frantz, Mindy Gubler, Pamela Honey, Darlene Krause, Charles Nicks, Scott Murray, Joan Purdy, Christina Robertson, Robin Lee, Pam Donahue, Amber Eccles, Corbett Fleming, Brandon Foster, Avalon Frantz, Andrew Gubler, Megan Gudmundsen, Brent Hickey, Jordan Honey, Martin Hudson, Alyssa Krause, Zachary Lee, Lauren Miller, Ronald Mortensen, Logan Moser, Shaun Murray, Megan Purdy, Shelby Riggs, James Smith, Benjamin Trujillo, Brittney Yeazle, Kimberly Bailey, and Josh Newkirk.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Collins.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Rice.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Wanda Brown and Connie McMullen.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Leavitt and Michelle Leavitt.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Hess.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, May 12, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 12, 2005

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O God, our help in ages past, our hope for years to come, our shelter from the stormy blast, and our eternal home. In this day that You have made, help us to appreciate its beauty and to use its opportunities rightly. Deliver us, we pray, from the tyranny of trifles. May we give our best thought and attention to what is important, that we may accomplish something worthwhile. Teach us how to listen to Your promptings, and save us from floundering in indecision that wastes time, subtracts from our peace, divides our efficiency, and multiplies our troubles. These things we ask from Him who delights to answer prayers.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bills Nos. 31, 235, 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bills Nos. 205, 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and place on Consent Calendar.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 67, 68, 89, 163, 257, 278, 292, 381, 436, 468, 470, 473, 503, 507, 527; Assembly Joint Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 78, Amendment No. 666; Assembly Bill No. 555, Amendment No. 685, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 31, 32.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 32, 102, 341, 380.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 32.

Assemblyman Oceguela moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 102.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 341.

Assemblyman Oceguela moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 380.

Assemblyman Oceguela moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 43.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 198 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 201 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 199.

Bill read second time and ordered to third reading.

Senate Bill No. 417.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11 of the 72nd Session.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 442 be taken from the Chief Clerk's desk and placed on General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 438:

YEAS—42.

NAYS—None.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 16:

YEAS—42.

NAYS—None.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 21:

YEAS—42.

NAYS—None.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 30:

YEAS—42.

NAYS—None.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—Angle.

Senate Bill No. 35 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 77.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 77:

YEAS—32.

NAYS—Gansert, Giunchigliani, Goicoechea, Kirkpatrick, Koivisto, Leslie, McClain, Pierce, Smith, Weber—10.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 90:

YEAS—42.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 136:

YEAS—42.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 263

Bill read third time.

Remarks by Assemblyman Goicoechea.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 263 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 38, 39, and 40.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Titus, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Townsend, Washington, and Wiener; Assemblymen Parks, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 38—Expressing support for international education and foreign exchange student programs.

WHEREAS, International education is a crucial component of higher education in Nevada which contributes to the economy of the State and to a diverse college environment, and enhances both academic and cocurricular programs; and

WHEREAS, Because tourism and foreign trade are key sectors projected to improve Nevada's economic future in the next decade, it is critical that this State promote mutual understanding between Nevadans and citizens of other countries through international education programs at its colleges and universities; and

WHEREAS, The foundation of international education is the exchange of students and scholars from other countries, and proof that Nevada is committed to encouraging students from other countries to study in this State is evidenced by the fact that in the 2002-2003 academic year Nevada ranked third among the "Mountain States" region, consisting of Colorado, Utah, Nevada, Idaho, Montana and Wyoming, in numbers of international students, with 2,702 such students enrolled in its colleges and universities; and

WHEREAS, Because, as the fastest-growing State in the nation, Nevada draws many new immigrants who bring with them their diverse talents and perspectives, Nevada's institutions of higher learning must provide the necessary skills, knowledge and training for them to be

successful citizens, as well as provide all students with the opportunity to acquire the intercultural skills to interact effectively within a multicultural context; and

WHEREAS, International education includes curricular offerings that teach foreign languages, address global issues and provide in-depth understanding of other cultures, utilizes citizens of other countries in formal and informal settings as teaching resources, and recognizes that the development of new knowledge, the best research and technological breakthroughs require international collaboration; and

WHEREAS, With today's increasingly complex international trade relations, concern for the preservation of our global ecology and the constant goal of world peace, the promotion and support of international education becomes increasingly important to our national security, foreign policy, economic competitiveness and capacity for tolerance; and

WHEREAS, Former President Clinton issued an Executive Memorandum on International Education on April 19, 2000, in which he called upon educational institutions, state and local governments, nongovernmental organizations and the business community to contribute to a coherent and coordinated international education strategy that "will help us meet the twin challenges of preparing our citizens for a global environment while continuing to attract and educate future leaders from abroad"; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Nevada Legislature hereby recognizes that the international students and scholars of this State contribute significantly to the cultural diversity of Nevada's educational institutions and, through their representation, they enhance the educational experience of all students while making important contributions, and thereby supports the participation of Nevada's students, teachers, administrators and educational policymakers in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries; and be it further

RESOLVED, That Nevada's colleges and universities are encouraged to:

1. Develop courses of study in as many fields as possible to increase students' understanding of global issues and cultural differences;
2. Further develop courses in foreign languages to prepare students to seek careers in a global marketplace and enhance their understanding of other nations' values;
3. Provide opportunities for students in all majors to participate in programs to study abroad to enrich their academic training, intercultural perspectives and personal development;
4. Provide opportunities for domestic and international students to interact effectively and routinely to share their views, perceptions and experiences; and
5. Develop innovative public educational forums and venues to explore global issues and showcase world cultures; and be it further

RESOLVED, That the importance of international education and foreign exchange student programs can be summed up in a statement made by former Secretary of State Colin Powell on November 11, 2003, in commemoration of International Education Week, sponsored by the United States Department of State and Department of Education to celebrate the benefits of international education and exchange worldwide: "International education, learning about other cultures and languages through study, living overseas, and interacting with people of other countries, promotes the free exchange of ideas, allows us to seek joint solutions to problems, and helps create lasting partnerships to meet our shared concerns"; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Chancellor of the University and Community College System and each member of the Board of Regents.

Assemblyman Parks moved the adoption of the resolution.

Remarks by Assemblyman Parks.

Resolution adopted.

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegueda, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 39—Memorializing noted philanthropist and Nevada gaming pioneer Warren Nelson.

WHEREAS, The members of the Nevada Legislature were deeply saddened at the passing of noted philanthropist and Nevada gaming pioneer Warren Nelson on September 23, 2004, at the age of 91; and

WHEREAS, Born to Bertha Meisenbach Nelson and Lawrence Nelson on January 19, 1913, in Great Falls, Montana, Warren Nelson began his career in the gaming business in Montana during the depression, coming to Reno in 1936 to run the keno game at the old Palace Club; and

WHEREAS, After joining the Marine Corps in 1942, Warren Nelson was stationed in San Francisco, California, where he met Pat Futter, one of only 17 women master sergeants in the Corps, and the couple were married on Valentine's Day in 1946; and

WHEREAS, Upon his return to Reno, Warren assisted Bill Harrah in opening Harrah's Club, and also gained experience working in various capacities at the Mapes Hotel and the Little Waldorf, until 1962 when he and his partners bought the Club Cal Neva in the heart of downtown Reno; and

WHEREAS, Recognized as a creative thinker and an innovator in the gaming industry, Warren Nelson was one of the first inductees into the Gaming Hall of Fame in 1989 and served as President of the Nevada Gaming Industry Association for 5 years; and

WHEREAS, With his great sense of humor and a personality bigger than life, Warren made many lifelong friends, and some of the most satisfying personal and professional relationships were formed with colleagues that he served with on the board of directors of such companies as Boyd Gaming and International Game Technology; and

WHEREAS, Warren Nelson founded the Truckee Meadows Boys and Girls Club, served on the Board of Regents of the University of Nevada and was a trustee on the Board of the National Jewish Center for Immunology and Respiratory Medicine in Denver; and

WHEREAS, According to his daughter Gail Nelson, "He was known for his gaming career and his generosity to the community and to other communities, but he was always helping people, and that's what he should really be remembered for"; and

WHEREAS, His belief in education was evidenced by his generous donations to Carroll College in his home state of Montana, where he also provided more than 50 students with scholarships, and to the University of Nevada, Reno; and

WHEREAS, In addition to his philanthropic interests, the avid outdoorsman was an expert fisherman and had a special love for his hunting dogs; and

WHEREAS, Warren Nelson is survived by his wife, Pat, their son Greg of Taos, New Mexico, their daughter Gail of Reno and three granddaughters; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That Warren Nelson will be greatly missed by his many friends, his colleagues and his family; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature extend their heartfelt condolences to the family of Warren Nelson; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to his loving wife Pat, his son Greg and his daughter Gail.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Grady.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

I first heard of Mr. Nelson when I took a job as a keno writer to put myself through college. I worked for a guy called Reginald “Arkie” Parker and he had worked for Mr. Nelson at the Palace. The opportunity to meet Mr. Nelson was very important to us. At the time, keno cards had to be handwritten. I still have a callus on my hand from holding a keno brush and the India ink that had to be used to handwrite every one. The opportunity to copy accurately was an important part of the game. Warren set the standard that keno writers tended to be college kids from the University and he preferred to hire college kids for two simple reasons: 1. He believed that they had a future and were trying to get through college and therefore their reputation was something of value to them and they were less likely to steal from the casino; and 2. He wanted to further their education. He wanted to make sure they could get through school and it was not unusual for him to make sure, at his casino, and the people who learned the keno game from him, would look for those kids. I have great memories of working with those students. There are members of the State Supreme Court who came through this system and many teachers and attorneys who benefited from this good-hearted style of employment and gaming.

I always admired how much effort Warren put into the betterment of higher education in Nevada. Not only did he serve on the Board of Regents for the University System, he also worked to open a law school at the University of Nevada, Reno. We had one at one time called Old College Law School. It later closed, as we moved to a better college in the south. Warren also donated \$2.2 million to Carroll College in Helena, Montana, funding an endowment for 50 scholarships to the Catholic school. As much as he loved to donate time and money, he also spent energy trying to get young people to attend college. One young person worked at Warren’s ranch. This young man happened to be dyslexic and had to be persuaded quite extensively. Eventually he enrolled at the University of Nevada, Reno, and it was because of Warren’s continued encouragement that he eventually graduated.

When Warren Nelson came to Nevada in 1936 to run keno, it looked a lot different from the community in which we now live. Many of the changes that came about in this community are because of the personal worth and time that Warren Nelson put into his community and the encouragement of people to become involved in this community. I want to be among the first to say that as well as being a gaming pioneer, he was big-hearted with his community giving, reaching into his own pocket and taking the dime out to encourage people. A dime and a dollar was never far from his heart. He is one of those gaming pioneers that unfortunately do not seem to exist anymore. So, I encourage my colleagues to join me in adopting this resolution.

ASSEMBLYMAN GRADY:

I also had the privilege of working for Mr. Nelson. He was a very kind gentleman, and a gentleman in every sense of the word. When I started my banking career, he would always come into the bank and make it a point to speak to everyone in the bank, not as a person who was above them, but as a person who was with them and truly wanted to know how you were doing. He would always discuss his love of hunting with many of us. I would like to personally offer my condolences to the family.

Resolution adopted.

By Senators Tiffany, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Titus, Townsend, Washington, and Wiener; Assemblymen Manendo, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Marvel, McClain, McCleary, Mortenson, Munford,

Oceguera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 40—Commending the Las Vegas Dispensing Pharmacy for Medco Health Solutions, Inc., for its significant contribution of medicine to the tsunami relief effort.

WHEREAS, On January 14, 2005, Las Vegas Mayor Oscar Goodman and Senator Sandra Tiffany joined employees at the Las Vegas Dispensing Pharmacy for Medco Health Solutions, Inc., (Medco) to load the first pallets of critically needed generic medicines in the global humanitarian relief effort for victims of the Indian Ocean earthquake and resulting tsunami that swept across Asia and the east coast of Africa on December 26, 2004; and

WHEREAS, The shipment from the Las Vegas Dispensing Pharmacy, one of Medco's two state-of-the-art automated dispensing pharmacies, consisted of more than 9 million doses of Medco's commitment of about 13 million doses of generic medicines donated to assist the millions of people who face the almost certain risk of infectious diseases after the earthquake and tsunami destroyed or compromised water and sanitary systems throughout the affected areas; and

WHEREAS, Medco, one of the nation's largest purchasers of generic medicines, identified within its inventories the medicines highlighted as "most in need" by the AmeriCares Foundation, Inc., a nonprofit disaster relief and humanitarian aid organization, and donated 20 different generic medicines, including antibiotic, anti-inflammatory, cardiovascular, diabetes and gastrointestinal products, and partnered with AmeriCares to ensure that the medicines reach the victims in time to save lives; and

WHEREAS, According to Curtis R. Welling, President and CEO of AmeriCares, "Medco's timely and responsive donation of particularly appropriate medicines will allow us to provide life-saving medicine to those in need"; and

WHEREAS, Medco's generosity is exemplified in the words of David B. Snow Jr., Medco's President and CEO, when he stated, "We stand ready to consider additional donations as continuing needs are identified"; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature commend the magnanimous donation of Medco Health Solutions, Inc., and the swift and caring response of its Las Vegas Dispensing Pharmacy; and be it further

RESOLVED, That the charitable acts of organizations such as these will inspire the residents of Nevada to share their blessings with the courageous people who are struggling to live and make a new life amidst the devastation of one of the deadliest disasters of modern history; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to David B. Snow Jr., President and CEO of Medco Health Solutions, Inc.

Assemblyman Manendo moved the adoption of the resolution.

Remarks by Assemblyman Manendo.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 41.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Townsend, Coffin, Amodei, Beers, Care, Carlton, Cegavske, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Washington, and Wiener; Assemblymen Perkins, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegura, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 41—Congratulating Ryan Moore for his amateur and collegiate victories in golf.

WHEREAS, Ryan Moore, a self-taught player who has been carrying a golf club since he could walk, is currently the top-ranked individual golfer in Division I of the National Collegiate Athletic Association and the top-ranked men's amateur golfer in the country; and

WHEREAS, Ryan left behind an amazing high school career in Puyallup, Washington, to play golf for the Rebels at the University of Nevada, Las Vegas, and will soon be defending his 2004 NCAA Division I Golf Championship; and

WHEREAS, This year as a Rebel, Ryan led the Mountain West Conference, and the nation, with a 68.95 scoring average, was selected to the Mountain West Conference's All-Conference Team for the fourth time, was named Player of the Year for the second time, won three of the seven tournaments he played in and finished in the top six in the other four, becoming the winningest golfer in the history of the UNLV golf program, and, for the third time, is one of three finalists for the prestigious Ben Hogan Award, which is presented to the top collegiate men's golfer annually; and

WHEREAS, Ryan's game this year, and that of his teammates, has led the Rebels to a number four national ranking and a top-seed at the NCAA West Regional which begins on May 19 at Stanford Golf Course; and

WHEREAS, Not only has Ryan excelled in collegiate golf, he has also excelled as an amateur, most recently as the top amateur at the Masters Championship in Augusta, Georgia, tying for 13th overall in his second appearance at the tournament; and

WHEREAS, In 2004, not only did Ryan win nine amateur and collegiate events, he posted a 68.79 scoring average and his "worst" round all year was a 73, which is 1 over par on most golf courses; and

WHEREAS, Ryan set a new standard in amateur golf during the summer of 2004 by winning five major amateur championships, the U.S. Amateur Championship, Western Amateur Golf Championship, NCAA Championship, Sahalee Players Championship and U.S. Amateur Public Links, a winning streak that is widely hailed as the greatest amateur season of the modern era; and

WHEREAS, After the summer of 2004, Ryan returned to UNLV for his senior year, an impressive decision considering he could have entered the PGA Tour as a professional, but he made a commitment to UNLV and he wanted to honor that commitment; and

WHEREAS, Not only has Ryan demonstrated remarkable strength of character and succeeded on the golf course, he has also maintained academic integrity, earning a 3.7 grade point average last semester and Academic All-Mountain West Conference honors in 2002, 2003 and 2004, and was also named a Cleveland Golf All-America Scholar last year by the Golf Coaches Association of America; and

WHEREAS, Following graduation from UNLV, Ryan will be competing in the U.S. Open at Pinehurst in June and the British Open at St. Andrews in July; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature hereby congratulate Ryan Moore

for his successes as an amateur golfer and with the University of Nevada, Las Vegas; and be it further

RESOLVED, That the Nevada Legislature hereby commends Ryan Moore for his dedication to excellence and his honesty and integrity in returning to UNLV for his final season of golf as a UNLV Rebel; and be it further

RESOLVED, That best wishes and high hopes are hereby extended to Ryan Moore for the remainder of the UNLV golf season and for a successful career as a professional golfer; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Ryan Moore.

Assemblyman Denis moved the adoption of the resolution.

Remarks by Assemblyman Denis.

Resolution adopted.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 78.

The following Senate amendment was read:

Amendment No. 666.

Amend section 1, page 3, by deleting lines 1 and 2 and inserting:

“5. As used in this section:

(a) “Commission” means all fees collected by an agent, broker or group of agents or brokers to secure a purchaser for any personal property of an estate pursuant to this section, including all fees for costs related to the sale of any personal property pursuant to this section.

(b) “Manufactured home” has the meaning ascribed to it in NRS 118B.015.”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 78.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 30; Senate Bills Nos. 130, 210, 243, 250 and 408; Senate Concurrent Resolution No. 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Nelson, Gail Nelson, Chuan Liu, Nadia Liu, Sara Nelson, Sonya Liu, and Pat Nelson.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Moore and Dwayne Knight.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Jones and Barry Boudreaux.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Thompson, Carmelo Urza, Susan Bender, and Thomas Wright.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Brown, Edith Grubb, Patricia Knight, Nicky Miller, Greg Alvarez, Brian Baty, Tara Clemens, Tiffany Chapman, Stephanie Courtright, Andrew Carter, Rhiannon Dent, Dana Gaworski, Alethea Johnson, Erika Lampkin, Scott Lawrence, Patrick Martin, Joanne McClure, Mary McClure, Amanda McGarry, Kelly McKeon, Amy Miller, Nick Morrow, Ashley Prause, Jaydra Paoli, Nick Riley, Chase Roles, Ashley Scott, Hannah Snyder, Cathy Starks, Scott Stevens, Katie Rogacs, and Christina Uzzle.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, May 13, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 13, 2005

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Hardy, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

For the members of this Body, we ask Your guidance. But we do not want to forget the support personnel who make it possible for these women and men to function as they do. We thank You today for all the staff who work so faithfully to do the work behind the scenes. For the secretaries and clerks and, yes, even the janitors. We lift up those at the Front Desk who work so hard each day; for our Chief Clerk and all her helpers, we give You thanks.

Help us always to be grateful for those around us who give us support for what we do.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bill No. 19; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 321, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 169, 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 533; Senate Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Koivisto moved that Senate Bill No. 303 be rereferred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 689 to Senate Bill No. 27.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 12, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 420.

GARY GHIGGERI

Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 715.

Amend sec. 3, page 2, line 16, by deleting “D” and inserting “E”.

Amend sec. 5, page 2, line 43, by deleting “D” and inserting “E”.

Amend sec. 5, page 3, line 4, by deleting “D” and inserting “E”.

Amend sec. 6, page 3, line 25, by deleting “D” and inserting “E”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 235.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 716.

Amend sec. 18, page 4, line 36, by deleting “~~and~~” and inserting “and”.

Amend sec. 18, pages 4 and 5, by deleting lines 39 through 44 on page 4 and lines 1 through 3 on page 5, and inserting: “signs stating “Warning: Avalanche Danger Area.”

2. ~~{A—skiing}~~ An operator shall equip vehicles it uses on or in the vicinity”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 297.

Bill read second time and ordered to third reading.

CONSENT CALENDAR

Senate Bill No. 270.

Bill read by number.

Roll call on Senate Bill No. 270:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 739.

Amend the bill as a whole by deleting sec. 28 and adding new sections designated sections 28 through 28.7, following secs. 26 and 27, to read as follows:

“Sec. 28. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 28.3 and 28.7 of this act.

Sec. 28.3. *The Department of Motor Vehicles may adopt such regulations as it deems necessary to ensure compliance with all applicable laws relating to the processing of liens for storing, maintaining, keeping or repairing vehicles required to be registered with the Department pursuant to chapter 482 of NRS.*

Sec. 28.7. 1. *The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.5 of this act, or any regulation or order adopted or issued pursuant thereto by the Department. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. *All administrative fines collected by the Department of Motor Vehicles pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.*

3. *In addition to any other remedy provided by this chapter, the Department of Motor Vehicles may compel compliance with any provision of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.7 of this act, and any regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.”.*

Amend sec. 29, page 11, line 3, by deleting: “27 and 28” and inserting: “28.3 and 28.7”.

Amend sec. 29, page 11, line 5, by deleting: “and section 27 of this act,”.

Amend the bill as a whole by adding new sections designated sections 45 and 46, following sec. 44, to read as follows:

“Sec. 45. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles to defray any administrative costs

incurred by the Department in enforcing the provisions of NRS 108.265 to 108.360, inclusive, and sections 28.3 and 28.7 of this act relating to liens for storing, maintaining, keeping or repairing vehicles required to be registered with the Department of Motor Vehicles pursuant to chapter 482 of NRS:

For the Fiscal Year 2005-2006 \$234,644

For the Fiscal Year 2006-2007 \$198,530

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State Highway Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 46. 1. This section and sections 28 to 29, inclusive, and 45 of this act become effective on July 1, 2005.

2. Sections 1 to 27, inclusive, and 30 to 44, inclusive, of this act become effective on October 1, 2005.”

Amend the title of the bill, twentieth line, after “penalties;” by inserting: “making an appropriation;”

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblyman Holcomb.

Roll call on Senate Bill No. 43:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 199:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Roll call on Senate Bill No. 417:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 449:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11 of the 72nd Session.

Resolution read third time.

Remarks by Assemblymen McCleary and Hettrick.

Roll call on Senate Joint Resolution No. 11 of the 72nd Session:

YEAS—40.

NAYS—None.

EXCUSED—Carpenter, Hardy—2.

Senate Joint Resolution No. 11 of the 72nd Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Anderson, Eddie Anderson, Peggy Nolan and Paddy Nolan.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Rebaleati.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Hoffman, Christy Shultz, Benjamin Browning, Brayden Campbell, C.J. Davis, Lauren Ferro, Nick Fickle, Gumaro Gomez, Becky Grabow, Amanda Hancock, Tim Klekar, Victoria Lopez, Conner Love, Hunter McEachin, Joey Petrali, Raenna Ramos, Bradley Roberts, Adeleima Robles, April Rodriguez, Maguy Sandoval, Ethan Shultz, Chelsea Wilson, Alayna Ynacay-Nye, Stavey Chambers, Joseph Capalbo, Johnathon Mora, Jr., Brenda Estrada, John “Eric” Ezell, Ashley Hannah, McKenzie Hash, Thomas Mendez, Shawn Judd, Miranda Korhummel, Beverly Stevenson, Troy MacDonald, Monica Meza, Kyle Morrison,

Jacquelyn Oakden, Nicholas Martin, Logan Chaffer, Amanda Smith, Weston Stainbrook, Evan Humphrey, Nathaniel Prieto, Mrs. Jan Matts, Zaina Awali, Jessica Carrasco, Adrian Duenas, Cassandra Evans, Ashley Furno, Jaime Garcia, Cahse Gonzales, Jessica Hancock, Haley Hannah, Caymen Hoshizaki, Christian Lindbeck, Amber Martinez, Kody Miller, Jason Otranto, Nick Pilant, Time Provan, Dannielle Stempinski, Tyler VanRoy, Savannah Wood, Dakota Howell, Mande Pope, Cindy Grabow, Darcy Otranto, and Stephen Provan.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Flaherty, Anne Marie McKeon, and Ron Schmitt.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 16, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 16, 2005

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Horne, who was excused.

Prayer by the Chaplain, Pastor Stan Pesis.

Spirit of God, the rain and snow You have given us this year has brought us a rainbow of colors as the flowers of the desert bloom. Remind us when we see such beauty, to remember that we, too, may wait until Your Spirit provides all things necessary for our lives to bloom and grow.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 15, 135, 138, 225, 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 299, 500 and 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 78.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 561—AN ACT relating to state financial administration; extending the reversion date of the appropriation made in the 20th Special Session for distribution to the Fighting AIDS in Our Community Today organization for expenses related to the provision of

certain HIV/AIDS services; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 562—AN ACT relating to education; revising provisions regarding the implementation of the No Child Left Behind Act by this State; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 78.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 696.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

“Sec. 4. 1. The sums appropriated by section 1 of this act are available for either fiscal year.

2. Any remaining balance of the ~~[sums]~~ sum appropriated by subsection 1 of section 1 of this act must not be allocated by the Interim Finance Committee after June 30, ~~[2005,]~~ 2007, and reverts to the State Highway Fund ~~[and to the State General Fund, respectively,]~~ as soon as all payments of money committed have been made.

3. Any remaining balance of the sum appropriated by subsection 2 of section 1 of this act must not be allocated by the Interim Finance Committee

after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 695.

Amend section 1, page 1, line 3, by deleting “\$1,400,000” and inserting “\$1,300,000”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 169.

Bill read second time and ordered to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 738.

Amend section 1, page 2, lines 6 and 7, by deleting: “is:

(1) A” and inserting “is a”.

Amend section 1, page 2, by deleting lines 9 through 11 and inserting: “State Medical Association.

~~{2.—One doctor of}~~

(b) *One member who is an osteopathic physician licensed to practice”.*

Amend section 1, page 2, line 14, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 2, line 17, by deleting “(c)” and inserting “(d)”.

Amend section 1, page 2, line 19, by deleting “(d)” and inserting “(e)”.

Amend section 1, page 3, line 1, by deleting “(e)” and inserting “(f)”.

Amend section 1, page 3, line 4, by deleting “(f)” and inserting “(g)”.

Amend section 1, page 3, line 8, by deleting “(g)” and inserting “(h)”.

Amend section 1, page 3, line 11, by deleting “(h)” and inserting “(i)”.

Amend sec. 6, page 5, by deleting line 10 and inserting:

“2. The Committee shall charge and collect:

(a) From a university, state college, community college or medical school within the University and Community College System of Nevada and any other medical school in this State to which the Committee distributes a dead human body in accordance with subsection 1, a fee in an amount”.

Amend sec. 6, page 5, line 12, by deleting “a” and inserting “the”.

Amend sec. 6, page 5, by deleting lines 13 through 16 and inserting: “451.350 to 451.470, inclusive; and

(b) From any other person or entity to which the Committee distributes a dead human body in accordance with subsection 1:

(1) A fee in an amount not to exceed the expenses of the Committee to obtain, handle and distribute the body delivered to it pursuant to the provisions of NRS 451.350 to 451.470, inclusive; and

(2) An additional fee of \$200 for each body distributed to the person or entity which must be used by the Committee to carry out the provisions of NRS 451.350 to 451.470, inclusive.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 712.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates in support of veterans’ homes, and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates in support of veterans’ homes to ~~[any]~~ :

(a) A veteran of the ~~[Armed Forces]~~ Army, Navy, Air Force, Marine Corps or Coast Guard of the United States , a reserve component thereof or ~~[his]~~ the National Guard; or

(b) The spouse, parent or child ~~[]~~ of a person described in paragraph (a).

The plates must be inscribed with the word “VETERAN” ~~[and four consecutive numbers.]~~ and with the seal of the branch of the Armed Forces of the United States or the seal of the National Guard, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license

plates in support of veterans' homes if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates in support of veterans' homes pursuant to subsection 4.

3. If , during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, ~~he shall retain~~ *the holder shall:*

(a) *Retain the plates and {:*

~~(a) Affix~~ *affix them to another vehicle which meets the requirements of this section {and report the change to the Department in accordance with the procedure set forth for other transfers;}* *if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or*

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee for veterans' homes, the fee for:

(a) The initial issuance of the special license plates is \$35.

(b) The annual renewal sticker is \$10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$10.”.

Amend sec. 3, page 4, line 6, by deleting “section 1” and inserting: “sections 1 and 2”.

Amend sec. 3, page 4, line 8, by deleting “Section 2” and inserting “Section 3”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “revising certain provisions governing special license plates in support of veterans' homes;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning issuance of certain special license plates. (BDR 43-223)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 295.

Bill read second time and ordered to third reading.

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 728.

Amend section 1, page 3, line 36, by deleting “services.” and inserting: “services, if the company elects, in the form and manner prescribed by the Department, to have the property of the company assessed by a county assessor.”.

Amend the title of the bill, first line, by deleting “requiring” and inserting “authorizing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes local assessment of unscheduled air transport companies that only use three or fewer small planes. (BDR 32-1289)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 321.

Bill read second time and ordered to third reading.

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 174 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 201 be taken from the Chief Clerk’s desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 382 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 235 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 201.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 563—AN ACT relating to public officers; establishing the Commission to Review the Compensation of Legislators; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 249 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 321 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 31:

YEAS—41.

NAYS—None.

EXCUSED—Horne.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 91:

YEAS—41.

NAYS—None.

EXCUSED—Horne.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 205.

Bill read third time.

Remarks by Assemblywomen Leslie and Giunchigliani.

Roll call on Senate Bill No. 205:

YEAS—41.

NAYS—None.

EXCUSED—Horne.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 261.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 261:

YEAS—41.

NAYS—None.

EXCUSED—Horne.

Senate Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 297:

YEAS—41.

NAYS—None.

EXCUSED—Horne.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 382:

YEAS—37.

NAYS—Anderson, Buckley, Holcomb, Ohrenschall—4.

EXCUSED—Horne.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 502.

The following Senate amendment was read:

Amendment No. 659.

Amend section 1, page 1, line 6, after “*sole*” by inserting “*or primary*”.

Amend section 1, page 2, line 31, by deleting “*in of*” and inserting “*in*”.

Amend sec. 15, page 12, line 15, by deleting “*a substantial*” and inserting: “*the sole or primary*”.

Amend sec. 15, page 12, line 37, by deleting: “*of the employers*”.

Amend sec. 15, page 12, line 39, before “*primarily*” by inserting “*solely or*”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 502.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 68, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McClain, Pierce, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 68.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Smith and Nick O'Neill.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Gray, Bonnie Akbar, Rosalba Medina, Mark Pustovrh, Stacey Andrews, Franky Beltran Gonzalez, Micheal Bolander, Daniel Cervantes, Alan Chavarria Sagastume, Rylie Clark, Lizeth Gutierrez Bravo, Amanda Silvers, Felipe Hernandez Medina, Lexi Johnson, Julio Perez Barriga, Matthew Pustovrh, Mariah Rhinehart, Katie Anderson, Miranda Carlton, Rebecca Chavez, Joselin Gonzalez, Shelby Kirschner, Tenessa Melvin, Joseph Prather, Marta Romero, Krystal Schertz, Alexis Torres Solorzano, Christian Trigilio, Briana Wardsworth, Jonathan Aquino, Cameron Bolado, Jazlyn Chavez Espinosa, Justin Cornwall, Jesser Fuentes Cristales, Paloma Garcia Renteria, Russell Holland, Nicholas Klett, Jessica Marlow, Ashley Medina Gil, Esmeralda Pantoja, Jessamyn Perez Monroy, Jordon Powell, Sergio Romero, Kacey Worsham, and Jay Kornmayer.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, May 17, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDREDTH DAY

CARSON CITY (Tuesday), May 17, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Ralph Burns.

Today we are gathered to honor your positions and praise you for the hard work you have done to get here. I ask the Creator to bless you with the strength and wisdom to make good and fair decisions. To not only think with your mind but to look into your hearts and listen for answers to make right choices that affect all the people, all the land, all the waters, and all the air. May your families also have good health and happiness to support you in your work. With great respect, heartfelt gratitude, we welcome you all and wish you good luck as your journey begins.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 81, 131, 184, 194, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 247 be rereferred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 80, 108, 118, 159, 181, 231, 271, 392, 393, 486, 537, 547; Assembly Joint Resolutions Nos. 4, 10, 12, 14.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 112, Amendment No. 732; Assembly Bill No. 220, Amendment No. 678; Assembly Bill No. 341, Amendment No. 699; Assembly Bill No. 501, Amendment No. 706; Assembly Bill No. 518, Amendment No. 704, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 214.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 6—Establishing an Assembly Wall of Distinction.

WHEREAS, Certain past members of the Assembly have distinguished themselves with their exemplary contributions to the State of Nevada in their public service to its residents and in their professional and private lives; and

WHEREAS, Public service in our “citizen legislature” is a noble calling and the demands of legislative responsibilities often require giving beyond the call of duty with long hours dedicated to the study, discernment and enactment of laws which will ensure security and justice for all Nevadans; and

WHEREAS, Those members of the Assembly whose ability, virtue and dedication have been exceptional deserve the acknowledgment of their colleagues, as well as the appreciation of those they represent; and

WHEREAS, The Assembly of the Legislature of the State of Nevada wishes to recognize the contributions of those past members of the Assembly who served with great distinction, and whose vision, leadership and accomplishments are exceptional models for service in the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That there is hereby established an Assembly Wall of Distinction to honor those past members of the Assembly whose service has been exceptional and who are selected by the Assembly leadership to be acknowledged for their exemplary contributions to the State of Nevada.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins and Hettrick.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I think, as you see what goes on down the hall with the Senate’s recognition of those members who have served with great honor and distinction, it is long overdue that we have a similar type of recognition in this House, although I think we would all agree that most of the members of the People’s House have served with greater humility than they do down the hall. It is still with great honor that I think we should recognize our own, those who have truly led this state for many, many years and have served the state well.

Oftentimes, I’ve had conversations with new members about walking into these Chambers and having Abraham Lincoln oversee the proceedings and how, after my tenure here, I am still in great awe, every time we walk into these Chambers, about the responsibility we bear and the responsibility we owe to the citizens of this state. So, it is truly my belief that it is long overdue and appropriate to create our own wall, to recognize these who came before us and have served this state with great pride and in appropriate ways, people we have looked to for many, many

years for guidance, and hopefully we will continue to have that tradition for many, many years. For those reasons, I urge your support of Assembly Resolution No. 6.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Resolution No. 6. First, I do want to thank the Speaker for asking that we participate together and do this. I thought it was very appropriate and I thank him for that. I do think it is important for us to recognize the folks who have served here, with distinction. To recognize them by putting them out there for all to see is an appropriate thing. I am proud to rise in support of this resolution and urge my colleagues' support.

Resolution adopted unanimously.

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 7—Adding Joseph E. Dini, Jr., to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Joseph E. Dini, Jr., served the Nevada Assembly, the “people’s house” of the Legislature, with great skill, integrity, leadership and fairness as its Speaker for an unprecedented 16 years, from 1977 to 1978 and 1987 to 2000, and as a member for a record 36 years; and

WHEREAS, Joe Dini’s record-setting service in the Assembly is a legacy that will endure over future years, decades and centuries and that rightly earned him the ongoing designations of “Speaker Emeritus” and “State Assemblyman 1”; and

WHEREAS, Joe Dini represented the very fabric of the legislative institution and will forever be remembered for his diligent efforts to guide Nevada in its transition from a small western state to the most vibrant and rapidly growing state in the nation; and

WHEREAS, Joe Dini was a recognized expert on numerous issues important to both rural and urban areas of the State, including the management of Nevada’s precious water resources, public education, arts, cultural affairs and historic preservation, and the protection of the clear waters of Lake Tahoe through an Interstate Compact between Nevada and California; and

WHEREAS, The people and government of the State of Nevada were incredibly fortunate to have been served faithfully and led with great vision by “Mr. Speaker” Joseph E. Dini, Jr.; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Speaker Joseph E. Dini, Jr., who dedicated much of his life to the service of the people of the State of Nevada as the longest serving Speaker and member of the Nevada Assembly, is hereby added to the Assembly Wall of Distinction.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins, Buckley, Hettrick, Grady, Marvel, Anderson, Arberry, Leslie, and Ohrenschall.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Certainly, as we create this Wall of Distinction, there is no greater person to be the first inductee than Joseph E. Dini, Jr. The resolution speaks in small part of some of the things Speaker Dini did and accomplished and all the reasons why we are so respectful of his service. I thought it would be interesting as well to share a little bit of his biography with this Body.

Joseph E. Dini, Jr., was born in Yerington, Nevada. His parents were Giuseppe and Elvira Costaloni Dini, immigrants to America in the early 1900s from an area in Tuscany in Italy. Joe obviously attended schools in Yerington and went on to the University of Nevada, graduating from there. There was long service to the family business at Dini's Lucky Club. Joe was first elected to public office in 1966, when he won election to this very House, serving in the Old Chambers. Some of you may remember our sojourn over there earlier this year.

Joe was a legislative leader on many fronts. In 1973, he was selected to serve as the Speaker pro Tempore under then-Speaker Keith Ashworth. In 1975, he was elevated to Majority Floor Leader. In 1977, he was elected to his first term as Speaker in the Assembly. Speaker Dini served as Minority Leader in 1985, and in 1987 was again elected Speaker of the Assembly and remained in that role through the 1999 Session. In 1995, Speaker Dini was co-Speaker with Assemblyman Hettrick. It was an interesting time for those of you who remember. In fact, as much as that session was doomed for failure because of the evenly split House, I attribute largely to Joe and to Lynn the success of that session that many remember.

Joe was a leader on many issues affecting Nevada. He helped draft the Nevada Plan in 1967, an education revenue equity formula, dozens of water bills, chaired two legislative studies, served on the Western States Water Council, chaired the Water Policy Committee for the Council of State Governments for about a decade, worked with other Nevada and California legislators to hammer out the redrafting of the bi-state Tahoe Regional Planning Compact. I could go on, and on, and on. The accomplishments of Joe Dini are very distinguished and very well known. There are probably others that I have missed that he would like to be recognized for because they were such a big part of his life, as he served 36 years in this House.

When I first got elected, before I came to Carson City, I had actually been here a couple of times to visit and watch the legislation that was ongoing then. I was always in awe of Joe. He was always so quiet and walked around these halls with such dignity. He was the epitome of a statesman. In 1995, he made me his Floor Leader. There was a quip by a southern Nevada political pundit about how Joe Dini could pluck this obscure cop from Henderson and thrust him into the role of Floor Leader. I will always be indebted and grateful for that opportunity. When I came here, my first session working with Joe, I knew I was working with history. He was setting history every day he was here. I think as we look back at that, as the history books are written about the State of Nevada, they will always include the work of Joe Dini.

No one could ask for a better mentor. His teaching style, his steady hand, his approach to life, and his approach to implementing his love of this great state could not have been better. I also attribute, for those of you who have watched the evolution of the Assembly Democrats from the mid-1980s until the 1990s and the successes that were seen there, a lot of that to Joe. He was able to balance the business community, the labor community, northern Nevada, southern Nevada, rural Nevada in a way I have never seen anyone else accomplish. He taught me and prepared me for the job I now hold. He created the transition on his own accord in 2001. If I could sum up my relationship with Joe, it would be tell you, without equivocation, that I consider him a surrogate father to me. Joe, we miss your steady hand, your institutional knowledge, and so much more that you provided for this House. You are obviously the longest-serving member.

One little story I can share. We were having a tribute to Speaker Dini in Reno once and there was a great, big map of Nevada, with Yerington right smack in the middle. Every road in Nevada led to Yerington. That was symbolic of Joe's service here and basically getting every road in Yerington paved. It created this aura that Nevada kind of revolved around Yerington because of Joe's service and his efforts.

I hope that when I leave this Legislature, I am thought of as someone who contributed in a positive way to this process, that I was a good Speaker. I know that the only thing I have to do to accomplish that is to emulate just a small part of what you meant to this Body and what you mean to our great state. I will always be thankful for what I have learned from you and our relationship we have always had. You will always be known in Nevada as Mr. Speaker. Thank you for your service to the state.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. Speaker Dini knew so much about so many issues: water, insurance, education. He knew every bill, he knew the history of every bill, he knew the story behind every bill, he knew what bills were good, which bills were not, who wanted what and why, and whether it was good for the state of Nevada. He oversaw a transition. I do not know if I can imagine what this Body was like 36 or 34 or 30 years ago. But the stories I hear—business being done in Jack's Bar, smoking—it just conjures up kind of a good ol' boy, rough and tumble Nevada. He oversaw the transition to what we are today. In those days, women did not have a powerful role in running the Assembly. Under Speaker Dini, we had women chairing committees, having a leadership role. When I came in 1995, it was a historic time, being tied. Right before Speaker Dini and Minority Leader Hettrick patched things up, it was not so smooth. The Assembly Republicans had a caucus and declared themselves in the majority because there were two election challenges, one against Jan Evans and one against the current Speaker pro Tempore. So, Speaker Dini called me up and said, "Hey, you are a lawyer, right?" I said yes. "Well, we have got our first job for you." So I worked with Bob Sader, who was the outgoing chair of Judiciary, and the Speaker. We made an argument that you cannot take someone's seats away from them without due process by saying they don't have their seats. Secretary of State Heller caved, issued the certificates of election, and Lynn and Joe went on to run one of the smoothest sessions in history.

My point to that story is that Speaker Dini did not know me, gave me a chance to work on something exciting, and promoted me to Leadership with Speaker Perkins. He gave me every chance that I have. Of all the people I have learned things from during my ten years in the Assembly, I learned from Joe Dini more than anyone else. Here is a couple of things I learned. You do not have to talk loudly to get your point across. Joe sometimes would not say anything for six committee meetings, and then he would speak and everyone would listen, because he spoke when he had something to say, and he spoke with such authority and conviction that it carried the day. Whether or not you were with him or not, it carried the day. He taught me that you can be a Democrat and appreciate the business community. What is ironic is the speeches he gave me my first two sessions about calming down and working with people more. I now give those speeches to freshmen. I find it quite ironic to be giving those speeches, especially when I see the faces of some freshmen, like, "What are you talking about? I am right." They are all ready to go. I feel like Speaker Dini when he was giving those speeches. The irony is not lost on me whatsoever. He once said to me, "The best thing you can do in this building is to be a mechanic. Know what is in a bill, know how to take it apart, and know how to put it together again so it will run." That sums up Joe Dini. He knew this process backwards and forwards. He will have forgotten more than most of us will learn. I hope for the freshmen and sophomores who did not have an experience with working with Joe Dini, give him a call. You probably could learn more from that phone call than you could your whole first session. We miss you. We thank you. We do not know how you did 36 years, but the state is so much more the better for it, Mr. Speaker.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Resolution No. 7. It would simply be totally remiss of me not to stand up here and tell Speaker Dini what a true honor it was to serve with him and has been to serve with him in this House, both as an Assemblyman and as a co-Speaker. He was always fair. He always treated me absolutely equally to everyone else. It was something I always appreciated about him, that he was fair. I remember going to him one time and talking to him about a bill I had. He said, "I really do not like that bill very much." And I said, "Well, I have the votes." He said, "If you have the votes, you have got the bill, but I am going to fight it." And indeed, I had the votes. He took the vote and the bill passed, but he was fair. He treated me the same as everyone else. I truly appreciated that. I think I would be totally remiss if I did not say that a great deal of his success—and, I know, of mine—when we had that 1995 co-Speaker session, has to be attributed to Mouryne, who was the Chief Clerk. She made us look good and has always made this Body, through her service here, look good. Another person with many, many years of service to this House, all of that to the benefit of the state of Nevada. I am proud to rise in support of this.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker pro Tempore. I, also, rise in support of Assembly Resolution No. 7. First off, I would like to really thank his leadership. If you talk to anyone from District 38, and I do not care where you go, if it's to Virginia City, or Gold Hill, or Yerington, or Silver Springs, you mention Joe Dini and it is like a ticket to the Super Bowl. You are respected because you know Joe Dini. Some of the things that were mentioned here, the Speaker mentioned the paved roads in Yerington, I think one of the things we are most proud of is the Six Mile Canyon paved road. Everyone remembers that. Joe has the distinction of having four sons; two of them are in business with him. One of them, his son George, probably runs one of the finest restaurants in Yerington, if not all of Lyon County. It is named after Joe's father, Giuseppe's. I would encourage you to stop by Dini's Lucky Club. It is a great place. I served as mayor in Yerington and used to go to Joe quite often and ask his advice. When I decided I would run for this office and I was elected, the first person I went to was Joe. "What should I do?" He said, "Remember one thing: God gave you one mouth and two ears. And there's a reason for that." Joe, I thank you. The people of District 38 thank you. Mouryne, thank you, too. We just appreciate what you two have done for Nevada. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the resolution. It was just such a pleasure sitting with Joe all those years, from 1979 to the time he elected not to run again. He certainly has been sorely missed. But if you can say one thing about Joe, he is Mr. Nevada. I think he has done everything. I think he was fair. As the resolution says and the Speaker said, he was fair to everybody. It did not make a difference what party you were from or what your interest was, Joe took it and sorted out all the facts. If something was good, he went for it, regardless of what the partisanship was.

I remember my first session here. I was on Government Affairs when Joe was Chairman. We had one of the other honorees on that committee, Lou Bergevin. Lou sat at one end of the table, and I sat at the other. He were are, two Republicans, and Joe the Democrat, and if he wanted a vote killed he would nod at either one of us. We took on that responsibility. One thing I would like to say, Joe, is that you did a tremendous job in picking your mate there. I might say if we ever have a Wall of Distinction for Chief Clerks, I certainly would nominate Mouryne. Joe, it is great to have you here today, and wish you all the luck and health in the world.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I am really at a loss to say something about Speaker Emeritus Dini. The first time that I came down to Carson City to lobby on an education bill, I spent a day and a half trying to figure out what Joe Dini's first name was, because in the Italian neighborhood I grew up in, people had names like Romaciotti and Cicarelli. I naturally thought that Joe Dini was his last name. The reality is that we honor the Speaker for many different reasons, but for me, it is the integrity of the man that he is, and has always been that he stands for. It is not his longevity as Speaker or the length of time that he has been here, but the integrity with which he served while he was here. It was his vision and his foresight that makes him the distinctive person that he is. His caring nature, his willingness to listen and to work out whatever problem you have and his advice to me, besides, "You ought to sit and shut up," has always been important. There are many funny stories I think we, all of us, can tell about Speaker Dini, but probably the one for me that has always been the most important when he told me it would be a good idea to visit the museum, rather than go back to my office and listen to three or four lobbyists push me around on a particular piece of legislation. Strangely enough, when I came back from visiting the museum, they had worked out their problem by themselves. They did not need me. His advice was sage advice, if we had the courage to listen and follow. It was always helpful. For that, I am most greatly grateful, Mr. Speaker.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. I was not going to say anything, because I knew there were going to be a quite a few who have served with the Speaker, but I thought I would say something and share with this Body a couple of stories about the Speaker and myself. There was a time when everyone, like the Speaker, said that all roads lead to Yerington. As a fresh person,

being Chair of Ways and Means, Joe had a bill to put in a road to go somewhere. I do not have a clue today. It was very hard for me to be the chair of Ways and Means and tell the Speaker no. He would come to me and say, "You going to pass my bill?" I would say no. He would come back and I would say, "No." So then, one day I had to line up the votes to kill the Speaker's bill. So we killed his bill. He said, "That is okay." Then he went over to the Senate. This was when I really started learning. He was testing me, and I knew that was what it was about. He put the road in a bill in the Senate. And he hid it way in the back of the bill. Chris and I, we were going through the bills one day and said, "The Speaker has gone and hid that road in the back of this bill." He was determined to get this road to Yerington. I tell you, Mr. Speaker, I appreciate and respect you making me do my homework and making sure we read the bills.

That was one of the issues. His passion is that in our community we had some sinking homes one time. Everybody in that development, all the homes were sinking. I went to the Speaker and went to the chairman at the time, Marvin Sedway. I spoke to them about the issue because the people living in this area were elderly or retired. They could not afford to just get up and move and go somewhere else. Between the Speaker and Marvin, they called the Governor's Office and requested the State jet. We were going to go down there and take a look. I thought that was really, really admirable. We left here and flew down. They walked around in these folks' home. This gentleman was in his bed and we walked up this hallway, and we had to walk sideways because it was slanted. The Speaker and Marvin spoke to the man, who was on his deathbed, and he said, "Is there anything you can do for these homeowners and my family? I might not see it, but can you do something?" Before we walked out of that house, the Speaker and Marvin Sedway said, "Get them the money and get it now." I owe you, Joe. I really do.

The other part of it is that you have to have served with a gentleman like Joe, to serve with someone who really cares about Nevada. I used to say he was not fair sometimes, because I felt that because he was from Yerington, he had no clue what went on in southern Nevada. But he was in Las Vegas more than I was. I would see Joe and he would say, "You coming out to have breakfast with me?" We are glad that you were there. God put you there for a reason and brought you to the state of Nevada. I am glad I had the honor to serve with you, and I will always respect you as Mr. Speaker.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support. I just have one short story to tell. I served my first session under Speaker Dini. I was a Dini Democrat. Some people still ask what that is. All you have to do is listen to what people have said today about Speaker Dini to know what he stands for, for Democrats in particular. In my first session, he told me privately what I think he told Ms. Buckley, and, I would guess, our Speaker pro Tempore as well: "Freshmen should be seen and not heard." Over the years, I have come to really understand what that means and what good advice that was. So, today he walked in and said, "You know, you are doing a good job. Getting in the paper too much, but you are doing a good job." I said, "Well, Speaker Dini, you wouldn't be too proud of me this morning, because I lost my temper in committee and I do not like to do that, and did." I told him what it was over. He said, "Sometimes you have to slap down your hand." He told me a story, one I will not repeat, about something that happened with Senator Raggio, and it made me feel so much better. Speaker Dini, we all look up to you so much. I am so proud to have served here under you. Thank you.

ASSEMBLYWOMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. What can I say? Joe Dini not only taught all of us here everything that we know about the legislative process, the legislative history of Nevada, but he also taught us how to understand people and how to value them, something that is absolutely necessary in running any type of government. He always had an ear to listen to anyone's problem, no matter how big or how small. He seemed to be here 24 hours a day, because I never remember being in the building when he was not in the building while he was Speaker. And it was a just a great education for every one of us. Thank you very much, Mr. Speaker, Joe Dini.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I was a freshman, and the Speaker gave me the opportunity to chair Labor and Management at that time. I scared him to death, I think. It was an honor and it was an opportunity, as a freshman and as a woman, to come into a different role. Many of the comments that were made today do not sum up the person. I do not think the words I have can do that either. I think he brought a balance to this state. You helped us from the urban parts to understand the rural needs, and vice versa. You took the time to come to southern Nevada. You knew northern Nevada. You balanced that. That is what this whole institution is about. I think that sometimes we forget it is not about us, but it's about the institution, and it's about the constituents that the institution serves. I think that pride that you have has penetrated these halls. You are truly a statesman, but you are also Italian. Through that Italianess there is a family link, a friendship, an ethic that you bring to that as well. So, as a fellow "paisano," I just want to thank you for giving me the opportunities you did, but also all the people in these halls. You broke some trends that were there. I don't think people realize that part of it. Thank you for your openness and understanding, Mr. Speaker.

Resolution adopted unanimously.

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 8—Adding Jan Evans to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Jan Evans represented with vision, integrity and compassion the residents of the State of Nevada and Assembly District No. 30 of Washoe County as a member of the Nevada Assembly for 14 years from 1987 to 2000; and

WHEREAS, Jan Evans was elected by her colleagues in the Assembly as Speaker pro Tempore for the 1995, 1997 and 1999 sessions and served with great skill in this capacity and in appointive positions as Assistant Majority Floor Leader, Chair of the Assembly Committee on Health and Human Services, and Vice Chair of the Assembly Committee on Ways and Means; and

WHEREAS, During her years of service in the Assembly, Jan Evans was widely recognized for her intelligence, hard work, honesty and unflinching commitment to improving the lives of less fortunate Nevadans and advocating programs of crucial importance to women, children, families and persons with disabilities; and

WHEREAS, Among other measures, Jan Evans sponsored important legislation to assist victims of domestic violence, enhance funding for occupational education, improve public services pertaining to alcohol and substance abuse, and establish state spending priorities for money derived from federal tobacco settlements; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblywoman Jan Evans, who dedicated much of her life to the service of the people of the State of Nevada as a member of the Assembly and in a number of other capacities, is hereby added to the Assembly Wall of Distinction.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith, Buckley, Anderson, Arberry, Perkins, and Leslie.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making remarks.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SMITH:

I would like, first of all, on behalf of Jan's family and many friends who are gathered here today, to thank Mr. Speaker, Madam Majority Leader, and the Speaker pro Tempore for including Jan in this honor today. Jan Evans is the perfect person to be selected to the inaugural group for the Wall of Distinction. We recently memorialized Jan on the anniversary of her death, so I know that we all remember why Jan is included in this special category of former legislators.

Jan led a life of distinction: as a child in the foster system, striving to overcome that disadvantage; as a student who put herself through college; as a tireless advocate whose life experiences caused her to work passionately on family-related issues such as child abuse, domestic violence, education, and juvenile justice; and as a legislator who was a role model for all with whom she served. She was a champion for those, like myself, whom she represented. In fact, the last few years of her life, Jan lived two doors down from me. I would always see her leaving very early in the morning and coming home very late at night. I was always amazed at her stamina when she was campaigning. She was out there herself, pounding signs in the ground and always walking door to door, and being involved with her constituents year-round.

When she realized her health had declined to the point that she could not run again, she called and asked me if I would consider running in her seat. After what I had witnessed and what job I knew I had to do, it may have been a miracle that I said yes. She was truly a wonderful role model, and I heard story after story about her time as a member of the Ways and Means Committee and how she would bring those budget books home at night and plow through them and find money that she could use to help fund the programs that she held so near and dear. I have a feeling that Madam Speaker pro Tempore learned a few of those tricks because I see the same kind of talent. I worry about being able to have that ability in that Committee. She just had such an innate talent for it, and I keep hoping for divine intervention that she will rain down upon me some of that experience and ability to do such a fabulous job of representing those people whom she cared so much about.

Serving with distinction is defined as serving with merit and making a difference, and that, Madam Speaker pro Tempore, is Jan Evans. Thank you.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. Anybody who served with Jan Evans loved Jan Evans. She had compassion, dignity, and her work ethic was unparalleled. She spoke with such precision. Her speaking style was that she would be deliberate and thoughtful, and when she spoke it was like E. F. Hutton: everybody listened, because it always came from the heart. She worked so hard with my colleague, the Chairman of Ways and Means, and our fiscal staff. She was a tireless worker. The folks who got most of her energy were those who really had no lobbyists or someone to stick up for them, the kids in the juvenile justice system, kids in foster care, and victims of domestic violence. She, through her legislation and through the budget, made all of these issues her priority.

I think we were all just amazed that she worked while she knew she had cancer. None of us knew because the budget was not done and all of her priorities for women, health care, and children, were not done yet. I think it almost takes someone who serves in this Body to understand what that would be like, when you fight so hard for a bill and an issue and it is all-consuming, and you will follow it through to get it done. There were few champions like Jan Evans. We thank all of the friends and family for sharing her with us. We love her. I think our best tribute to Jan is that we can keep fighting for the people she fought for.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. My colleague, Jan Evans, took me under her wing, being from Sparks, to make sure that the Sparks kid did not get into any more trouble than he has a tendency to get into. I worked in her first political campaign, where she advocated for education and was a strong advocate on those issues. I came to know her as a person who cared deeply, as the Majority Leader indicated, about the issues that are near and dear to all of us in education and child welfare. I saw her push for bills in Judiciary dealing with juvenile justice, where kids would be treated fairly and equitably. I remember her being upset with me when a

bill seemed to be overly reaching relative to juveniles and the cost of those juvenile crimes. It was difficult when we did things that she would prefer we did not.

Most of all, Jan Evans clearly represented a part of my community that needed an advocate. She stepped into a seat that had been held by a noted Assemblyman for some time. When she picked up those reins, she demonstrated that you could lead without bullying, showed you could be a person who cared without wincing. She was not apologetic about her issues. The women's issues that she advocated for are ones that were right for all of us. By championing those causes, we raised the standards of this State ever higher. I can hardly imagine that my colleague and friend, Jan Evans, would not be included in such a distinctive wall.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. I would be remorseful if I did not say something about Jan. Most every time you are the third speaker, someone has already covered a lot of the great things a person has accomplished. However, I can take you back in time when Jan was a lobbyist. I remember like it was yesterday when I was Chairman of Welfare and Human Services. I would walk out the door and she would stalk that door waiting for me to come out, and, in a soft way but with a big stick, she would beat me down for issues dealing with Welfare. I would think, "Where does this little lady come from every day?" She was very strong about those issues, just as the Chair of Judiciary spoke about. Then there came the time when she was elected. I was honored to be able to serve with her on the Ways and Means Committee under Marvin Sedway. Then we both moved to the leadership position where I became the Chair and she was my Vice Chair. She did not say much, but when she did, it was to the point, to the key issue. I very seldom saw her get upset, but when she did get upset, you knew it because she would almost come out of her seat. When it was dealing with kids and families, it would upset her when you would try and take it in a wrong direction. I was honored to work with her and sit next to her.

I knew we had to keep things moving because she always had a trip planned at the end of session to go to Hawaii. That was every session, going to Hawaii. There came a time when I thought I was Michael Jordan coming out of retirement and the fellows asked me to come play basketball with them one morning. I stole the ball from Greg Ferraro and got ready to dunk the ball on David Goldwater and it did not happen that way. I split my knee, tearing a ligament, and I was out for about a month. Jan took over while I was gone, while I recuperated in Vegas, and when I came back it was like the Committee never missed a beat. When I sat down, she gave me back the gavel and we kept moving. I can say that when you have someone working for you like that, I am honored to have had two: Madam Speaker pro Tempore and her. To serve with those kind of ladies is an honor. I will always miss her. I never imagined that she would get ill and not be with us. A lot of the strong legislation for families and kids that you see today was because of Jan.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of the resolution. Jan was a liberal, but she made the term "liberal" a positive thing. One of her best friends in the world was a Republican State Senator and then-Lieutenant Governor, Sue Wagner. They got along very well. They talked about a lot of things, but you always knew where Jan stood. Her issues would be defined, for all intents and purposes, by our society as "liberal." But that was not a bad thing because she never asked for anything for herself. She was always selfless. She always looked out for those who could not help themselves. That is what she did, and she did it with such grace and such fortitude that it was always a strong and positive thing.

She loved the support role, as the Chairman of Ways and Means just discussed. Would she have loved to chair various committees? Sure, and she did chair a couple, but she loved that support role because she liked working behind the scenes and getting things done. She was the epitome of a work horse, not a show horse.

I can tell you, she is really mad right now because she is the last person that would have wanted anything like this to happen. She did not want the accolades. She did not want the recognition. All she wanted to do was do her work, and she took pride in what she did. The only accolades Jan ever wanted was to know that she had done something good for someone else.

In her last session, toward the end of the session, I had an opportunity to talk to Jan about a number of things. I think we all knew she was ill, but she would not discuss that with us. She would not tell us how ill she was. We knew she had to miss a few meetings and was not feeling well. I can tell you, without a doubt, she knew what was wrong with her health, and she sacrificed herself for others. She could've taken the last half of the session off, received better treatment, and been under less stress, and it is my firm belief that Jan Evans sacrificed herself for others.

As I mentioned once before, we truly miss Jan, because when Jan Evans left this Body and left our world, we lost our moral compass. She was that guiding light for us and kept us centered as a Body. For those reasons and others, Madam Speaker pro Tempore, I support the resolution.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker pro Tempore. I, also, rise to support the resolution. Not a day goes by that I do not sit down in this particular seat in the Chambers that I do not think of Jan. This is where Jan sat for many years when she served in our Body as Speaker pro Tempore. My freshman year I was placed right next to her, as my friend from Las Vegas is placed next to me. She guided me through that session and helped me out a great deal. I, too, did not know she was ill. I remember when she left and somebody came to me in Leadership and said I needed to do this, this, and this now. I said, "What about Jan? When is she coming back?" and they said, "Well, she is not coming back." I will never forget that day. It was such a shock. Yet, during that last month of the session, I do not think a day went by when I did not get a phone call from Jan saying, "Where is my health bill? I do not like this amendment. You have to watch out for this. You have to watch out for that." She cared so deeply about the work that she left behind.

For those of us involved in Democratic politics in Reno, Jan still is our role model. During the campaign season, I remember she called me up and said, "You know, your biggest enemy is not a Republican, not your Republican opponent, and when you win your election, it will not be the Republicans that you serve with. Your biggest enemy is time." Over the years I have come to see that Jan was right. Time to get things done, time to read all the budget documents, time to think about things, and time to talk to your colleagues, is really the biggest enemy. I try to remind myself of that as well.

I think one of Jan's biggest legacies, for people who did not know her, to take out of the Chambers today, is the work that she did on domestic violence. Nevada's fine network of domestic violence programs and shelters would not have happened without Jan Evans working closely with her Republican friend, Senator Wagner. We have so much to thank Jan for, and even though she would be tremendously embarrassed to have us talking about her, I know her family and friends, many of whom are here today in our Chambers, do value this opportunity for us all to reflect on somebody who has meant a great deal to those of us who knew her, and also, I hope, will serve as a role model for those who here who did not, as what a truly great legislator is.

Madam Speaker pro Tempore requested the privilege of the chair for the purpose of making the following remarks:

Jan put a face to just about every issue that we tend to just read on paper. They are words, but Jan was able to crystallize and put a face on it and a voice to it. It was those who did not have an advocate that she was out there advocating for. If nothing else, if you did not have the opportunity to serve with Jan, remember that she felt that if it was good enough to have happen, it was worth a fight. It was not necessarily whether you won, but if you never had the discussion you never would win anything, you would never educate anybody, you would never change anybody's minds. That is how Jan tried to approach much of the legislation that she dealt with. I can sum it up saying that Jan Evans will never be forgotten. You can tell that by her friends that are here who were her family, as well as her real family. I am sorry that I missed the memorial. Jan lives on in their hearts. Every day in these halls, when we are trying to deal with things that are, maybe, not the glossiest issues – foster care, domestic violence, all of those things that people did not want to ever talk about – now they are out in the open and we have the responsibility to do something about them, not just talk about them. I think that is how Jan tried to approach it. She will be missed. She would be terribly embarrassed, you are absolutely

correct, but she was a dynamo in a compact little package. I had the pleasure of serving with her. I know she's watching us. She and Marvin are up there going, "Oh, my God." Thank you, very much.

Resolution adopted unanimously.

By Assemblymen Perkins, Buckley, and Hettrick:

Assembly Resolution No. 9—Adding Louis W. Bergevin to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Louis W. Bergevin served the people of the State of Nevada with great wisdom, honesty and dignity as a member of the Assembly for 14 years, from 1979 to 1992, as the President of the State Board of Education for 10 years, from 1961 to 1970, and as a member of the Nevada Tax Commission for 5 years, from 1970 to 1974; and

WHEREAS, During his tenure in the Assembly, Louis Bergevin was selected to serve as Minority Floor Leader for the 1987 and 1989 Legislative Sessions, Minority Whip for the 1991 Session, Chairman of the Committee on Government Affairs for the 1985 Session, Chairman of the Legislative Commission in 1985 and 1986, and a member of the Committee on Taxation for 14 years; and

WHEREAS, As a member of the Assembly, Lou Bergevin helped guide the Legislature through major changes in Nevada's tax system, advocated tax measures that protected veterans and senior citizens, and was an acknowledged expert in the subjects of education, agriculture and water rights; and

WHEREAS, Lou Bergevin also faithfully served his colleagues in the ranching profession as a member of the Nevada Cattlemen's Association, and as its President in 1978 and 1979, and his community as a member and President of the Douglas County School Board; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman Louis W. Bergevin, who dedicated much of his life to the service of the people of the State of Nevada as a member of the Assembly and in a number of other capacities, is hereby added to the Assembly Wall of Distinction.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Marvel, Arberry, Anderson, and Carpenter.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I had the privilege of serving with Speaker Dini and with Jan Evans. I did not have the privilege of serving with Lou Bergevin. I know him by reputation more than anything else. I will say that Jan is by far the prettiest of the three.

Lou Bergevin had a tremendous reputation in this building. He was a very straightforward man. He did not mince many words. He moved to get things done, and he knew what he wanted to do. He was totally regarded as one of Nevada's finest tax experts. He understood the tax code in Nevada better than I think anyone in this building ever has. Interesting enough, one of his sessions, he dealt with changing Nevada's tax code, in regard to the fact that property taxes were rising too quickly. There had to be a change, and we did the tax shift over to sales taxes and transferred a great deal of the burden to tourists and others who visit this state and people who spent money. He was an interesting man in that regard. You heard from the Resolution that he was an expert in many things. He was obviously a heavyweight in the ranching industry and a part of our economy for many years. He was very active in ranching. I often envied him. I knew he went down to a ranch in Bridgeport, which I think is one of the most beautiful areas, and worked there. I would hear him talk, the time or two that I met with him, about having to go to the ranch in Bridgeport.

One of the stories that I know about Lou when he was here, while he was the Minority Leader, he was served by a young rural caucus director. Of course, in those days, all of Nevada was rural and everybody was a rural Nevadan. The young rural caucus director told me you could always tell when Lou was getting mad. He would try to explain things once or twice, and if it was not going real well and people were not understanding, he said Lou would start getting red from the shirt collar and it would start going up his face. You could see it and you would know you were in trouble. His son just said to me, "That, and his finger would come out. He would start pointing. Then you knew you were in trouble and Lou was going to set you straight in a big hurry." By the way, that young rural caucus director was somebody most all of you know; his name was Pete Ernaut.

Few people, four or five, in this building had the opportunity to serve with Lou Bergevin. He retired from these Chambers in 1992, and almost everyone in here began their career after that time. While many of us had the opportunity to serve with the first two inductees, few did with Lou, so any lack of people rising to give remarks is not because he does not deserve a great many remarks, but because he is not known as well as the other two inductees. It truly is my pleasure to rise in support of AR 9 and to support the addition of Lou Bergevin to the Wall of Distinction. He truly earned it.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. It is really a pleasure to be able to support AR 9. Lou and I were both elected at the same time. He was a little bit smarter than I was because he quit when he was ahead.

Lou and I had pretty much parallel lives. Both of us were ranchers, we were both past presidents of the Nevada Cattlemen's Association, we served together on the Tax Commission, and as I said, we were elected at the same time. Lou was an outstanding legislator. As the Minority Leader stated, he probably knew as much about taxation as anyone in this whole building. He was excellent. Lou was kind of responsible for getting the local governments back on an even keel by keeping the State out of the ad valorem tax.

One thing about Lou was, when he gave you his word, you could go to the bank with it. As I said when I spoke at his services, Lou was outspoken. I used to kid him and say, "Lou, what did you really mean?" But you knew very well from the very beginning what Lou meant, because he was that direct.

I think it is only fitting that we are going to induct Lou Bergevin today.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. As Mr. Marvel and the Minority Leader mentioned, a lot of us have not had the opportunity to serve with some of these folks. When I was a freshman here, he reminded me of President Nixon because when he would get really excited, he would start flapping his jaws just like President Nixon. I said, "Boy, I had better stay away from this guy."

As the Minority Leader mentioned, Lou was very dedicated. When you saw him marching down the hall between the two houses and staying up late at night trying to get the tax issues together, you could have nothing but respect for him. I did not know him that well for two sessions, because I was afraid to say anything to Lou. Lou finally came over to me one day and said he had watched me for two sessions. I said, "You know, the only thing you ever say to me is 'hi.' He said, "I wanted to make sure you were serious about this House." I could not say a word, because that was true. You have some people come here, and they realize it is not as easy as it appears. Back in the day they knew how much hard work was required.

Recognizing Lou and the other inductees today is an honor. Lou's heart was into it, as my colleague "number two," Mr. Marvel, mentioned. He was dedicated, and he deserves it because he was a man of this House.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. Lou Bergevin was an interesting man. I agree with the previous speaker; clearly, he was intimidating. As a freshman, I knew I definitely wanted to try and stay out of his sight. I did not have the opportunity to serve on a committee with him; however, I did hear him and was with him a couple of times on some issues and I heard his

advice to several freshmen. In my first session and the Speaker pro Tempore's first session, there were more freshmen in the Body than there were senior members. Mr. Bergevin made it very clear to the freshmen that there was nothing more important than your word, not just to your colleagues, but to the lobbyists. You should not commit yourself to a bill unless you really believed that you were going to support that bill. With the same regard, lobbyists treated members with the distinction that if they heard a commitment from you, either against or for a bill, they did not turn you around on it. Unfortunately, some of those qualities have been lost and I am sorry to see that. It was because of Lou making it very clear on one side of the aisle, and Joe making it very clear on the other side of the aisle, that personal integrity and who you were, were not going to be violated by one side or the other. Lou epitomized that, and I am happy that he never lost his temper at me personally, although it came pretty close a couple of times. As one of the people who served with him, I definitely want to rise in support of this resolution. He was a great gentleman and a great asset to our State.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I rise in support of AR 9. I did have the pleasure to serve with Lou. Sometimes, if he did not agree with you on a bill you wanted to get through, it was not such a pleasure at that time. He was a great guy, and you always knew where you stood. As a member of the ranching industry we always had a lot of things to share in common. As other people have said, he knew more about taxes than most of us forget. I remember when I was on the County Commission and they were doing the tax shift. We had to come down and argue with Lou. I thought maybe some of us got the tax shaft. Anyway, we always knew where he stood, so I did enjoy serving with him.

While I am up here, I think I ought to say a couple things about the other people that everyone has been talking about.

Jan Evans and I came in with the freshman class of 1987. As far as I know, I am the only one remaining. Jan Evans was such a hard worker and such a lady. If it had not been for her, I would have never gotten the class size reduction for Elko through, and I will always remember and thank Jan Evans for that.

As far as Joe Dini is concerned, I think everybody has pretty much said how great a Speaker he was. It has always been my honor and privilege to have served with Joe. I think the greatest thing I will always remember about Joe is he was always my friend and he would always try to help me. Thank you, Joe, for being my friend.

Resolution adopted unanimously.

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 10—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Kyle Zive is elected as an additional attaché of the Assembly for the 73rd Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 214.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 249 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 135.

Bill read second time and ordered to third reading.

Senate Bill No. 138.

Bill read second time and ordered to third reading.

Senate Bill No. 225.

Bill read second time and ordered to third reading.

Senate Bill No. 255.

Bill read second time and ordered to third reading.

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

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 773.

Amend sec. 12, page 3, line 38, after "sale" by inserting "or lease".

Amend sec. 17, page 8, line 8, after "sale" by inserting "or lease".

Amend sec. 28.7, page 11, by deleting lines 4 and 5 and inserting: "*section 28.3 of this act relating to vehicles required to be registered with the Department pursuant to chapter 482 of NRS, or any regulation adopted by the Department pursuant thereto. The*".

Amend sec. 28.7, page 11, by deleting lines 13 and 14 and inserting: "*this section and any provision of NRS 108.265 to 108.360, inclusive, and section 28.3 of this act relating to vehicles required to be registered with the*".

Department pursuant to chapter 482 of NRS, and any regulation adopted by the Department”.

Amend sec. 28.7, page 11, line 15, by deleting “issued”.

Amend sec. 38, page 14, line 29, after “injury” by inserting “or damages”.

Amend sec. 45, page 19, by deleting lines 14 through 18 and inserting: “administrative costs incurred by the Department in carrying out the provisions of section 12 of this act.”.

Amend the title of the bill, sixth and seventh lines, by deleting: “purchase or sale” and inserting: “purchase, sale or lease”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that all rules be suspended and that Assembly Bill No. 249, upon return from the printer, be placed on the General File for the current legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 745.

Amend sec. 25, pages 2 and 3, by deleting lines 17 through 22 on page 2 and lines 1 through 8 on page 3, and inserting:

“3. The State Board and the Board of Regents of the University of Nevada shall develop a mechanism to improve access to dual-credit courses by pupils enrolled in high schools in this State. The Board of Regents may authorize a high school teacher to teach a course that is approved pursuant to subsection 2 on the campus of a high school in this State.”.

Amend sec. 26, page 3, by deleting lines 36 through 38 and inserting:

“4. If community service credit is required for receipt of a scholarship for postsecondary education, any credit awarded pursuant to this section must be applied toward those required credits.”.

Amend sec. 28, page 4, by deleting line 28 and inserting:

“392.033 1. A”.

Amend sec. 28, page 4, by deleting lines 35 through 43.

Amend sec. 28, page 4, line 44, by deleting “3.” and inserting “2.”.

Amend sec. 28, page 5, line 6, by deleting “{3-} 4.” and inserting “3.”.

Amend the bill as a whole by deleting sections 29 through 42 and adding: “Secs. 29-42. (Deleted by amendment.)”.

Amend sec. 44, page 7, line 4, by deleting “July” and inserting “October”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising provisions governing dual-credit courses and community service projects; authorizing teachers to participate in informal evaluations of administrators; revising provisions governing the credits required of and the award of credits to pupils; requiring the board of trustees of each school district to determine the feasibility of scheduling start times for public schools in a certain manner; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 299.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 746.

Amend section 1, page 1, line 1, by deleting “State” and inserting: “State, with the approval of the Interim Finance Committee,”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry, Anderson, Giunchigliani, and Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 386:

YEAS—42.

NAYS—None.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 742.

Amend sec. 4, page 2, line 39, by deleting: “*information on the website*” and inserting: “*abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1*”.

Amend sec. 4, page 2, line 40, by deleting “*that information*” and inserting: “*the abstract of votes*”.

Amend sec. 5, page 3, line 15, by deleting: “*information on the website*” and inserting: “*abstract of votes required to be maintained on the website pursuant to paragraph (c) of subsection 1*”.

Amend sec. 5, page 3, line 16, by deleting “*that information*” and inserting: “*the abstract of votes*”.

Amend sec. 20, page 13, line 25, by deleting: “*information on the website*” and inserting: “*abstract of votes required to be maintained on the website pursuant to paragraph (c) of subsection 1*”.

Amend sec. 20, page 13, line 26, by deleting “*that information*” and inserting: “*the abstract of votes*”.

Amend the bill as a whole by renumbering sec. 61 as sec. 62 and adding a new section designated sec. 61, following sec. 60, to read as follows:

“Sec. 61. 1. On or before October 1, 2005, the Secretary of State shall submit to the Fiscal Analysis Division of the Legislative Counsel Bureau for transmittal to the next regular meeting of the Interim Finance Committee a written report concerning the establishment and maintenance of the website required pursuant to section 4 of this act including, without limitation, the anticipated cost of establishing and maintaining the website.

2. The Secretary of State may, with the approval of the Interim Finance Committee, pay for the cost of establishing and maintaining the website required pursuant to section 4 of this act from the Account for Special Services of the Secretary of State in the State General Fund created pursuant to NRS 225.140.”.

Amend the bill as a whole by adding a new section designated sec. 63, following sec. 61, to read as follows:

“Sec. 63. 1. This section and section 61 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 6 to 19, inclusive, 21 to 60, inclusive, and 62 of this act become effective on October 1, 2005.

3. Sections 4, 5 and 20 of this act become effective on January 1, 2006.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 530.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 744.

Amend section 1, page 1, line 3, after “*Each*” by inserting: “*newly elected or appointed*”.

Amend section 1, page 1, line 5, by deleting “6” and inserting “9”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. 1. There is hereby appropriated from the State General Fund to the Commission on Ethics for the administrative costs to the Commission that are related to carrying out the provisions of section 1 of this act:

For the Fiscal Year 2005-2006..... \$10,900

For the Fiscal Year 2006-2007.....\$4,975

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.”.

Amend the title of the bill, seventh line, after “lobbying;” by inserting: “making an appropriation;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 533.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 533:

YEAS—42.

NAYS—None.

Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 249 just returned from the printer, be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblymen Buckley and Sibley.

Potential conflict of interest declared by Assemblyman Sibley.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 19, 93, 169, 174, 180, 193, 201, 290, 295, 307, 424; Senate Joint Resolution No. 12 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 67, 68, 78, 89, 163, 257, 278, 292, 381, 436, 468, 470, 473, 503, 507 and 527; Assembly Joint Resolution No. 16; Assembly Concurrent Resolutions Nos. 31 and 32; Senate Bills Nos. 3, 16, 21, 27, 90, 136, and 442; Senate Joint Resolution No. 13; Senate Concurrent Resolutions Nos. 36, 37, 38, 39, 40 and 41.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Bergevin, Sharon Bergevin, and Luetta Bergevin.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina Cowley.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Russel, Todd Russel, and Geania Russel.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Hagen, Heather Brown, Edie Ford, Jason Fromoltz, Zach Zaragoza and Ashanti-Fayshel Gholar.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Dini and Mouryne Dini.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Diggins, Brandy Everett, Amanda Ghazali, Deborah Bergin, Ann Marie Musumeci, Susan Cane, Cynthia Weber, Jennifer Weber, Carol Pickett, Theresa Lenhart, Julie Morris, Margaret Dodds, Kimberly Goodwin, Mark Tanefski, Bob Haney, Jose Mejia, Angelo Ruccia, Sunshine Middlebrooks, Julie Smith, Ms. Pelusio, Michael Gilmore, Todd Enninga, Kimberly Squires, Colleen McCullough, Kirsten Castellanos, Jolene Hoeft, Mrs. Pelusio, Cassidy Fehr, Selena Ghazali, Marina Palmer, Brittny Gray, Rebecca Screnock, Karrienne Weigant, Dominick Musumeci, Christian Cauwel, Christine Garner, Joshua Cane, Amber Rivera,

Annmarie Pickett, Alec Candelaria, Michael Slayden, Christian Petito, Mark Dodds, Ryan Goodwin, Joseph Tanefski, Justin Little, Jacob Morris, Amber Ruccia, Brett Haney, Genesis Mejia, Craig Freeman, Brendan Torrejon, Rayn Mezher, Dominique Middlebrooks, Sydni Barday, Leah Smith, Paisley Alms, Michaela Gilmore, Rikki Nelson, Donna Smith, Austin Enninga, Daniel Guel, Nickolas Hickey, Caroline McCullough, Nathaly Serna, Samantha Jackson, Tyler Vance, Zeke Castellanos, Spencer Hoeft, and Ronald Reyes.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to May Shelton and Joni Kaiser.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 18, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:09 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 18, 2005

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman Richard Perkins.

“We Pray for Children” by Ina J. Hughes

We pray for children
who put chocolate fingers everywhere,
who like to be tickled,
who stomp in puddles and ruin their new pants,
who sneak Popsicles before supper,
who erase holes in math workbooks,
who can never find their shoes.

And we pray for those

who stare at photographers from behind barbed wire,
who can’t bound down the street in a new pair of sneakers,
who never “counted potatoes,”
who are born in places we wouldn’t be caught dead,
who never go to the circus and who live in an X-rated world.

We pray for children

who bring us sticky kisses and fistfuls of dandelions,
who sleep with the dog and bury the goldfish,
who hug us in a hurry and forget their lunch money,
who cover themselves with Band-Aids and sing off key,
who squeeze toothpaste all over the sink and who slurp their soup.

And we pray for those

who never get dessert,
who have no safe blanket to drag behind them,
who watch their parents watch them die,
who can’t find any bread to steal,
who don’t have any rooms to clean up,
whose pictures aren’t on anybody’s dresser,
whose monsters are real.

We pray for children

who spend all their allowance before Tuesday,
who throw tantrums in the grocery store and pick at their food,
who like ghost stories,
who shove dirty clothes under the bed and never rinse out the tub,
who get visits from the tooth fairy,
who don’t like to be kissed in front of their friends,
who squirm in church or temple and scream in the phone,
whose tears we sometimes laugh at and whose smiles can make us cry.

We pray for those

whose nightmares come in the daytime,
who will eat anything,
who have never seen a dentist,
who aren't spoiled by anybody,
who go to bed hungry and cry themselves to sleep,
who live and move, but have no being.

We pray for children who want to be carried and

for those who must,
for those we never give up on and for those
who don't get a second chance.

For those we smother and for those who will grab the hand of anybody kind enough to offer it.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make he necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 107.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 701 to Senate Bill No. 30; Assembly Amendment No. 702 to Senate Bill No. 35.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Oceguela moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 107.

Assemblyman Oceguela moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 509.

Assemblyman Oceguela moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 743.

Amend section 1, page 1, line 8, by deleting: "*Rainy Day Fund*" and inserting: "*Disaster Relief Account*".

Amend section 1, page 1, line 12, by deleting: "*Rainy Day Fund.*" and inserting: "*Disaster Relief Account.*".

Amend sec. 5, page 3, line 41, by deleting "5" and inserting "[5] 10".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 750.

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 5, by deleting lines 4 through 14 and inserting:

"388.700 1. Except as otherwise provided in ~~subsections 2, 3 and 6,~~ *this section*, after the last day of the first month of the school year, the ratio in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1 in classes where core curriculum is taught. In determining this ratio, all licensed educational personnel who".

Amend sec. 4, page 5, line 15, by deleting the brackets and strike-through.

Amend sec. 4, page 5, line 22, after "3." by inserting: "*Each school district that does not meet the ratio of pupils per class:*

(a) *Set forth in subsection 1;*

(b) *Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or*

(c) *Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,*

must request a variance from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4.".

Amend sec. 4, page 5, line 24, by deleting "subsection 1" and inserting: "*paragraph (a), (b) or (c) of subsection* ~~4~~ 3".

Amend sec. 4, page 5, line 27, by deleting "4." and inserting: "~~4~~ 5.".

Amend sec. 4, page 5, line 34, by deleting the brackets and strike-through.

Amend sec. 4, page 5, line 35, by deleting “5.” and inserting “[5-] 6.”.

Amend sec. 4, page 6, line 1, by deleting the brackets and strike-through.

Amend sec. 4, page 6, line 3, by deleting “6.” and inserting “[6-] 7.”.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 5 and adding a new section designated sec. 4, following sec. 4, to read as follows:

“Sec. 4. The Legislature hereby declares its intent that the use of team-teaching for the purpose of satisfying the requirements of the class-size reduction program be eliminated by all school districts not later than the beginning of the 2011–2012 school year. To accomplish this intent, the Legislature hereby encourages the board of trustees of each school district to request that the residents of the county in which the school district is located support bonds for the construction of additional class rooms necessary for the elimination of team-teaching.”.

Amend the title of the bill by deleting the fourth through seventh lines and inserting: “Program; prescribing the circumstances under which a school district is required to request a variance from the requirements of the class-size reduction program; expressing the intent of the Legislature concerning the elimination of team-teaching in connection with the class-size reduction program; and providing other matters properly relating”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 737.

Amend section 1, page 2, line 6, by deleting the colon.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting:

“guilty of a misdemeanor and shall be punished by a fine of not more than \$500.”.

Amend sec. 12, pages 7 and 8, by deleting lines 2 through 44 on page 7 and lines 1 through 4 on page 8 and inserting:

“118.105 1. ~~{A}~~ Except as otherwise provided in subsection 2, a landlord may not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~{a service}~~ an animal will be residing with the prospective tenant in the dwelling ~~{-}~~ if the animal assists, supports or provides service to the person with a disability.

2. A landlord may require proof that an animal ~~{is a service animal}~~ assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by ~~{exhibition of the identification card normally presented to a person with a disability upon his~~

~~graduation from a school for guide dogs, school for hearing dogs, school for helping dogs or school for other service animals.~~

~~3. As used in this section:~~

~~(a) "School for guide dogs" has the meaning ascribed to it in NRS 426.085.~~

~~(b) "School for hearing dogs" has the meaning ascribed to it in NRS 426.091.~~

~~(c) "School for helping dogs" has the meaning ascribed to it in NRS 426.095.~~

~~(d) "Service animal" has the meaning ascribed to it in NRS 426.097.] a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability."~~

Amend the title of the bill by deleting the sixth line and inserting: "restitution for certain violations; revising provisions concerning rental of certain dwellings by persons with a service animal; providing a penalty; and".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 752.

Amend section 1, page 2, line 41, after "2." by inserting: "*On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning any action that the Committee had taken pursuant to subsection 1 during that biennium.*

3."

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 218.536, 218.5361, 218.5363, 218.5365, 218.5367, 218.5368, 218.5369 and 218.5371 are hereby repealed."

Amend sec. 2, page 3, by deleting line 1 and inserting:

"Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

218.536 Legislative findings and declarations.

218.5361 "Committee" defined.

218.5363 Establishment; membership; Chairman; vacancies.

218.5365 Meetings; regulations; compensation of members.

218.5367 Powers of Committee.

218.5368 Duties of Committee.

218.5369 Oaths; depositions; subpoenas.

218.5371 Fees and mileage for witnesses.”.

Amend the title of the bill, third line, after “lands;” by inserting: “requiring the Committee to submit a report concerning certain actions taken by the Committee to the Director of the Legislative Counsel Bureau; repealing prospectively the provisions creating the Committee;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Amends provisions relating to Legislative Committee on Public Lands. (BDR 17-427)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 81.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time and ordered to third reading.

Senate Bill No. 184.

Bill read second time and ordered to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 229.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 734.

Amend section 1, page 1, line 12, after “(d)” by inserting: “*One member who is a public defender, appointed by the governing body of the State Bar of Nevada;*
(e)”.

Amend section 1, page 2, line 1, by deleting “(e)” and inserting “~~[(e)]~~ (f)”.

Amend section 1, page 2, line 4, by deleting “(f)” and inserting “~~[(f)]~~ (g)”.

Amend section 1, page 2, line 7, by deleting “(g)” and inserting “~~[(g)]~~ (h)”.

Amend section 1, page 2, line 9, by deleting “(h)” and inserting “~~[(h)]~~ (i)”.

Amend section 1, page 2, line 10, by deleting “(i)” and inserting “(j)”.

Amend section 1, page 2, line 13, by deleting “(j)” and inserting “(k)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 395.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 237.

The following Senate amendment was read:

Amendment No. 668.

Amend sec. 2, page 3, by deleting lines 32 through 37 and inserting:

“(m) Except ~~in a judicial district that includes a county whose population is 100,000 or more,~~ as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice’s court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) *In a county whose population is more than 100,000 and less than 400,000;*

(2) *In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or*

(3) *If a party to the action is a party in another action pending in the district court in which such an order may be granted by the district court.”.*

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 237.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 518.

The following Senate amendment was read:

Amendment No. 704.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection ~~{8.}~~ 9.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

6. *The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through*

the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.

7. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district.

~~{7-}~~ 8. If more than 3 days of free school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

~~{8-}~~ 9. The State Board shall adopt regulations:

(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.”.

Amend section 1, page 2, by deleting lines 28 through 31 and inserting: *“adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the”.*

Amend sec. 2, pages 3 and 4, by deleting lines 40 through 44 on page 3 and lines 1 through 9 on page 4, and inserting: “*pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.*”.

Amend the title of the bill, first line, after “education;” by inserting: “authorizing the boards of trustees of school districts to apply to the Superintendent of Public Instruction for additional days or minutes of instruction for certain programs of remedial education;”.

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 518.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 732.

Amend section 1, page 2, by deleting lines 25 and 26 and inserting: “*emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown, such as a ring life buoy or buoyant cushion. A type IV personal flotation device required by this*”.

Amend section 1, page 2, by deleting line 34 and inserting: “*use in an emergency, a type IV personal flotation device approved by the United States Coast Guard which is capable of being thrown.*”.

Amend section 1, page 2, by deleting lines 37 and 38 and inserting: “*length, such a type IV personal flotation device must be carried on both the fore and the aft of the vessel. A type IV personal flotation device required by*”.

Amend the title of the bill, second line, by deleting “safety” and inserting “personal flotation”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain vessels to carry on board certain personal flotation devices. (BDR 43-770)”.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 112.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 678.

Amend section 1, page 2, line 4, by deleting: “but not more than 20 percent” and inserting: “~~but not more than 20 percent~~”.

Amend sec. 2, page 2, line 20, by deleting: “but not more than 20 percent” and inserting: “[~~but not more than 20 percent~~]”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 220.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Atkinson moved that Senate Joint Resolution No. 12 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 500 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblymen Marvel and Giunchigliani.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblywomen McClain and Giunchigliani.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 530:

YEAS—40.

NAYS—Angle, Arberry—2.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 15, 19, 93, 135, 138, 169, 174, 180, 193, 201, 225, 255, 290, 295, 307, and 424 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Weber requested that the following remarks be placed in the Journal:

ASSEMBLYMAN PERKINS:

On Friday we are having a special occasion on the Capitol Mall for Armed Services Day to show appreciation to our troops throughout the world. With that message in mind, I have something I received through the e-mail tree that I thought was touching, relating to a particular serviceman. I wanted to share that with you. I will warn you first that it talks a little bit about the activities that occurred that this particular Marine was involved in and the very difficult times his unit was under. I do not know who to attribute the statement to, so I apologize in advance.

Maybe you'd like to hear about a real American, somebody who honored the uniform he wears. Meet Brian Chontosh. Churchville-Chili Central School class of 1991. Proud graduate of the Rochester Institute of Technology. Husband and about-to-be father. First Lieutenant (now Captain) in the United States Marine Corps. And a genuine hero.

The Secretary of the Navy said so yesterday. At Twenty Nine Palms in California, Brian Chontosh was presented with the Navy Cross, the second-highest award for combat bravery the United States can bestow. That's a big deal. But you won't see it on the network news tonight, and all you read in Brian's hometown newspaper was two paragraphs of nothing. The odd fact about the American media in this war is that it's not covering the American military. The most plugged-in nation in the world is receiving virtually no true information about what its warriors are doing.

Oh, sure, there's a body count. We know how many Americans have fallen. And we see those same casket pictures day in and day out. And we're almost on a first-name basis with the jerks who abused the Iraqi prisoners. And we know all about improvised explosive devices and how we lost Fallujah and what Arab public opinion polls say about us and how the world hates us.

We get a non-stop feed of gloom and doom. But we don't hear about the heroes. The incredibly brave GIs who honorably do their duty. The ones our grandparents would have carried on their shoulders down Fifth Avenue. The ones we completely ignore. Like Brian Chontosh.

It was a year ago on the march into Baghdad. Brian Chontosh was a platoon leader rolling up Highway 1 in a Humvee, when all hell broke loose. Ambush City. The young Marines were being cut to ribbons. Mortars, machine guns, rocket-propelled grenades. And the kid out of Churchville was in charge. It was do or die and it was up to him. So he moved to the side of his column looking for a way to lead his men to safety. As he tried to poke a hole through the Iraqi line, his Humvee came under direct enemy machine gun fire. It was fish in a barrel and the Marines were the fish. And Brian Chontosh gave the order to attack. He told his driver to floor the Humvee directly at the machine gun emplacement that was firing at them, and he had the guy on top with the .50 cal unload on them. Within moments, there were Iraqis slumped across the machine gun and Chontosh was still advancing, ordering his driver now to take the Humvee directly into the Iraqi trench that was attacking his Marines. Over into the battlement the Humvee went and out the door Brian Chontosh bailed, carrying an M16 and a Beretta and 228 years of Marine Corps pride. And he ran down the trench, with its mortars and riflemen, machine guns and grenadiers, and he killed them all. He fought with the M16 until it was out of ammo. Then he fought with the Beretta until it was out of ammo. Then he picked up a dead man's AK47 and fought with that until it was out of ammo. Then he picked up another dead man's AK47 and fought with that until it was out of ammo. At one point he even fired a discarded Iraqi RPG into an enemy cluster, sending attackers flying with its grenade explosion.

When he was done, Brian Chontosh had cleared 200 yards of entrenched Iraqis from his platoon's flank. He had killed more than 20 and wounded at least as many more.

But that's probably not how he would tell it. He would probably merely say that his Marines were in trouble, and he got them out of trouble.

Hoo-ah, and drive on.

"By his outstanding display of decisive leadership, unlimited courage in the face of heavy enemy fire, and utmost devotion to duty, 1st Lt. Chontosh reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service." That's what the citation says. And that's what nobody will hear. That's what doesn't seem to be making the evening news. Accounts of American valor are dismissed by the press as propaganda, yet accounts of American difficulties are heralded as objectivity. It makes you wonder if the role of the media is to inform or to depress – to report or to deride. To tell the truth, or to feed us lies. But I guess it doesn't matter. We're going to turn out all right as long as men like Brian Chontosh wear our uniform.

ASSEMBLYMAN ANDERSON:

There is nothing anyone can say after that. I would note that recently Steve Watson shared an e-mail from his son with many of us. If you see him in the hall you might thank him for the service of his son who stands in harm's way on a day-to-day basis and for the people of our Guard units who are doing the same.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 502; Senate Bills Nos. 43, 199, 270, 417 and 449; Senate Joint Resolution No. 11 of the 72nd Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Hudgens.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Little, Earnest Frazier, Sheryl Frazier, Scott Porter, Mike Little, and Keeton Little.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Eflmoff and Jean Bondiett.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Beth Acac and Karen Hatch.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sullivan, Mitchell Albrect, Cody Barnes, Katerina Berg, Zach Bolton, Lynelle Fung, Dylan Griffin, Taylor Grogan, Christine Houk, Adam Hsu, Andres Jacincto, Loren Johnson, Sunay Kandi, Haley Magenheimer, Alysia Mallorca, Elena Mendez, Joanna Rimon, Sarah Smith, Courtney Tranberg, Dylan Travis, Jasmine Videna, Mrs. Griffith, Carrolann Bailey, Davis Brodzinski, Mariah Connell, Sandra Romano, Chase Heying, Catie Houk, Aaron Johnson, Ciara Kelley, Jason Ligon, Jennifer Mayer, Nick Pavone, David Polk, Jillisa Pritchard, Luis Salcedo, Morgan Sanders, Tyler Sands, Ben Schultz, Will Shutt, Alexis Suerdieck, Bivyanne Torres, Mr. Henry, Blake Banning, Jeremy Bonar, Michael Glazer, Alyssa Harwell, Sam Mason, Joe Preciado, Cody Rose, Jaime Tackett, Keylie Tisdale, Clarissa Vazquez, Breanna Vest, Erica Wood, Chandler Wright, and Deana Wright.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Nelson and Glenn Nelson.

On request of Assemblywoman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Edie Grub.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Quintin Allen, Katrina Brelthaupt, Quinn Chapman, Matthew Conners, Raymond Dallimore, Coriann Defebaugh, Joseph Donovan, Matthew Fickus,

Jullan Franco, Kendall Goldsworthy, Tyler Hodson, Wyatt Hudson, Samuel Hunter, Lee Laney, Gregg Lemon, Erik Malm, Thomas Martini, Julie McDowell, Ashley McNair, Nikala McPartlin, Kristen Neufeld, Corinna Obermayr, Christina Owens, Jordan Popiela, Keana Prah, Savana Press, Nicholas Seymour, Dylann Smotherman, Andrew Woolley, Jo Kilmer, Molly Allander, Glenn Defebaugh, Jill Connors, and Melissa Field.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Paulsen.

On request of Assemblywoman Koivisto, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Mello and Pat Fladager.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Madsen and Ileri Rivas.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tia Pilikian.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Dinah Jordan.

On request of Assemblyman McCleary, the privilege of the floor of the Assembly Chamber for this day was extended to Afsha Farmanali.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Kelly.

On request of Assemblyman Parks, the privilege of the floor of the Assembly Chamber for this day was extended to Kay Green.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett, Sandy Osheroff, and Stacie Wilke.

On request of Assemblywoman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Perkins and Nicole Perkins.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Garcia and Alice Downer.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Petell and Nancy Boland.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Karen McEntire and Ada Roelke.

Assemblyman Ocegüera moved that the Assembly, in conformance with section 15 of Article 4 of the Constitution of the State of Nevada, with the consent of the Senate, adjourn until Monday, May 23, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 23, 2005

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

Some have said that Nevada is a state of lost wages, but when fair wages are not paid and housing and travel compensation too meager, justice is denied and life is diminished. And who knows? The kid working today at McDonald's may someday be working in this room.

O God, give to this Assembly the energy and stamina to work with vigor in these coming days, choosing life and justice for all the people of Nevada.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 315, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 78, 133, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Senate Bills Nos. 329, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was rereferred Senate Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 67, 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 120, 281, 354, 396, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 28, 41, 64, 150, 173, 175, 234, 287, 347, 353, 432, 450, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 48, 384, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Senate Bills Nos. 71, 318, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which were referred Senate Bills Nos. 18, 112, 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 22, 96, 195, 304, 484.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 715 to Senate Bill No. 205; Assembly Amendment No. 716 to Senate Bill No. 261.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Titus and Heck as a first Conference Committee concerning Senate Bill No. 68.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 18, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 209.

MARK STEVENS

Fiscal Analysis Division

May 20, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 126 and Senate Bill 216.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill 493.

MARK STEVENS

Fiscal Analysis Division

NOTICE OF WAIVER

A Waiver requested by: Legislative Counsel.

For: A New BDR No. 32-1342.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 21, 2005.

WILLIAM J. RAGGIO

Senate Majority Leader

RICHARD D. PERKINS

Speaker of the Assembly

A Waiver requested by: Senator Dennis Nolan.

For: Assembly Bill No. 505.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 20, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

A Waiver requested by: Senate Standing Committee on Taxation

For: Senate Bill No. 509.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rules Nos. 14.2 and 14.3.

Has been granted effective: May 20, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Assembly Concurrent Resolution No. 28.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Munford.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Buckley moved that Senate Bill No. 493 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 22.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 96.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 195.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 304.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 484.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 777.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

Section 1. Section 189.28 of Chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 244, is hereby amended to read as follows:

Sec. 189.28. 1. There is hereby appropriated from the State General Fund to the State Distributive School Account in the State General Fund created pursuant to NRS 387.030:

For the 2003-2004 Fiscal Year.....	\$637,789,627
For the 2004-2005 Fiscal Year.....	\$767,086,697

2. The money appropriated by subsection 1 must be:

(a) Expended in accordance with NRS 353.150 to 353.245, inclusive, concerning the allotment, transfer, work program and budget; and

(b) Work-programmed for the 2 separate Fiscal Years 2003-2004 and 2004-2005, as required by NRS 353.215. Work programs may be revised with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration.

3. Transfers to and from allotments must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate considerations of the merits of each request.

4. The sums appropriated by subsection 1 are available for either fiscal year or may be transferred to Fiscal Year 2002-2003. Money may be transferred from one fiscal year to another with the approval of the Governor upon the recommendation of the Chief of the Budget Division of the Department of Administration. If funds appropriated by subsection 1 are transferred to Fiscal Year 2002-2003, any remaining funds in the State Distributive School Account after all obligations have been met that are not subject to reversion to the State General Fund must be transferred back to Fiscal Year 2003-2004. Any amount transferred back to Fiscal Year

2003–2004 must not exceed the amount originally transferred to Fiscal Year 2002–2003.

5. Any remaining balance of the appropriation made by subsection 1 for the 2003–2004 Fiscal Year must be transferred and added to the money appropriated for the 2004–2005 Fiscal Year and may be expended as that money is expended.

6. Any remaining balance of the appropriation made by subsection 1 for the 2004–2005 Fiscal Year, including any money added thereto pursuant to the provisions of subsections 3 and 5, must not be committed for expenditure after June 30, 2005, and ~~[reverts]~~ *must be reverted* to the State General Fund ~~[as soon as all payments of money committed have been made.]~~ *on or before September 16, 2005.*”

Amend section 1, page 1, line 1, before “There” by inserting “1.”.

Amend section 1, page 1, line 3, by deleting “\$9,645,678” and inserting “\$7,912,640”.

Amend section 1, page 1, between lines 8 and 9, by inserting:

“2. Any remaining balance of the supplemental appropriation made by subsection 1 must not be committed for expenditure after June 30, 2005, and must be reverted to the State General Fund on or before September 16, 2005.”.

Amend sec. 2, page 1, line 10, by deleting “1” and inserting “2”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 82.

Bill read second time and ordered to third reading.

Senate Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 757.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend sec. 7, page 10, line 8, by deleting: “sections 1 and 6” and inserting “section 3”.

Amend sec. 7, page 10, line 10, by deleting: “2 to 5, inclusive,” and inserting: “1 and 2”.

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting “handicapped parking;”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 721.

Amend sec. 11, page 3, line 1, after “(g)” by inserting: “*Chiropractic Physicians’ Board of Nevada.*
(h)”.

Amend sec. 11, page 3, line 2, by deleting “(h)” and inserting “(i)”.

Amend sec. 11, page 3, line 3, by deleting “(i)” and inserting “(j)”.

Amend sec. 11, page 3, line 4, by deleting “(j)” and inserting “(k)”.

Amend sec. 11, page 3, line 6, by deleting “(k)” and inserting “(l)”.

Amend sec. 11, page 3, line 7, by deleting “(l)” and inserting “(m)”.

Amend sec. 11, page 3, line 9, by deleting “(m)” and inserting “(n)”.

Amend sec. 11, page 3, line 12, by deleting “(n)” and inserting “(o)”.

Amend the bill as a whole by deleting sections 112 through 119 and adding:

“Secs. 112–119. (Deleted by amendment.)”.

Amend sec. 240, page 88, line 17, by deleting “634.193, 634.214.”.

Amend the leadlines of repealed sections by deleting the leadlines of NRS 634.193 and 634.214.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 776.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 483.300 is hereby amended to read as follows:

483.300 1. The application of any person under the age of 18 years for an instruction permit or driver’s license must be signed and verified, before a person authorized to administer oaths:

(a) By the applicant’s parent who has custody of him or by either parent if both have custody of him;

(b) If neither parent has custody of him or if neither parent is living, by the person who has custody of him, including an officer or employee of the State *or a county* if the minor is in the legal custody of the State ~~or~~ *or county*;

(c) If neither parent has custody of him or if neither is living and he has no custodian, by his employer; or

(d) If neither parent has custody of him or if neither is living and he has no custodian or employer, by any responsible person who is willing to assume the obligation imposed under NRS 483.010 to 483.630, inclusive, upon a person signing the application of a minor.

2. Except as otherwise provided in NRS 41.0325, any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway is imputed to the person who has signed the application of the minor for a permit or license and that person is jointly and severally liable with the minor for any damages caused by such negligence or willful misconduct.

Sec. 2. NRS 41.0325 is hereby amended to read as follows:

41.0325 No action may be commenced pursuant to subsection 2 of NRS 483.300 against the State, *a county* or an officer or employee of the State *or a county* for damages caused by the negligence or willful misconduct of a minor driver whose application for a driver's license was signed by the officer or employee while the minor was in the legal custody of the State ~~or~~ *or county*.

Sec. 3. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to children; providing that an officer or employee of a county may sign and verify an application for an instruction permit or driver's license for a person under the age of 18 years who is in the legal custody of the county; providing a county and an officer or employee of a county with immunity from an action for damages caused by a minor driver whose application for a driver's license was signed by the officer or employee while the minor was in the custody of the county; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning instruction permits and driver's licenses of minors who are in legal custody of county. (BDR 43-667)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 101.

Bill read third time.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 313:

YEAS—42.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 526:

YEAS—42.

NAYS—None.

Assembly Bill No. 526 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 15:

YEAS—42.

NAYS—None.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 174 be taken from
its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 174.

Bill read third time.

The following amendment was proposed by Assemblyman Mabey:

Amendment No. 703.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 6 as sections 1 through 5.

Amend sec. 6, page 6, line 38, by deleting “3” and inserting “2”.

Amend the title of the bill to read as follows:

“AN ACT relating to chiropractic; revising the definition of “unprofessional conduct”; increasing the number of members of the Chiropractic Physicians’ Board of Nevada; increasing certain fees; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; and providing other matters properly relating thereto.”.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblymen Mabey, Hardy, and Buckley.

Amendment lost on a division of the House.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 751.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend the title of the bill, seventh line, by deleting: “increasing certain fees;”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 19.

Bill read third time.

Roll call on Senate Bill No. 19:

YEAS—42.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 81:

YEAS—42.

NAYS—None.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 43.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Raggio, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Anderson, Allen, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 43—Memorializing former District Court Judge John W. Barrett.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the passing of native Nevadan and former District Court Judge John W. Barrett on June 19, 2004; and

WHEREAS, John W. Barrett was born in Reno, Nevada, on June 9, 1917, to Esther Catherine Johns Barrett and William Patrick Barrett, both of pioneer families from Reno and the Carson Valley; and

WHEREAS, Although the Barrett family included three generations of stonemasons, including John's grandfather who crafted the Nevada Memorial Stone on the Washington National Monument, William Barrett did not encourage John to join the family business, instead he encouraged him to embark on a different career path; and

WHEREAS, After graduating from the University of Nevada, Reno, in 1939, John enlisted in the United States Army Reserve and witnessed the attack on Pearl Harbor on December 7, 1941, while he was stationed at Schofield Barracks; and

WHEREAS, John continued bravely serving his country in the United States Army until the end of World War II, receiving a Silver Star, a Bronze Star and a Combat Infantry Badge before retiring from military service as a Lieutenant Colonel; and

WHEREAS, After graduating from the University of California, Hastings College of the Law in 1949, John returned to Nevada to practice law in Reno and Hawthorne before serving as a Deputy Attorney General for the State of Nevada; and

WHEREAS, Upon the death of Judge Mastretti in 1961, Governor Grant Sawyer appointed John Barrett to the Washoe County District Court, Department Number 2, where Judge Barrett continued to preside, unchallenged at any election since 1962, until his retirement from the bench in 1985; and

WHEREAS, In presiding over numerous trials during his 24 years on the bench, including the Priscilla Ford trial, Judge John W. Barrett is best remembered for his strong sense of fairness and adherence to the law, his instrumental role in working with Judge Tom Craven to bring the National Judicial College to Reno and for being a founding member of the Nevada Judicial Historical Society; and

WHEREAS, Although Judge Barrett was soft spoken, his family and friends knew him as an avid outdoorsman with a great sense of humor, a gift for storytelling and a deep love for his wife, whom John affectionately referred to as “M,” and his children, grandchildren and great-granddaughter and the rest of his family; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature offer their sincere condolences to the family and friends of Judge John W. Barrett; and be it further

RESOLVED, That the legacy of Judge John W. Barrett’s exemplary judicial career and tireless effort to preserve the history of the courts of Nevada will continue to inspire judges for generations to come; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to John Barrett’s beloved family.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

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

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 3 and 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 564—AN ACT making an appropriation to the Have A Peaceful Heart Foundation for assistance with merchandising that will help finance the establishment of new music educational programs in the Clark County School District; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 565—AN ACT making an appropriation to the Clark County School District for the establishment of a “Homework Help Center” at the West Las Vegas Library; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 566—AN ACT relating to protection of children; requiring the Legislative Commission to contract with a consultant to carry out certain duties and prepare a report concerning the health, safety, welfare, and civil and other rights of children in this State who are under the care of certain governmental entities and private facilities; requiring the Legislative Commission to appoint a subcommittee to oversee the consultant; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 567—AN ACT relating to school facilities; creating an Account for the Construction, Repair and Renovation of School Buildings and Facilities; providing for the submission of applications by certain school districts for grants of money from the Account; prescribing the process for the review and approval of applications; revising provisions governing the local tax for school facilities; repealing the provisions creating the Fund to

Assist School Districts in Financing Capital Improvements; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 93.

Bill read third time.

Roll call on Senate Bill No. 93:

YEAS—42.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 131:

YEAS—40.

NAYS—2—Angle and Carpenter.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 135:

YEAS—42.

NAYS—None.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 331, 395, 424, 443, 483 and Senate Joint Resolution No. 12 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 331.

Bill read third time.

Remarks by Assemblymen Carpenter and Anderson.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 331:

YEAS—38.

NAYS—Claborn, Giunchigliani, Koivisto, Perkins—4.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Roll call on Senate Bill No. 395:

YEAS—42.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblymen Christensen.

Roll call on Senate Bill No. 424:

YEAS—42.

NAYS—None.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Senate Bill No. 443:

YEAS—42.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Roll call on Senate Joint Resolution No. 12:

YEAS—41.

NAYS—None.

NOT VOTING—Angle.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Remarks by Assemblymen Horne, Conklin, and Buckley.

Roll call on Senate Bill No. 138:

YEAS—42.

NAYS—None.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblymen Grady and Parnell.

Roll call on Senate Bill No. 169:

YEAS—42.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 180.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Senate Bill No. 180:

YEAS—42.

NAYS—None.

Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblyman Christensen.

Roll call on Senate Bill No. 184:

YEAS—42.

NAYS—None.

Senate Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblymen Hardy, Angle, and Buckley.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

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

ASSEMBLYMAN HARDY:

S.B. 193 concerns dead bodies used for medical science. The Committee on Anatomical Dissection would adopt regulations concerning persons and entities eligible to receive dead bodies. The measure prohibits a person or entity from receiving a dead body for medical science unless the Committee has determined their eligibility to do so and makes a violation of this provision a gross misdemeanor. It also adds an osteopathic physician to the membership, requires a fee if a dead body is allocated to a given institution, and that fee is revenue neutral to cover the costs.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I have been asked by a member about the 2/3 majority issue and it is my belief that a bill increasing public revenue by raising fees or taxes requires a 2/3 majority vote pursuant to the *Nevada Constitution*. These bills are generally marked for us by our Legislative Counsel. Ms. Angle, did I cover what you needed me to cover?

ASSEMBLYWOMAN ANGLE:

Thank you, Mr. Speaker. That is what I needed to hear—that you would confirm that a 2/3 vote is required for the approval of any bill or joint resolution which creates, generates, or increases any public revenue in any form as required by Article 4, Section 18, of our *Constitution*.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker, for recognizing me a second time. We received testimony in that particular way, that this was going to be revenue neutral, taking from inside the system, so no new fees were technically assessed other than for covering the costs of the body.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you. It just shows that Section 6 requires a 2/3 vote.

Roll call on Senate Bill No. 193:

YEAS—42.

NAYS—None.

Senate Bill No. 193 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 194, 201, 225, 229, 255, 280, 290, 295, and 307 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 235 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblywoman Leslie.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 699.

Amend section 1, page 2, line 6, before "*proceeding*" by inserting "*judicial*".

Amend the title of the bill, third line, before "*proceeding*" by inserting "*judicial*".

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 341.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker announced the appointment of Assemblywomen Gerhardt and Allen as a Committee to review the status of the Conference Committees.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 80, 108, 112, 118, 159, 181, 220, 231, 237, 271, 392, 393, 486, 518, 537, and 547; Assembly Joint Resolutions Nos. 4, 10, 12 and 14; Assembly Resolutions Nos. 6, 7, 8, 9 and 10; Senate Bills Nos. 30, 31, 35, 91, 205, 261, and 297; Senate Concurrent Resolution No. 21.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to John W. Barrett, Jo Schebler, Bob Schebler, Jack Barrett, Jeanne Barrett, Kay Barrett, Betty Melarkey, John Melarkey, Jim Schebler, Renee Schebler, Anne Schebler, Caitlin Fagan, Patrick Barrett, Kevin Barrett, and Jill Barrett.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Justice, Aidan Barker-Hill, Alexandra Vallas, Alice Frederick, Angela Xu, Benjamin Lokshin, Cameron Wentworth, Daniel Hickox-Young, Denis Barsalou, Dylan Cumpston, James Patton, Katie Harris, Kevin Short, Lily Daylami, Logan Falk, Ryan Wardle, Sean Kelly, Thomas Short,

Jacob Lokshin, Mindy Lokshin, Christine Vallas, Troy Falk, and Jamie Kelly.

On request of Assemblywoman Gerhardt, the privilege of the floor of the Assembly Chamber for this day was extended to Marty Mazzara, Emily Dwyer, Allie Sanford, Caitlin Burke, Ali Robertson, Jennifer Hahn, Whitney Mudd, Brendan Olsen, Robert Watkins, Jonathan Denny, Rachel Porter, Breanna Gregorio, Samantha Ma, Christian Dunbar, Alexa Cachero, Matthew Lychock, Taylor Sanoja, Milan Montero, Tyler Emes, Victor Turville, Jennifer Calhoun, Leah Dwyer, Sandra Sanford, Tracey Burke, Larry Robertson, Jeannine Robertson, Christy Olsen, Monica Porter, Maria Gregorio, Anna Chan, Danny Cachero, Jeanette Montero, Glen Emes, Laura Lychock, and Art Sanoja.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Collins.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Buchanon and Jeff Hurley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Smith, Kris Morgan, and Nelson Umiama.

Assemblywoman Ocegüera moved that the Assembly adjourn until May 24, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:04 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 24, 2005

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we give You thanks for the laughter which sustains and cheers the hearts of all those here gathered: for fluttering white handkerchiefs, for bathroom caucusing, for a spirit of respect for the whole Body which delights in individual idiosyncrasy. Give to them a spirit of cooperative grace and joyful resolve. Guide their decisions, empower them in the serving, and bring them at last to the end of session.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 134, 152, 226, 381 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 172, 444, 453, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 26, 32, 104, 105, 124, 141, 165, 351; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 70, Amendment No. 763; Assembly Bill No. 84, Amendment No. 694; Assembly Bill No. 337, Amendment No. 735; Assembly Bill No. 346, Amendment No. 764; Assembly Bill No. 395, Amendment No. 708, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 183, 242, 265, 369, 404, 485.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 691 to Senate Bill No. 77; Assembly Amendment No. 690 to Senate Bill No. 382.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 10.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Buckley moved that for the balance of the session, the reading of the history on all bills and joint resolutions on Second Reading and General File be dispensed with.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 183.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 242.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 265.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 369.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 404.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 485.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that Senate Bills Nos. 134, 146, 152, 172, 226, 326, 381, 389, 444, 453, and 489 just reported out of committee be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 932.

Amend section 1, page 1, line 4, by deleting “and grants”.

Amend section 1, page 1, line 9, by deleting “15, 2006,” and inserting: “15 of each even-numbered year”.

Amend section 1, page 1, line 12, by deleting “1, 2006;” and inserting: “1 of that year;”.

Amend section 1, page 2, between lines 6 and 7, by inserting:

“3. As used in this section, “rural” means any area in a county whose population is less than 100,000 and portions of other counties that are designated as such by the Nevada Office of Rural Health of the University of Nevada School of Medicine.”.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, third and fourth lines, by deleting “and grants”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Administration for allocation to Nevada Rural Hospital Partners for establishment of pool for loans for rural health care providers. (BDR S-1216)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 525 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 753.

Amend sec. 2, pages 3 and 4, by deleting lines 32 through 44 on page 3 and lines 1 through 12 on page 4, and inserting:

"233B.0675 1. If the Legislative Commission *or the subcommittee to review regulations* has objected to a regulation, the agency ~~[may revise it]~~ *shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel [-] within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067.* Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~[at its next regularly scheduled meeting. If the Commission does not object]~~ *or subcommittee for review. If there is no objection to the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.*

2. If the Legislative Commission *or subcommittee* objects to the revised regulation, the ~~[agency may continue to revise it and resubmit it to the Commission.~~

~~3. If the agency refuses to revise a regulation to which the Legislative Commission has objected, the Commission may suspend the filing of the regulation until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective. The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not~~

~~be enforced. If the Legislature has not so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.]~~ Legislative Counsel shall:

(a) *Revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority;*

(b) *Submit the regulation to the Legislative Commission or subcommittee for its approval; and*

(c) *Upon approval of the regulation by the Legislative Commission or subcommittee, promptly file the regulation with the Secretary of State and provide the agency with a copy of the filing.”.*

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 233B.0675, as amended by section 2 of this act, applies to regulations for which filing was suspended on or after July 1, 2003, by the Legislative Commission or the Committee to Review Regulations appointed pursuant to NRS 233B.067. Those regulations include, without limitation, R114-03, R147-04 and R159-04. Within 60 days after the effective date of this act, the Legislative Counsel shall revise those regulations to conform to the statutory authority pursuant to which they were adopted and to carry out the intent of the Legislature in granting that authority and submit the regulations to the Legislative Commission or subcommittee to review regulations appointed pursuant to NRS 233B.067 for approval.”.

Amend sec. 3, page 4, line 13, by deleting: “on July 1, 2005.” and inserting: “upon passage and approval.”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 798.

Amend section 1, page 2, line 13, by deleting “section” and inserting: “section:

(a) *For a first violation, is guilty of a gross misdemeanor.*

(b) *For a second or subsequent violation,”.*

Amend section 1, page 2, by deleting lines 15 through 19 and inserting:

“4. *This section does not prohibit any lawful law enforcement or correctional activities.”.*

Amend section 1, page 2, line 30, by deleting: "*the general public.*" and inserting: "*any person or governmental entity.*".

Amend section 1, page 3, line 5, by deleting "and".

Amend section 1, page 3, line 6, after "(c)" by inserting: "*As necessary for the purpose of allowing a defendant in a civil action and his attorney to prepare a defense; and (d)*".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 886.

Amend section 1, page 1, line 7, by deleting "lien; and" and inserting: "lien . ~~and~~".

Amend section 1, page 1, line 8, after "(b)" by inserting: "*In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:*

(1) *For the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$1,000, is a first lien.*

(II) *If the amount of the lien is \$1,000 or more, is a second lien.*

(2) *After the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$2,500, is a first lien.*

(II) *If the amount is \$2,500 or more, is a second lien.*

(c)".

Amend section 1, page 1, line 9, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend section 1, page 2, line 1, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend the title of the bill, second line, after "lien" by inserting: "on motor vehicles".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 41 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 816.

Amend sec. 2, page 5, line 26, by deleting “consanguinity.” and inserting:
“consanguinity [...] or affinity.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 64 be placed on the Chief Clerk’s desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk’s desk.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 733.

Amend section 1, page 2, by deleting line 18 and inserting: “NRS, but only when functioning as a peer review committee.”.

Amend sec. 2, page 2, line 32, after “NRS,” by inserting: “but only when such committees function as peer review committees,”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 119 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 120.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

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

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 887.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 207.280 is hereby amended to read as follows:

207.280 Every person who *deliberately* reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the ~~[Nevada Highway Patrol]~~ *Department of Public Safety* that a felony or misdemeanor has been committed, ~~[or disseminates such a report by any medium of public communication,]~~ *which causes a law enforcement agency to conduct a criminal or internal investigation,* knowing such report to be false, is guilty of a misdemeanor."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; revising provisions concerning falsely reporting that a crime has been committed; repealing provision concerning the filing of certain false or fraudulent complaints of misconduct against a peace officer; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning false reporting of crimes and repeals provision concerning filing of certain false or fraudulent complaints of misconduct against peace officer. (BDR 23-1168)".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 797.

Amend section 1, page 2, line 4, by deleting “115.090.” and inserting: “115.090 ~~{ }~~ and except as otherwise required by federal law.”.

Amend section 1, page 2, line 7, by deleting “\$300,000” and inserting “\$400,000”.

Amend sec. 2, page 3, lines 39 and 43, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 2, page 4, lines 9, 11 and 14, by deleting “\$300,000” and inserting “\$400,000”.

Amend sec. 3, page 5, line 24, by deleting: “~~period~~ that week or 30” and inserting: “~~period 30~~ that week or 50”.

Amend sec. 4, page 6, line 32, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 4, page 7, line 1, by deleting “30” and inserting “[~~30~~] 50”.

Amend sec. 4, page 7, by deleting lines 39 through 41 and inserting:

“17. Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including ~~[compensation for pain and suffering or actual pecuniary loss,~~] punitive damages,”.

Amend sec. 5, page 9, line 3, by deleting “section:” and inserting: “section ~~{ }~~ or federal law:”.

Amend sec. 5, page 9, line 31, by deleting: “~~period~~ week, or 30” and inserting: “~~period 30~~ week, or 50”.

Amend sec. 5, page 10, line 38, by deleting “\$500,000” and inserting “\$400,000”.

Amend sec. 5, page 11, by deleting lines 35 through 37 and inserting:

“(t) Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including ~~[compensation for pain and suffering or actual pecuniary loss,~~] punitive damages, by the judgment debtor”.

Amend sec. 6, page 13, line 14, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 6, page 13, line 28, by deleting “30” and inserting “[~~30~~] 50”.

Amend sec. 6, page 14, by deleting lines 22 through 24 and inserting:

“17. Payments, in an amount not to exceed [~~\$16,150,~~] 50 percent of any proceeds from a settlement, received as compensation for personal injury, not including ~~[compensation for pain and suffering or actual pecuniary loss,~~] punitive damages,”.

Amend sec. 7, page 16, line 15, by deleting: “~~period~~ that week exceed 30” and inserting: “~~period exceed 30~~ that week exceed 50”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 525 be taken from the Chief Clerk’s desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 326 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 329 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 986.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Department.*

2. *Any interest and income earned on the money in the Account must be credited to the Account. The Department may accept gifts, grants, donations and bequests from any source for deposit in the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

3. *The Department shall use the money in the Account for distribution of grants to public schools to provide innovative educational programs pursuant to section 3 of this act.*

Sec. 3. 1. *The Department shall prescribe:*

(a) A concise application form for submission by public schools that desire to receive a grant of money from the Account for Programs for Innovation and the Prevention of Remediation.

(b) The date for submission of the applications by schools for each school year.

(c) Criteria for the review of applications by the Department, which must allow for teachers and principals to assist in the review of the applications.

(d) Standards for the evaluation of the innovative educational programs.

2. A public school may submit an application to the Department on the form prescribed by the Department pursuant to subsection 1 for a grant of money to provide an innovative educational program, including, without limitation, the provision of full-day kindergarten, programs for gifted and talented pupils, programs for pupils who have limited proficiency in the English language, alternative methods of configuring the classes and grade levels for pupils enrolled in high schools, programs of art which are incorporated into the curriculum, alternative discipline programs, summer school, programs to transition from middle school and junior high school to high school, career and technology programs and driver's education. The provisions of this subsection do not preclude a school from submitting an application for any other type of innovative educational program for which the school desires to receive a grant of money.

3. An application submitted pursuant to subsection 2 must include:

(a) A description of the innovative educational program or combination of innovative educational programs for which the school is seeking a grant of money, including, without limitation, a description of the proposed effectiveness of each program;

(b) The most recent plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357 and the manner by which the innovative educational program or combination of programs is linked to the school's plan for improvement;

(c) The estimated costs for carrying out the program and the estimated number of pupils who will participate in the program; and

(d) The manner by which the innovative educational program or combination of programs will be evaluated by the school.

4. The Department shall:

(a) Review all applications submitted in accordance with the criteria prescribed pursuant to subsection 1.

(b) To the extent money is available in the Account for Programs for Innovation and the Prevention of Remediation, distribute grants of money to schools with approved applications based upon the estimated costs of carrying out each program and the number of pupils estimated to participate in each program.

5. The Department may request assistance from the Legislative Counsel Bureau in carrying out the provisions of subsection 4.

6. A school that receives a grant of money pursuant to this section shall:

(a) Use the money to supplement and not replace the money that the school would otherwise expend for the program or programs for which the grant is made;

(b) Evaluate the innovative educational program or combination of programs for which the school received the grant of money, including, without limitation, an evaluation of the effectiveness of the program; and

(c) On or before December 1 of each year, submit a written report of the evaluation to the Department.

7. The Department shall compile the evaluations received pursuant to subsection 6 and submit, on or before January 1 of each year, a written report of the compilation, a summary of the effectiveness of the programs and any recommendations for legislation to the Director of the Legislative Counsel Bureau. If the report is submitted during:

(a) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit the report to the next regular session of the Legislature.

(b) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit the report to the Legislative Committee on Education.

Sec. 4. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by section 2 of this act the following sums for distribution of grants of money pursuant to section 3 of this act:

For the Fiscal Year 2005–2006	\$50,000,000

For the Fiscal Year 2006–2007	\$50,000,000”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; creating the Account for Programs for Innovation and the Prevention of Remediation in the State General Fund; prescribing the process for the submission of applications by schools and distribution of grants of money from the Account; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for Programs for Innovation and the Prevention of Remediation and makes appropriation. (BDR 34-1352)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 856.

Amend sec. 2, page 2, line 37, by deleting “General” and inserting “Highway”.

Amend the bill as a whole by deleting sections 3 and 4, renumbering sections 5 through 10 as sections 3 through 8 and adding a new section designated sec. 9, following sec. 10, to read as follows:

“Sec. 9. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

~~{1-}~~ (a) Notify the registered and legal owner of the motor vehicle by certified mail not later than *21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days after placing ~~{a}~~ any other vehicle in storage:*

~~{(a)}~~ (1) Of the location where the motor vehicle is being stored;

~~{(b)}~~ (2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

~~{(c)}~~ (3) Of the charge for storage; and

~~{(d)}~~ (4) Of the date and time the vehicle was placed in storage.

~~{2-}~~ (b) If the identity of the registered and legal owners is not readily available, request the necessary information from the Department. The operator shall attempt to notify the owner of the vehicle as soon as possible, but in no case later than ~~{15 days,}~~ :

(1) *Twenty-one days after identification of the owner is obtained ~~{-~~*

~~3-}~~ *if the motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle; or*

(2) *Fifteen days after identification of the owner is obtained for any other motor vehicle.*

(c) Use all resources reasonably necessary to ascertain the name of the owner of a vehicle and is responsible for making an independent inquiry and correct notification of the owner.

2. *If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle, the operator shall not impose any administrative or processing fee or charge with respect to the vehicle for the period ending 14 days after the date on which the motor vehicle was placed in storage.”.*

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “the terms of a contract or security agreement; revising provisions concerning the notification provided to the owner of a motor vehicle that is towed at the request of a person other than the owner; and providing”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 831.

Amend the bill as a whole by deleting sections 2 through 6, renumbering sec. 7 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall contract with the Nevada Beef Council, or its successor organization, for the establishment and administration of a program of education, research and information on beef designed to:*

(a) *Increase the consumption of beef and beef products by members of the general public;*

(b) *Gather, publicize and disseminate accurate and scientific information that emphasizes the importance of the use and consumption of beef and beef products in relation to the public health, the economy, and the diet and proper nutrition of children and adults;*

(c) *Study the methods which are employed in producing, processing, manufacturing, marketing and distributing beef and beef products in order to comply with the sanitary and other regulations which are imposed by local, state and federal governmental entities;*

(d) *Gather and disseminate information regarding the high standards which are observed and imposed upon the cattle industry to ensure the production of pure and wholesome beef and beef products;*

(e) *Gather and disseminate information regarding the harmful effects on the public health resulting from the disintegration or instability of the cattle industry, the factors and conditions unique to the cattle industry which tend to cause an unbalanced production of beef, and the price of beef and beef products in relation to the cost of other items of food in a balanced diet; and*

(f) *Gather and disseminate information regarding the nutritional qualities of beef and beef products, public consumption patterns and trends, and the factors which tend to promote increased consumption of beef and beef products, stabilize the industry and foster an improved understanding and more efficient cooperation among producers and processors of beef and the members of the public who consume beef.*

2. *The contract between the Department and the Nevada Beef Council, or its successor organization, entered into pursuant to subsection 1 must, without limitation:*

(a) *Set forth procedures pursuant to which the Department must collect voluntary contributions for the program of education, research and information on beef;*

(b) *Provide for the remittance of the proceeds from the voluntary contributions collected in accordance with the procedures established*

pursuant to paragraph (a) from the Department to the Nevada Beef Council, or its successor organization;

(c) Provide for reimbursement by the Nevada Beef Council, or its successor organization, to the Department for the reasonable and necessary expenses incurred by the Department in collecting voluntary contributions pursuant to this section; and

(d) Require the Nevada Beef Council, or its successor organization, to prepare an annual budget and submit that budget to the Department for its review.

3. *Voluntary contributions collected by the Department pursuant to this section must be deposited into the State Treasury for credit to the Account for the Program of Education, Research and Information on Beef created by NRS 561.407 and remitted to the Nevada Beef Council, or its successor organization, in accordance with the contract entered into pursuant to subsection 1.*

4. *As used in this section, "Department" means the State Department of Agriculture."*

Amend the title of the bill to read as follows:

"AN ACT relating to the promotion of beef; requiring the State Department of Agriculture to contract with the Nevada Beef Council for the establishment and administration of a program of education, research and information on beef under certain circumstances; requiring the Department to collect voluntary contributions for the program and to submit the money collected from the voluntary contributions to the Nevada Beef Council to carry out the program; and providing other matters properly relating thereto."

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 855.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting: "law in the courts of this State ~~[-]~~ at the time of his election or appointment.

(c) Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding his election or appointment, at least 2 years of which has been in this State.

(d) Unless he is a qualified elector and has been a bona fide"

Amend section 1, page 2, line 14, by deleting "(d)" and inserting "~~[(d)]~~ (e)".

Amend sec. 2, page 2, by deleting lines 27 through 32 and inserting: “law in the courts of this State ~~[-] at the time of his election or appointment.~~

(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) Unless he is a qualified elector and has been a bona fide”.

Amend sec. 2, page 2, line 35, by deleting “(d)” and inserting “~~[(d)]~~ (e)”.

Amend sec. 3, page 3, line 29, by deleting “1999.” and inserting “~~[-1999-]~~ 2001.”.

Amend the bill as whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. 1. The Legislature hereby finds and declares that:

(a) The State of Nevada continues to have the highest rate of population growth in the country;

(b) The growth in population has also caused the volume of cases filed in the courts of this State to grow exponentially;

(c) This increased caseload has placed a large burden on the Nevada Supreme Court to review and decide appeals from the lower courts;

(d) The burden on the judiciary has caused concern about the adequacy of the current judicial structure;

(e) The Legislature has a duty to provide for the funding of the State, including for a portion of the funding for the courts in this State; and

(f) To ensure its ability to appropriately budget and provide for the needs of the Judicial Branch of State Government, it would be beneficial to the Legislature if the Nevada Supreme Court would conduct a study and submit a report of the study with recommendations to the 74th Session of the Nevada Legislature analyzing whether the State of Nevada would benefit from the establishment of an intermediate appellate court which includes consideration of:

(1) The increase in the number of cases submitted to each level of court in this State during the last 5 years;

(2) The effect that the establishment of an intermediate appellate court would have on the other courts in this State;

(3) The impact that the establishment of an intermediate appellate court would have on the judicial process in this State; and

(4) Any other matter relevant to the consideration of the establishment of an intermediate appellate court in this State.

2. If the Nevada Supreme Court recommends the establishment of an intermediate appellate court in this State, it would be beneficial for the study and report to include an analysis of:

(a) The appropriate number, qualifications and terms of judges who would serve on such a court;

(b) The facilities and staff that would be necessary for such a court;

(c) The jurisdiction to be assigned to such a court;

(d) The manner in which such a court would be integrated into the Judicial Branch of State Government; and

(e) The cost of establishing an intermediate appellate court and the fiscal impact that creating such a court would have on the other courts in this State.”.

Amend the title of the bill, third line, after “peace;” by inserting: “urging the Supreme Court to conduct a study of the need for the establishment of an intermediate appellate court in this State;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises qualifications for certain judges and justices and urges Supreme Court to study need for establishment of intermediate appellate court.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 900.

Amend the bill as a whole by renumbering sections 21 and 22 as sections 22 and 23 and adding a new section designated sec. 21, following sec. 20, to read as follows:

“Sec. 21. Section 1.050 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as amended by Chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~Four Councilmen.~~ *One Councilman from each ward.*

(c) One or more Municipal Judges, as determined pursuant to section 4.005 . ~~[of this Charter.]~~

2. Such officers must be elected as provided by this Charter.”.

Amend the bill as a whole by renumbering sections 23 and 24 as sections 25 and 26 and adding a new section designated sec. 24, following sec. 22, to read as follows:

“Sec. 24. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 23 of this act, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. ~~[All Councilmen, including the Mayor,]~~ Each Councilman must be voted upon ~~only~~ by the registered voters of the ~~[City at large,~~

~~6.] ward that he seeks to represent.~~ Except as otherwise provided in section 5.010, the terms of office of ~~[the Mayor and]~~ the Councilmen are 4 years.

6. *The Mayor must be voted upon by the registered voters of the City at large. Except as otherwise provided in section 5.010, the term of office of the Mayor is 4 years.*

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.”.

Amend the bill as a whole by renumbering sec. 25 as sec. 28 and adding a new section designated sec. 27, following sec. 24, to read as follows:

“Sec. 27. Section 5.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 26 of this act, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the Tuesday after the first Monday in June 2003, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Councilmen, who shall hold office until their successors have been elected and qualified pursuant to subsection 3.

2. On the Tuesday after the first Monday in June 2005, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Councilmen who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

3. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

4. On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.

6. *In a general election:*

(a) *A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be elected by the registered voters of the City at large.”.*

Amend the bill as a whole by renumbering sections 26 and 27 as sections 30 and 31 and adding a new section designated sec. 29, following sec. 25, to read as follows:

“Sec. 29. Section 5.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 28 of this act, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the first Tuesday in September preceding the general election.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he must be declared elected to office and his name must not appear on the ballot for the general election.

5. *In a primary election:*

(a) A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.”.

Amend sec. 27, page 22, line 1, before “On” by inserting “1.”.

Amend sec. 27, page 22, after line 5, by inserting:

“2. The City Councilmen for the City of North Las Vegas whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 2, respectively, commencing on December 1, 2006.”.

Amend the bill as a whole by adding a new section designated sec. 32, following sec. 27, to read as follows:

“Sec. 32. 1. This section and sections 1 to 20, inclusive, 22, 23, 25, 26, 28, 30 and 31 of this act become effective on October 1, 2005.

2. Sections 23, 26 and 28 of this act expire by limitation on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.

3. Sections 21, 24, 27 and 29 of this act become effective on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.”.

Amend the title of the bill, ninth line, after “elections;” by inserting: “requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections in certain larger counties. (BDR 24-971)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 792.

Amend sec. 3, pages 1 and 2, by deleting lines 10 through 17 on page 1 and lines 1 through 3 on page 2, and inserting:

“Sec. 3. 1. *Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless his parents or guardian submit to the operator of the accommodation facility written*

documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.”.

Amend sec. 4, page 2, by deleting lines 20 through 24 and inserting: “facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by”.

Amend sec. 7, page 2, by deleting lines 40 and 41 and inserting:

“432A.230 *Except as otherwise provided in section 3 of this act for accommodation facilities:*

1. Except as otherwise provided in subsection 3 and unless excused because of religious”.

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

“Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child’s parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 ~~or~~ *or section 3 of this act*, as the case may be, for purposes of admission.”.

Amend sec. 8, page 4, by deleting lines 2 and 3 and inserting:

“432A.260 If, after a child has been admitted to a child care facility,”.

Amend sec. 8, page 4, line 6, after “certificates” by inserting: “*or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act*”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 8, to read as follows:

“Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 *or section 3 of this act* is guilty of a misdemeanor.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 854.

Amend section 1, page 2, by deleting lines 4 through 6, and inserting: “*child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:*

(a) *The conditions present a significant risk to the health and safety of the child; or*

(b) *The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,*

unless the child is being supervised by and within the sight of a person who is at least 12 years of age.”.

Amend section 1, page 2, line 24, after “5.” by inserting: “*The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.*

6.”.

Amend the title of the bill to read as follows:

“AN ACT relating to crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from knowingly and intentionally leaving child who is 7 years of age or younger in motor vehicle without certain supervision in certain circumstances. (BDR 15-14)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 346.

Bill read second time and ordered to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 796.

Amend sec. 4, page 2, by deleting lines 13 through 21 and inserting:

“Sec. 4. “Vulnerable person” means a person who:

1. *Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or*

2. *Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.”.*

Amend sec. 10, pages 5 and 6, by deleting lines 33 through 43 on page 5 and lines 1 through 8 on page 6, and inserting:

~~"2. [In addition to any other penalty, the court shall order a public officer or public employee convicted of violating subsection 1 to pay restitution, including without limitation any attorney's fees and costs incurred to:~~

~~(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and~~

~~(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1.~~

~~3.] A public officer or public employee who violates subsection 1 by obtaining and using the personal identifying information of an older person or a vulnerable person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.~~

3. *Except as otherwise provided in subsection 4, a public".*

Amend sec. 10, page 6, line 20, by deleting "[4.] 5." and inserting "4.".

Amend sec. 10, page 6, line 21, by deleting "4" and inserting "3".

Amend sec. 10, page 6, by deleting line 28 and inserting:

"5. Except as otherwise provided in subsection 6, a public".

Amend sec. 10, page 6, line 33, by deleting "7." and inserting "6.".

Amend sec. 10, page 6, line 34, by deleting "6" and inserting "5".

Amend sec. 10, page 6, line 42, by deleting "8." and inserting "7.".

Amend sec. 10, page 7, between lines 2 and 3, by inserting:

"8. In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section."

Amend sec. 14, page 9, line 10, after "3." by inserting: "An issuer that is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

4.".

Amend sec. 17, page 10, line 21, by deleting "26," and inserting "28,".

Amend sec. 21, page 11, by deleting lines 6 and 7 and inserting: "lawfully made available to the general public.".

Amend the bill as a whole by renumbering sections 25 through 28 as sections 27 through 30 and adding new sections designated sections 25 and 26, following sec. 24, to read as follows:

“Sec. 25. A data collector who provides the notification required pursuant to section 24 of this act may commence an action for damages against a person that unlawfully obtained or benefited from personal information obtained from records maintained by the data collector. A data collector that prevails in such an action may be awarded damages which may include, without limitation, the reasonable costs of notification, reasonable attorney’s fees and costs and punitive damages when appropriate. The costs of notification include, without limitation, labor, materials, postage and any other costs reasonably related to providing the notification.

Sec. 26. In addition to any other penalty provided by law for the breach of the security of the system data maintained by a data collector, the court may order a person who is convicted of unlawfully obtaining or benefiting from personal information obtained as a result of such breach to pay restitution to the data collector for the reasonable costs incurred by the data collector in providing the notification required pursuant to section 24 of this act, including, without limitation, labor, materials, postage and any other costs reasonably related to providing such notification.”.

Amend sec. 27, page 13, by deleting lines 23 through 26 and inserting:

“1. A business in this State shall not transfer any personal information of a customer through an electronic transmission other than a facsimile to a person outside of the secure system of the business unless the business uses encryption to ensure the security of the electronic transmission. A secure system must not be accessible to any person outside of the business.”.

Amend sec. 28, page 13, line 34, by deleting “27,” and inserting “28,”.

Amend sec. 28, page 13, after line 35, by inserting:

“3. Section 29 of this act becomes effective on October 1, 2008.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 852.

Amend sec. 3, page 2, lines 22 and 25, after “*Foundation*” by inserting: “*or any successor organization*”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 354.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 838.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
 - (b) Gender;
 - (c) Religion;
 - (d) Ethnicity; or
 - (e) Disability,
- of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant ~~{an} a~~ specific educational program ; ~~{specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation;}~~ or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.”.

Amend sec. 2, page 4, line 18, after “school” by inserting: “*that is designed exclusively for the enrollment of pupils with disciplinary problems*”.

Amend sec. 3, page 4, line 36, after “district” by inserting: “*or a charter school, if the charter school offers the applicable program,*”.

Amend sec. 3, page 5, line 5, after “district” by inserting: “*or charter school*”.

Amend sec. 3, page 5, line 8, after “district” by inserting: “*or the governing body of the charter school*”.

Amend sec. 3, page 5, line 17, after “school” by inserting: “*that is designed exclusively for the enrollment of pupils with disciplinary problems*”.

Amend the title of the bill, first line, after “pupils;” by inserting: “*removing the requirement that a charter school formed for pupils with disciplinary problems be designed for a single gender;*”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 882.

Amend section 1, pages 2 and 3, by deleting lines 39 through 45 on page 2 and lines 1 through 4 on page 3, and inserting:

“(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed ~~[\$1,000.]~~ \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the ~~[\$1,000.]~~ \$15,000 bears to the whole annual premium paid.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 814.

Amend the bill as a whole by renumbering sections 1 through 8 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) *A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;*

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

~~[(d)]~~ (e) A temporary or extended order issued pursuant to NRS 200.591, shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.”.

Amend sec. 3, page 3, line 24, by deleting “1.”.

Amend sec. 3, pages 3 and 4, by deleting lines 28 through 43 on page 3 and lines 1 through 3 on page 4.

Amend sec. 5, page 6, line 2, by deleting “1.” and inserting “[1.]”.

Amend sec. 5, page 6, by deleting lines 5 through 26 and inserting:
“by law for the act that constitutes the violation of the order. ~~[[If the violation is accompanied by a violent physical act by that person against a person protected by the order, the court shall:~~

~~(a) Impose upon the person who violated the order a fine of \$1,000 or require him to perform a minimum of 200 hours of community service;~~

~~(b) Sentence the person who violated the order to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~(c) Order the person who violated the order to reimburse the employer, in an amount determined by the court, for all costs and attorney’s fees incurred by the employer in seeking to enforce the order, and for all medical expenses~~

of the employer and any person protected by the order that were incurred as a result of the violent physical act; and

(d) Order the person who violated the order to participate in an complete a program of professional counseling, at his own expense, if such counseling is available.

~~2. The person who violates a temporary or extended order for protection against harassment in the workplace shall comply with the order for reimbursement of the employer or any other person protected by the order before paying a fine imposed pursuant to this section.1”.~~

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 795.

Amend section 1, page 2, by deleting lines 8 through 19 and inserting:

“(b) The Attorney General or his designee;

(c) The Director of the Department of Corrections or his designee;

(d) One member who is a representative of the Judicial Branch of State Government, appointed by the Chief Justice of the Supreme Court;

(e) One member appointed by the Nevada Sheriffs and Chiefs Association, or a successor organization;

(f) One member appointed by the Nevada District Attorneys Association, or a successor organization;

(g) One member appointed by the Director of the Department who uses the Central Repository to obtain information relating to records of criminal history for purposes other than criminal justice, which may include, without limitation, for purposes of determining eligibility of persons for employment or licensure;”.

Amend section 1, page 2, line 20, by deleting “(f)” and inserting “(h)”.

Amend section 1, page 2, line 22, by deleting “(g)” and inserting “(i)”.

Amend section 1, page 2, by deleting lines 31 through 33 and inserting:

“4. Each member that is appointed to the Advisory Committee pursuant to subsection 2, other than a member of the Senate or the Assembly, shall serve a term of 3 years. A member of the Senate and the Assembly appointed to the Advisory Committee shall serve until a replacement is appointed. Any vacancy occurring in the membership of the Advisory”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 760.

Amend the bill as a whole by adding new sections designated sections 10 through 13, following sec. 9, to read as follows:

“Sec. 10. If a person engages in the practice of interpreting pursuant to subsection 4 of NRS 656A.100 on or before the effective date of this section:

1. Any applicable 3-year limitation prescribed in subsection 4 of NRS 656A.100 that would have expired before July 1, 2007, is extended for that person until July 1, 2007; and

2. The provisions of NRS 656A.800, as amended by this act, do not apply to that person until July 1, 2007,

if the person makes satisfactory and deliberate progress, as determined by the school district, charter school or private school that employs the person, toward complying with the requirements of paragraph (a) or (b) of subsection 3 of NRS 656A.100 during the period of his employment.

Sec. 11. 1. The Legislative Committee on Persons with Disabilities shall, during the 2005–2007 interim, conduct a study to determine:

(a) The manner by which school districts can adequately and successfully meet the needs of pupils who are deaf and pupils who are hearing impaired, including, without limitation, ensuring that persons who provide interpreting services to those pupils are certified pursuant to NRS 656A.100;

(b) The manner by which community service agencies in this State can adequately and successfully meet the needs of the residents of this State who are deaf and the residents who are hearing impaired, including, without limitation, the provision of accessible communications;

(c) The feasibility of developing alternative methods of pooling resources among various agencies to better serve the needs of the deaf and hearing impaired community; and

(d) Methods by which this State and the local governments of this State can meet the growing demand for trained and certified interpreters and communication facilitators who facilitate accessible communications.

2. In conducting the study pursuant to subsection 1, the Legislative Committee on Persons with Disabilities shall work in consultation with and solicit advice and recommendations from the Department of Human Resources, the Office of Disability Services of the Department of Human Resources and the Deaf and Hard of Hearing Advocacy Resource Center.

3. The Legislative Committee on Persons with Disabilities shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 12. The boards of trustees of the school districts in this State shall review the salaries paid to persons who provide interpreting services for

pupils who are deaf and pupils who are hearing impaired, including, without limitation, a comparison of whether those salaries are commensurate with the salaries that are paid to similarly qualified persons employed by school districts in this State as well as salaries that are paid to persons in other states who provide interpreting services to pupils.

Sec. 13. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 11 and 12 of this act become effective on July 1, 2005.

3. Sections 1 to 9, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, fourth line, after “penalty;” by inserting: “extending the effective date for the application of penalties to certain persons who engage in the practice of interpreting in public schools and private schools; requiring the Legislative Committee on Persons with Disabilities to study certain issues related to the provision of communication services for pupils who are deaf or hearing impaired and for all residents of this State who are deaf or hearing impaired; requiring the boards of trustees of school districts to review certain information related to the salaries of persons who provide interpreting services in public schools;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires providers of Communication Access Realtime Translation to be qualified and makes various changes related to practice of interpreting. (BDR 54-142)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 940.

Amend sec. 6, page 4, line 16, before “An” by inserting “1.”.

Amend sec. 6, page 4, between lines 35 and 36, by inserting:

“2. *In adopting regulations setting forth the criteria and colors to be used pursuant to this section, the Public Utilities Commission of Nevada shall use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.*”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 720.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 640.275 is hereby amended to read as follows:

640.275 1. The Board may issue, without examination, a temporary license to practice as a physical therapist’s assistant to a person who:

- (a) Meets all of the other qualifications of NRS 640.230; and
- (b) Certifies that he has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency.

2. The Board may charge a fee, not to exceed \$100, for the issuance of a temporary license.

3. A student who is enrolled in a program to become a physical therapist’s assistant is not required to be licensed during his clinical training if his work is performed under the direct supervision of a physical therapist.

4. *A person who has applied for licensure as a physical therapist’s assistant and who meets the qualifications set forth in NRS 640.230, except subsection 5 thereof, is temporarily exempt from licensure and may practice as a physical therapist’s assistant during the period of the temporary exemption if:*

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to NRS 640.230;

(c) The person has not previously failed an examination for licensure as a physical therapist’s assistant;

(d) The person practices as a physical therapist’s assistant under the direct supervision of a supervising physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice as a physical therapist’s assistant during the period of the temporary exemption.

5. *The temporary exemption authorized by subsection 4 begins on the date on which the Board notifies the person that he may practice as a physical therapist’s assistant under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:*

(a) Shall not use as his title or professional credentials the words, letters or insignia “P.T.A.” or “Physical Therapist’s Assistant,” or any other letters, words or insignia indicating or implying that he is a licensed physical therapist’s assistant.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist’s assistant.”

Amend sec. 7, page 5, line 17, by deleting: "5 and 6" and inserting: "5, 6 and 7".

Amend the title of the bill by deleting the fifth line and inserting: "physical therapy or to practice as a physical therapist's assistant under a temporary exemption from".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 857.

Amend sec. 3, page 2, by deleting lines 9 through 18 and inserting:

"Sec. 3. 1. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.

2. All sales of real property must be made:

(a) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.

(b) In a county with a population of 100,000 or more, at the public location in the county designated by the governing body of the county for that purpose."

Amend sec. 7, page 7, by deleting lines 17 through 20 and inserting: ~~"the trustee or not."~~ by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;"

Amend sec. 7, page 7, by deleting lines 27 and 28 and inserting: *"the county where the property is situated."*

Amend sec. 7, page 7, line 32, after "redemption." by inserting: *"A person who purchases property pursuant to this section is not a bona fide purchaser, and the sale may be declared void if the trustee or other person authorized to make the sale does not substantially comply with the provisions of this section."*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed,

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

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 705.

Amend sec. 2, page 3, by deleting lines 31 and 32 and inserting:

“2. The provisions of subsection 1 apply only to treatment or other services provided by the”.

Amend sec. 2, page 3, by deleting lines 38 through 41.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. Sections 1, 2, 3 and 4 of Senate Bill No. 121 of this session are hereby repealed.”.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 6, to read as follows:

“TEXT OF REPEALED SECTIONS

Section 1. NRS 616C.135 is hereby amended to read as follows:

616C.135 1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee’s industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) The fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. A provider of health care may accept payment from an injured employee who is paying in protest or *from a health or casualty insurer paying on behalf of the injured employee* pursuant to NRS 616C.138 for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this section, the

Administrator shall impose an administrative fine of not more than \$250 for each violation.

Sec. 2. NRS 616C.138 is hereby amended to read as follows:

616C.138 1. If:

~~{1-}~~ (a) An insurer, an organization for managed care, a third-party administrator or an employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies authorization or responsibility for payment for treatment or other services provided by a provider of health care that the injured employee alleges are related to an industrial injury or occupational disease;

~~{2-}~~ (b) The injured employee pays in protest for the treatment or other services ~~{-and~~

~~3-}~~ or a health or casualty insurer pays for the treatment or other services on behalf of the injured employee; and

(c) A hearing officer or appeals officer ultimately determines that the treatment or other services should have been covered, or the insurer, organization for managed care, third-party administrator or employer who provides accident benefits subsequently accepts responsibility for payment,

the hearing officer or appeals officer shall order the insurer, organization for managed care, third-party administrator or employer who provides accident benefits to pay to the ~~{provider of health care}~~ injured employee or the health or casualty insurer the amount which the injured employee or the health or casualty insurer paid that is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract.

2. *If the injured employee or the health or casualty insurer paid the provider of health care any amount in excess of the amount that the provider would have been entitled to be paid pursuant to subsection 1, the injured employee or the health or casualty insurer is entitled to recover the excess amount from the provider. Within 30 days after receiving ~~{the payment,}~~ notice of such an excess amount, the provider of health care shall reimburse the injured employee or the health or casualty insurer for the excess amount . ~~{paid in protest by him.}~~*

3. As used in this section:

(a) "Casualty insurer" means an insurer or other organization providing coverage or benefits under a policy or contract of casualty insurance in the manner described in subsection 2 of NRS 681A.020.

(b) "Health insurer" means an insurer or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 3. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to *the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

7. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

8. The hearing officer shall render his decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

9. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

10. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

Sec. 4. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator

pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay *to the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

7. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

8. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.”

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 761.

Amend section 1, page 1, by deleting line 5 and inserting:

“design, approval or modification of manufactured homes, mobile homes or commercial coaches.”.

Amend section 1, page 1, line 12, after *“permit;”* by inserting *“and”*.

Amend section 1, page 1, line 14, by deleting *“permits; and”* and inserting *“permits.”.*

Amend section 1, page 2, by deleting lines 1 and 2.

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

“Sec. 2. NRS 489.287 is hereby amended to read as follows:

489.287 1. Except as otherwise provided in subsection 2, a city or county building department [shall] *may, with the written approval of the Division,* enforce all regulations adopted pursuant to this chapter and make all inspections within its jurisdiction required by those regulations regarding the installation and tie down of manufactured homes, mobile homes or commercial coaches. Those inspections must be conducted in compliance

with the provisions of this chapter and the regulations adopted pursuant to this chapter.

2. If a city or county building department fails to enforce the regulations adopted pursuant to this chapter or make the inspections required by subsection 1, the Division shall enforce those regulations and make the inspections in that jurisdiction, and may, at no cost to the local governing body, engage an independent contractor to perform any inspection.

Sec. 3. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as *otherwise* provided by NRS 489.331, no person may engage in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State, or be entitled to any other license or permit required by this chapter, until he has applied for and has been issued a license by the Division.

2. *For the purposes of this section, a person engages in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State if he, without limitation, submits a bid to perform any activity requiring a license pursuant to this section.*

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.”.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: “relating to manufactured homes, mobile homes or commercial coaches; requiring that a city or county building department have the written approval of the Division before enforcing regulations and making inspections regarding the installation and tie down of certain structures; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to manufactured homes, mobile homes and commercial coaches. (BDR 43-1325)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 909.

Amend section 1, page 1, line 3, by deleting “32,” and inserting “33,”.

Amend sec. 14, page 2, line 33, by deleting “26” and inserting “27”.

Amend sec. 15, pages 2 and 3, by deleting lines 36 through 45 on page 2 and lines 1 through 7 on page 3, and inserting:

“1. *In the case of counties:*

(a) *A drainage and flood control project, as defined in NRS 244A.027;*

(b) *An overpass project, as defined in NRS 244A.037;*

(c) *A sewerage project, as defined in NRS 244A.0505;*

(d) A street project, as defined in NRS 244A.053;

(e) An underpass project, as defined in NRS 244A.055; or

(f) A water project, as defined in NRS 244A.056.

2. In the case of cities:

(a) A drainage project or flood control project, as defined in NRS 268.682;

(b) An overpass project, as defined in NRS 268.700;

(c) A sewerage project, as defined in NRS 268.714;

(d) A street project, as defined in NRS 268.722;

(e) An underpass project, as defined in NRS 268.726; or

(f) A water project, as defined in NRS 268.728.”.

Amend the bill as a whole by deleting sec. 16 and adding:

“Sec. 16. (Deleted by amendment.)”.

Amend sec. 17, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 12 on page 4, and inserting:

“Sec. 17. 1. Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter.”.

Amend sec. 17, page 4, line 13, by deleting “3.” and inserting “2.”.

Amend sec. 17, page 4, line 18, by deleting “4.” and inserting “3.”.

Amend sec. 17, page 4, line 22, by deleting “5.” and inserting “4.”.

Amend sec. 25, page 10, line 20, by deleting “26” and inserting “27”.

Amend the bill as a whole by renumbering sections 26 through 35 as sections 27 through 36 and adding a new section designated sec. 26, following sec. 25, to read as follows:

“Sec. 26. The provisions of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to this chapter.”.

Amend sec. 26, page 12, between lines 8 and 9 by inserting:

“(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

4. The provisions of paragraph (a) of subsection 3 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.”.

Amend sec. 26, page 12, line 9, by deleting “4.” and inserting “5.”.

Amend sec. 29, page 13, line 43, by deleting “26” and inserting “27”.

Amend sec. 33, page 15, line 2, by deleting “32,” and inserting “33.”.

Amend sec. 34, page 15, line 10, by deleting “27” and inserting “28”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for creation of tax increment areas by municipalities to defray costs of certain undertakings. (BDR 22-815)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 956.

Amend section 1, page 2, line 36, by deleting “section,” and inserting: “*section in an establishment for which a nonrestricted license has been issued,*”.

Amend section 1, page 2, by deleting lines 39 through 41 and inserting:

“(4) *Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.*

(5) *Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.*

(6) *Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin or disability of the*”.

Amend section 1, page 3, line 3, after “licensee” by inserting: “*who holds a nonrestricted license*”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 881.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 36 as sections 1 through 35.

Amend sec. 11, page 10, lines 7 and 12, by deleting “8” and inserting “7”.

Amend sec. 12, page 10, lines 25 and 30, by deleting “9” and inserting “8”.

Amend sec. 13, page 10, line 36, by deleting “9” and inserting “8”.

Amend sec. 14, page 11, lines 20, 24, 26 and 29, by deleting “10” and inserting “9”.

Amend the bill as a whole by deleting sections 37 through 40, renumbering sections 41 and 42 as sections 36 and 37.

Amend sec. 41, pages 41 and 42, by deleting lines 41 through 45 on page 41 and lines 1 through 3 on page 42.

Amend the bill as a whole by renumbering sec. 43 as sec. 47 and adding new sections designated sections 38 through 46, following sec. 42, to read as follows:

“Sec. 38. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. 1. *A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:*

(a) *Is known to the notary public; or*

(b) *If unknown to the notary public, provides documentary evidence of identification to the notary public.*

2. *A person who:*

(a) *Violates the provisions of subsection 1; or*

(b) *Aids and abets a notary public to commit a violation of subsection 1, is guilty of a gross misdemeanor.*

Sec. 40. 1. *Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication to verify that the signature of the notarial officer on a document is genuine and that the notarial officer holds the office indicated on the document. If the document:*

(a) *Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.*

(b) *Is intended for use in the United States or in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.*

2. *The Secretary of State shall not issue an authentication pursuant to subsection 1 if:*

(a) *The document has not been notarized in accordance with the provisions of this chapter; or*

(b) *The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or unlawful purpose.*

Sec. 41. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.169, inclusive, and sections 39 and 40 of this act, unless the context otherwise requires, the words and terms

defined in NRS 240.002 to 240.005, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to an agency of this State or a political subdivision of this State.

Sec. 43. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

3. A notary public may cancel his appointment by submitting a written notice to the Secretary of State.

4. It is unlawful for a person to:

(a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

5. *The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.*

Sec. 44. NRS 240.033 is hereby amended to read as follows:

240.033 1. The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the notary public which violates a provision of NRS 240.001 to 240.169, inclusive ~~[]~~, *and sections 39 and 40 of this act*. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days' written notice to the Secretary of State and notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the notary public in writing that his appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of a notary public whose appointment has been suspended pursuant to subsection 5, if the notary public, before his current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as a notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk.

(b) Pays to the Secretary of State a fee of \$10.

Sec. 45. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, *and section 40 of this act* may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 46. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; or
- (c) A person authorized by the law of that jurisdiction to perform notarial acts.

~~2. [An "apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.]~~

~~3.]~~ A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

~~[4.]~~ 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

~~[5.]~~ 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

~~[6.]~~ 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.”.

Amend the title to read as follows:

“AN ACT relating to entities regulated by the Secretary of State; revising various provisions concerning the timing, form and contents of certain filings by various business entities; clarifying that certain corporations and associations which are homeowners’ associations must comply with certain requirements; prohibiting a notary public from willfully notarizing the signature of a person in certain circumstances; making various other changes concerning notaries public; providing that a person who knowingly files a forged or false record is subject to civil liability under certain circumstances; establishing certain fees for services provided to business entities; making

various other changes concerning business entities; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning business entities and notaries public. (BDR 7-576)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 955.

Amend section 1, page 1, line 3, after “*person*,” by inserting:

“*other than a party to the lease contract, retail installment contract or security agreement*,”.

Amend section 1, page 2, by deleting lines 2 through 7 and inserting: “*contract or agreement*.”.

Amend section 1, page 2, by deleting lines 15 and 16 and inserting: “*provisions of this section is guilty of a gross misdemeanor*.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bill No. 498; Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bills Nos. 118, 282, 296, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 153, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that Assembly Bills Nos. 403, 498; Senate Bills Nos. 115, 118, 125, 153, 218, 219, 282, 296, 420, 445 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

SECOND READING AND AMENDMENT

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 966.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting: "of NRS 389.015 to the contrary, the Department of Education shall:

(a) On or before September 1, 2005, release one form of the mathematics portion of the high school proficiency examination; and

(b) On or before May 1, 2006, release one form of the reading portion of the high school proficiency examination.

Each form that is released must be obtained from a current version".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 498.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 922.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. Section 10 of Assembly Bill No. 489 of this session is hereby amended to read as follows:

Sec. 10. 1. The Legislative ~~{Commission}~~ *Committee for Local Government Taxes and Finance* shall conduct an interim study of the taxation of real property in this State.

2. ~~{A subcommittee must be appointed for the study consisting of three members of the Senate appointed by the Majority Leader of the Senate and three members of the Assembly appointed by the Speaker of the Assembly.}~~

~~3.}~~ The study must include, without limitation:

(a) A review of the laws of this State governing the valuation, assessment and taxation of real property;

(b) An examination of:

(1) The factors which have contributed to the increasing amount of taxes paid by property owners in this State, including, without limitation, changes in population and property values; and

(2) The manner and extent to which those factors may impose an excessive burden on the taxpayers in any county of this State; and

(c) A determination of how those laws could be amended to ease the burdens resulting from those factors in a fair and equitable manner.

~~{4.}~~ 3. In conducting the study, the ~~{subcommittee}~~ *Legislative Committee for Local Government Taxes and Finance* shall seek information and suggestions from experts in the assessment and taxation of real property.

~~{5.}~~ 4. Any recommended legislation proposed by the ~~{subcommittee}~~ *Legislative Committee for Local Government Taxes and Finance* must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the ~~{subcommittee}~~

~~6.}~~ *Legislative Committee for Local Government Taxes and Finance.*

5. The Legislative ~~{Commission}~~ *Committee for Local Government Taxes and Finance* shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 4. 1. The Legislative Committee for Local Government Taxes and Finance shall conduct an interim study concerning the feasibility of consolidating local governmental entities and services within the urbanized areas of a county.

2. In conducting the study, the Legislative Committee for Local Government Taxes and Finance shall:

(a) Determine the appropriate procedures for the consolidation of the local governmental entities and the governmental structure of the consolidated entity;

(b) Examine and evaluate the financial impacts related to consolidation, including, without limitation, the applicable tax rates and revenue and bonded indebtedness;

(c) Analyze the types of services to be provided by the consolidated entity; and

(d) Consider any other matter that the Legislative Committee for Local Government Taxes and Finance determines is relevant to the study.

3. Any recommended legislation proposed by the Legislative Committee for Local Government Taxes and Finance must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the Legislative Committee for Local Government Taxes and Finance.

4. The Legislative Committee for Local Government Taxes and Finance shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill, third line, after “Finance;” by inserting: “directing the Committee to conduct an interim study of the taxation of real property; directing the Committee to conduct an interim study of the feasibility of consolidating certain local governmental entities and services;”.

Amend the summary of the bill to read as follows: “SUMMARY—Makes various changes concerning the Legislative Committee for Local Government Taxes and Finance. (BDR S-421)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 821.

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

“(a) Receive security briefings relating to acts of terrorism;

(b) Discuss procedures for responding to acts of terrorism;”.

Amend section 1, page 2, line 11, by deleting “infrastructure,” and inserting: “infrastructure relating to acts of terrorism; or

(d) Discuss a response plan, as described in NRS 239C.250;”.

Amend section 1, page 2, line 34, after “5.” by inserting: “The governing body of a local government or an advisory body to such a governing body shall provide a copy of all minutes and audiovisual, electronic or other reproductions of a meeting or portion of a meeting closed pursuant to subsection 1 to the Nevada Commission on Homeland Security not later than 30 days after such meeting or portion of a meeting.

6.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 793.

Amend section 1, page 2, line 3, by deleting “A” and inserting: “*If a board of county commissioners creates an account for the support of the county coroner pursuant to section 5 of this act, a*”.

Amend section 1, page 2, line 4, after “death” by inserting: “*originating in that county*”.

Amend section 1, page 2, line 7, by deleting “the” and inserting “any”.

Amend sec. 2, page 2, line 20, by deleting “The” and inserting “Any”.

Amend sec. 2, page 2, line 22, after “various” by inserting “participating”.

Amend sec. 2, page 2, line 23, after “to” by inserting “their”.

Amend sec. 3, page 3, line 18, by deleting:

“death.....~~10~~ 11” and inserting:
“*death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to section 5 of this act.....10*”.

Amend sec. 3, page 3, between lines 18 and 19, by inserting:

“*For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to section 5 of this act.....11*”.

Amend sec. 3, page 3, line 45, after “death” by inserting: “*originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to section 5 of this act*”.

Amend sec. 5, page 4, line 34, by deleting “shall” and inserting “may”.

Amend sec. 5, page 5, line 20, after “259.010” by inserting: “*and which has created an account for the support of the office of the county coroner pursuant to subsection 1*”.

Amend sec. 5, page 5, line 24, after “259.010” by inserting: “*and for which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to subsection 1*”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to county coroners; authorizing a board of county commissioners to create an account for the support of the office of the county coroner; increasing the fee to obtain a certified copy of a death certificate originating in that county if the board of county commissioners creates such

an account to provide financial support for the office of the county coroner; authorizing”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 901.

Amend the bill as a whole by deleting sections 1 through 22 and adding new sections designated sections 1 through 26, following the enacting clause, to read as follows:

“Section 1. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. ~~[In addition to any other requirement]~~ *Except as otherwise* provided by law, no person may be a candidate for any office unless, for at least the ~~[30]~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~{30}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[30]~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

5. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

6. The receipt of information by the Attorney General or district attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 3. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election ~~for~~ unless the person named has filed a declaration of candidacy or an

acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~30~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

5. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

6. The receipt of information by the city attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 4. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. ~~[In addition to any other requirement]~~ *Except as otherwise provided by law, no person may be a candidate for a city office unless, for at least the [30] 90 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has , in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.*

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

Sec. 5. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, it or he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days immediately preceding the date of the appointment:*

(a) *In this State; and*

(b) *If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.*

2. *The provisions of subsection 1 do not apply if:*

(a) *A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or*

(b) *The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.*

Sec. 6. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days immediately preceding the date of the appointment:*

(a) *In this State; and*

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 7. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 90 days immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

~~{2.}~~ 3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

~~{3.}~~ 4. Any vacancy ~~{shall}~~ must be filled by the Governor for the remainder of the unexpired term.

~~{4.}~~ 5. A member appointed to a board, commission or similar body as a representative of the general public ~~{shall}~~ must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 8. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.*

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possesses his civil rights.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his appointment, he shall, within 90 days after his lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that he is lawfully readmitted for permanent residency as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.* If the person fails to submit such evidence within the prescribed time, his appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his term of appointment as a notary public expires, an affidavit which contains the information required pursuant to subsection 2 of NRS 240.030.

Sec. 9. NRS 248.005 is hereby amended to read as follows:

248.005 1. ~~[No]~~ *In addition to any other requirement or restriction provided by law, no person is eligible to the office of sheriff unless:*

(a) He will have attained the age of 21 years on the date he would take office if so elected; and

(b) He is a qualified elector.

2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.

Sec. 10. NRS 258.005 is hereby amended to read as follows:

258.005 1. ~~[No]~~ *In addition to any other requirement or restriction provided by law, no person is eligible to the office of constable unless:*

(a) He will have attained the age of 21 years on the date he would take office if so elected or appointed; and

(b) He is a qualified elector.

2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.

Sec. 11. Section 2.010 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

Sec. 2.010 Board of Supervisors: Qualifications; election; term of office.

1. The legislative power of Carson City is vested in a Board of Supervisors consisting of five Supervisors, including the Mayor.

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents, except that changes effected in the boundaries of a ward pursuant to the provisions of section 1.060 do not affect the right of any elected Supervisor to continue in office for the term for which he was elected.

4. All Supervisors, including the Mayor, must be voted upon by the registered voters of Carson City at large and shall serve for terms of 4 years.

Sec. 12. Section 4.030 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 96, Statutes of Nevada 1997, at page 182, is hereby amended to read as follows:

Sec. 4.030 Municipal Court: Judges.

1. The justices of the peace of Carson City are ex officio judges of the Municipal Court of Carson City which consists of at least two departments.

2. The Board of Supervisors may by ordinance establish a third department of the Municipal Court. The judge of this department must be:

(a) A resident of Carson City for a continuous 6-month period immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector.

3. If a third department of the Municipal Court is established, the municipal judge elected for that department serves for a term of 6 years.

4. The Board may appoint a municipal judge for a part-time or temporary position. The Board shall establish the hours of service for this position.

5. The salary of the judges of the Municipal Court must be fixed by the Board and be paid in the same manner as provided for other elected officers.

Sec. 13. Section 2.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least ~~{30}~~ 90 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 14. Section 2.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~{30}~~ 90 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than ~~{30}~~ 90 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.

4. The respective salaries of the Mayor and Councilmen must be fixed by ordinance.

Sec. 15. Section 4.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as amended by Chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~[30]~~ 90 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the Master Judge must be chosen from among them by the City Council. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 16. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding ~~his election,~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least ~~30~~ 90 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 ~~of this Charter~~ will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the ~~office~~ offices of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large, and their terms of office are 4 years.

6. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 17. Section 4.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Residency requirement of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately preceding ~~his election,~~ *the date of the close of the filing of declarations of candidacy for this office.*

2. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

3. The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

Sec. 18. Section 2.010 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Councilmen and a Mayor.

2. The Mayor and ~~{Councilmen}~~ *one Councilman represent the City at large. The Mayor and that Councilman must be qualified electors who have resided within the City* ~~{. Each Councilman elected from a}~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

3. *One Councilman represents each ward. Each Councilman elected from a ward must* ~~{continue}~~ :

(a) *Be a qualified elector who has resided in the ward he represents for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

(b) *Continue to live in that ward for as long as he represents the ward.*

~~{3. The Mayor and one Councilman represent the City at large and one Councilman represents each ward.}~~

4. The Mayor and Councilmen serve for terms of 4 years.

~~{4.}~~ 5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 19. Section 3.060 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector *who has resided within the City* ~~{.}~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.* Once elected, he shall hold office for a term of 4 years and until his successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

- (a) Perform such duties as may be designated by ordinance;
- (b) Be present at all meetings of the City Council;
- (c) Be counsel for the Civil Service Commission;
- (d) Devote his full time to the duties of the office; and
- (e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he may require in the discharge of the duties of his office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it may deem proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 20. Section 4.020 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

- (a) An attorney licensed to practice law in the State of Nevada.

(b) A qualified elector *who has resided* within the City ~~[-]~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 21. Section 1.060 of the Charter of the City of Sparks, being Chapter 470, Statutes of Nevada 1975, as last amended by Chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:

Sec. 1.060 Elective officers: Qualifications; salaries.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) Five members of the Council.

(c) A City Attorney.

(d) Municipal Judges, the number to be determined pursuant to section 4.010.

2. All elective officers of the City must be:

(a) Bona fide residents of the City for at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.

(c) Registered voters within the City.

3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for the office ~~[-, or, in the case of appointment, 30 days immediately]~~ or preceding the day the office became vacant.

4. The City Attorney must be a licensed member of the State Bar of Nevada.

5. Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.

Sec. 22. Section 2.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen.

2. The Councilmen ~~{shall}~~ *must* be:

(a) Bona fide residents of the City for at least 6 months immediately preceding ~~{their election.}~~ *the date of the close of the filing of declarations of candidacy for these offices.*

(b) Qualified electors in the City.

3. All Councilmen ~~{shall}~~ *must* be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

4. The Councilmen shall receive a salary in an amount fixed by the City Council.

Sec. 23. Section 3.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties.

1. The Mayor ~~{shall}~~ *must* be:

(a) A bona fide resident of the City for at least 6 months immediately preceding ~~{his election.}~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector in the City.

2. The Mayor shall:

(a) Serve as the Chief Executive and Administrative Officer of the City.

(b) Preside over the meetings of the City Council. He shall not be entitled to vote on any matter before the Council except in case of a tie.

(c) Have the right of veto on any matter passed by the City Council. A three-fourths vote of the Council is necessary to override such a veto.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 24. Section 6 of the Moapa Valley Water District Act, being Chapter 477, Statutes of Nevada 1983, as last amended by Chapter 218, Statutes of Nevada 2001, at page 991, is hereby amended to read as follows:

Sec. 6. Board: Qualifications of members; vacancy.

1. Each member of the Board must:

(a) Actually, as opposed to constructively, reside in the election area represented for at least ~~{30}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;

(b) Be a qualified elector of the election area represented; and

(c) Take office upon qualification therefor as provided in subsection 2 ~~{}~~ or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy on the Board must be filled by an appointment made by the remaining members of the Board. The person so appointed must be, for the 30 days immediately preceding the date of appointment, a resident and elector of the election area represented ~~by~~ and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve until the first Monday in January following the next general district election. If that general district election precedes the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general district election in the same manner as prescribed for the election of other members of the Board. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 25. Section 7 of the Virgin Valley Water District Act, being Chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. Governing Board: Members; vacancies.

1. Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:

(a) Reside in the District for at least 6 months before his appointment or the ~~[election at which the member is elected;]~~ *date of the close of the filing of declarations of candidacy for this office;*

(b) Be a qualified elector of the District;

(c) If he is elected to office, be elected by a plurality of the qualified electors of the District; and

(d) Take office upon qualification therefor as provided in subsection 3 ~~by~~ or on the first Monday in January next following the member's election or appointment, whichever is later, and leave office upon the first Monday in January next following the election or appointment of the member's successor in office.

2. If the Board establishes various election areas within the District, each member who is elected to the Board must:

(a) Reside in the election area represented for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the election area represented;

(c) Be elected by a plurality of the qualified electors of the election area represented; and

(d) Take office in the manner prescribed in paragraph (d) of subsection 1.

3. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

4. A vacancy in the office of a member who is elected to the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District [] or , if the board has established various election areas, the election area represented [] and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his appointment.

Sec. 26. The amendatory provisions of this act do not abrogate or affect the current term of office of any public officer or member of a board, commission, committee, council, authority or similar body who is serving in that term on October 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; requiring elected public officers and members of public boards who are appointed by the Governor, the Legislature or members of the Legislature to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 90 days immediately preceding the date of the close of filing of declarations of candidacy or preceding the appointment; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-153)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 885.

Amend sec. 3, page 4, by deleting lines 30 and 31 and inserting: “*manager, performs or offers to perform any act associated with the foreclosure of a lien*”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Pierce moved that Senate Bill No. 218 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 875.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting: “~~for~~ in the county with respect to ~~highways under its jurisdiction shall, upon application in writing,~~ roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load ~~[, having a width exceeding]~~ that exceeds the legal maximum width ~~but not exceeding 120 inches in width on a highway,~~ , length or height for the vehicle, unless the Department or governing body determines”.

Amend section 1, page 2, line 18, by deleting: “*shall, upon application in writing,*” and inserting: “*may, upon request,*”.

Amend section 1, page 2, lines 19 and 21, by deleting “*highway*” and inserting “*roadway*”.

Amend section 1, page 2, lines 28 and 29, by deleting: “*application in writing,*” and inserting “*request,*”.

Amend section 1, page 3, line 7, after “3.” by inserting: “*Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.*”

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5.”.

Amend section 1, page 3, line 10, by deleting “*highways*” and inserting “~~highways~~ roadways”.

Amend section 1, page 3, by deleting line 12 and inserting: “vehicle with a load exceeding ~~[420]~~ 102 inches in width , 14 feet in height or 70 feet in length.”.

Amend section 1, page 3, line 17, after “consistent” by inserting: “, to the greatest extent practicable,”.

Amend section 1, page 3, line 19, by deleting “4.” and inserting “6.”.

Amend section 1, page 3, line 31, by deleting “5.” and inserting “7.”.

Amend section 1, page 3, line 32, after “shall” by inserting: “, to the greatest extent practicable,”.

Amend section 1, page 3, line 33, by deleting “the permit:” and inserting: “a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:”.

Amend section 1, page 3, line 35, by deleting “an application” and inserting “a request”.

Amend section 1, page 3, line 37, by deleting “168” and inserting “144”.

Amend section 1, page 3, line 39, by deleting “an application” and inserting “a request”.

Amend section 1, page 3, line 41, after “than” by inserting: “144 inches but not more than”.

Amend the title of the bill to read as follows:

“AN ACT relating to traffic; authorizing the Department of Transportation and the governing body of a city or county to issue a permit to operate an oversized vehicle under certain circumstances; requiring certain regulations adopted by the governing body of a city or county relating to the issuance of permits for oversized vehicles to be consistent with regulations adopted by the Department; requiring the Department and certain governing bodies to establish an expedited procedure for issuing permits for oversized vehicles under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 941.

Amend the bill as a whole by deleting sec. 11 and renumbering sections 12 and 13 as sections 11 and 12.

Amend sec. 12, page 10, line 28, by deleting “11,” and inserting “10,”.

Amend sec. 13, page 10, line 35, by deleting “12” and inserting “11”.

Amend sec. 13, page 10, line 37, by deleting “11,” and inserting “10,”.

Amend the title of the bill by deleting the nineteenth through twenty-first lines and inserting: "seller, lessor or landlord; providing a".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 942.

Amend sec. 2, page 2, by deleting lines 26 through 30 and inserting: "*(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and (b) Either:*

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,".

Amend the title of the bill, fifth and sixth lines, by deleting: "a person who is" and inserting: "whether a person has been".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 945.

Amend section 1, page 1, by deleting line 11 and inserting: "*pursuant to 42 U.S.C. § 1396r-8(g)(2)(B). Notwithstanding any other provision of law to the contrary, with respect to a meeting closed pursuant to this subsection:*

(a) The Board is not required to provide or cause to be provided notice in any form or manner to the person or persons who will be the subject of the closed meeting; and

(b) The person or persons who will be the subject of the closed meeting need not be identified on the agenda for the meeting.

The provisions of this".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 851.

Amend sec. 3, page 4, line 21, by deleting “may” and inserting: “[~~may~~] must not be required to”.

Amend sec. 3, page 4, by deleting lines 25 and 26 and inserting: “as proof that he has been restored to [~~the civil rights set forth in subsection 4-]~~ his civil right to vote.”.

Amend the bill as a whole by renumbering sec. 4 as sec. 12, and adding new sections designated sections 4 through 11, following sec. 3, to read as follows:

“Sec. 4. NRS 213.154 is hereby amended to read as follows:

213.154 1. ~~[The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:~~

(a) ~~Fulfilled the conditions of his parole for the entire period of his parole;~~
or

(b) ~~Demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.~~

2-] The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to ~~subsection 1.~~

3-] NRS 213.155.

2. Any amount of restitution that remains unpaid by a person after he has been *dishonorably* discharged from parole constitutes a civil liability as of the date of discharge.

3. *A dishonorable discharge from parole releases the parolee from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution, but does not entitle the parolee to any privilege conferred by NRS 213.155.*

Sec. 5. NRS 213.155 is hereby amended to read as follows:

213.155 1. *The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:*

(a) *Fulfilled the conditions of his parole for the entire period of his parole; or*

(b) *Demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.*

2. *Any amount of restitution that remains unpaid by a person after he has been honorably discharged from parole constitutes a civil liability as of the date of discharge.*

3. Except as otherwise provided in subsection ~~{2,}~~ 4, a person who receives an honorable discharge from parole : ~~[pursuant to NRS 213.154:]~~

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

~~{2,}~~ 4. Except as otherwise provided in this subsection, the civil rights set forth in subsection ~~{4,}~~ 3 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~{the court in which the person was convicted}~~ a court of competent jurisdiction for an order granting the restoration of his civil rights as set forth in subsection ~~{1,}~~ 3.

~~{3,}~~ 5. Except for a person subject to the limitations set forth in subsection ~~{2,}~~ 4, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection ~~{4,}~~ 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection ~~{4,}~~ 3.

~~{4-}~~ 6. Subject to the limitations set forth in subsection ~~{2-}~~ 4, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection ~~{1-}~~ 3, the court shall issue an order restoring the person to the civil rights set forth in subsection ~~{1-}~~ 3. A person must not be required to pay a fee to receive such an order.

~~{5-}~~ 7. A person who has been honorably discharged from parole in this State or elsewhere ~~{may}~~ *must not be required to present:*

(a) Official documentation of his honorable discharge from parole ~~{, if it contains the provisions set forth in subsection 3-}~~ ; or

(b) A court order restoring his civil rights,
as proof that he has been restored to the civil ~~{rights set forth in subsection 1-}~~
~~6-}~~ *right to vote.*

8. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 6. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as

another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~[the court in which the person was convicted]~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

- (a) That he has been released from prison;
- (b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;
- (c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and
- (d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere ~~[may]~~ *must not be required to* present:

- (a) Official documentation of his release from prison ~~[, if it contains the provisions set forth in subsection 3;]~~; or
- (b) A court order restoring his civil rights,
as proof that he has been restored to the civil ~~[rights set forth in subsection 1.]~~ *right to vote*.

Sec. 7. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of his probation for the entire period thereof;
- (b) Is recommended for earlier discharge by the Division; or
- (c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court,
may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

- (a) Is free from the terms and conditions of his probation.
- (b) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.
- (d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
- (e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.
- (f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, “establishment” has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

- (a) Of a category A felony.
- (b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.
- (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
- (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

- (a) That he has received an honorable discharge from probation;
- (b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;
- (c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and
- (d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere ~~may~~ *must not be required* to present:

- (a) Official documentation of his honorable discharge from probation ~~if it contains the provisions set forth in subsection 6;~~ ; or
- (b) A court order restoring his civil rights, as proof that he has been restored to the civil ~~rights set forth in subsection 3.~~ *right to vote.*

Sec. 8. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

- (a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (c) A category E felony after ~~10~~ 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;
- (e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony,

after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after ~~{2}~~ 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of *Criminal* Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court

may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 9. NRS 179.285 is hereby amended to read as follows:

179.285 1. Except as otherwise provided in NRS 179.301 ~~to~~

~~4.—If~~ , if the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this State or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this State or ~~any other state may} elsewhere must not be required to~~ present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the *civil* right to vote . ~~[, to hold office and to serve as a juror.]~~

Sec. 10. Section 71 of Chapter 447, Statutes of Nevada 2003, at page 2735, is hereby amended to read as follows:

Sec. 71. 1. Any person residing in this state who, before July 1, 2003, was:

- (a) Honorably discharged from probation pursuant to NRS 176A.850;
- (b) Pardoned pursuant to NRS 213.090;
- (c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison pursuant to NRS 213.157, in this state or elsewhere, who is not on probation or parole or serving a sentence of imprisonment on July 1, 2003, and who has not had his civil rights restored is hereby restored to the civil rights set forth in subsection 2.

2. A person listed in subsection 1:

- (a) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (b) Four years after the date on which he is released from his sentence of imprisonment, is restored to the right to hold office.

(c) Six years after the date on which he is released from his sentence of imprisonment, is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his civil rights restored pursuant to subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person qualifies to have his civil rights restored pursuant to subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 2. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his civil rights pursuant to this section ~~[may] must not be required to present official documentation that he qualifies to have his civil rights restored pursuant to subsection 1 or a court order restoring his civil rights as proof that he has been restored to the civil rights set forth in subsection 2.] right to vote.~~

Sec. 11. 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2, a person who was dishonorably discharged from probation or parole before the effective date of this act, until July 1, 2008, may apply to the Division of Parole and Probation of the Department of Public Safety, in accordance with the regulations adopted by the Division pursuant to the provisions of this section, to request that his dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole.

2. A person who was dishonorably discharged from probation or parole may not apply to change his discharge to an honorable discharge pursuant to this section if his dishonorable discharge was based, in whole or in part, upon:

(a) The fact that he committed a new crime, other than a violation of a traffic law for which he was issued a citation, during the period of his probation or parole;

(b) The fact that his whereabouts were unknown at the time of his discharge from probation or parole; or

(c) Any incident involving his commission of a violent act or an act that threatened public safety during the period of his probation or parole.

3. The Division shall adopt regulations establishing guidelines and procedures to be used to carry out the provisions of this section. The regulations must include, without limitation, provisions requiring that to be granted a change of discharge pursuant to this section, if an applicant failed to make full restitution as ordered by the court or failed to pay the fees to defray the cost of his supervision as required pursuant to NRS 213.1076, the applicant must have made or must be making an effort in good faith and satisfactory progress towards paying the restitution ordered or fees owed, as determined by the Division.

4. A person whose application for a change of discharge is granted by the Division and whose discharge from probation or parole is changed to an honorable discharge from probation or parole pursuant to this section:

(a) Shall be deemed to have been issued an honorable discharge from probation or parole effective as of the date of his original dishonorable discharge from probation or parole;

(b) Is subject to, and must be restored to his civil rights in accordance with, the provisions of NRS 176A.850 or 213.155, as amended by this act; and

(c) Must be given an official document which:

(1) Provides that he has received an honorable discharge from probation or parole;

(2) States, as applicable, the dates on which his civil rights to vote, to serve as a juror in a civil action, to hold office and to serve as a juror in a criminal action will be restored to him.

5. The Division shall, on or before January 1, 2009, submit a written report to the Director of the Legislative Counsel Bureau that includes, without limitation, the following information:

(a) The number of persons who applied for a change of discharge pursuant to this section;

(b) The number of applications that were granted or denied and the general reasons for denial of the applications;

(c) The estimated amount of restitution and fees for supervision paid as the result of the enactment of this section;

(d) Any recommendations and conclusions concerning the desirability of extending the application of the provisions of this section; and

(e) Any other information deemed appropriate by the Division.”.

Amend the title of the bill to read as follows:

“AN ACT relating to rights of convicted persons; revising the procedures pertaining to applications for clemency submitted to the State Board of Pardons Commissioners; revising the provisions relating to the granting of pardons and restoration of civil rights by the Board; revising the provisions relating to the restoration of civil rights to persons who have been dishonorably discharged from parole and probation; allowing certain persons who have been dishonorably discharged from probation or parole to apply to the Division of Parole and Probation of the Department of Public Safety to request that his dishonorable discharge be changed to an honorable discharge for a limited period; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises various provisions related to granting of pardons and restoration of civil rights. (BDR 16-659)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Pierce moved that Senate Bill No. 218 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 822.

Amend section 1, page 2, line 29, after "*Rules;*" by inserting "*and*".

Amend section 1, page 2, by deleting lines 30 through 32.

Amend section 1, page 2, line 33, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 2, page 4, line 19, after "*Rules;*" by inserting "*and*".

Amend sec. 2, page 4, by deleting lines 20 through 22.

Amend sec. 2, page 4, line 23, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 4, page 6, line 27, after "*Rules;*" by inserting "*and*".

Amend sec. 4, page 6, by deleting lines 28 through 30.

Amend sec. 4, page 6, line 31, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 5, page 9, line 18, after "*Rules;*" by inserting "*and*".

Amend sec. 5, page 9, by deleting lines 19 through 21.

Amend sec. 5, page 9, line 22, by deleting "*(c)*" and inserting "*(b)*".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 385 just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 235 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 120 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 385.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 782.

Amend sec. 3, page 2, by deleting lines 38 through 40 and inserting:

“1. Each occupied public building constructed, sponsored or financed by this State must be certified at the silver level or higher in”.

Amend sec. 3, page 2, line 42, by deleting: *“System or its equivalent,”* and inserting: *“System, or constructed to an equivalent standard,”*.

Amend sec. 3, page 3, by deleting lines 1 and 2 and inserting:

“2. Each occupied public building constructed, sponsored or financed by a local”.

Amend sec. 3, page 3, lines 5 and 6, by deleting: *“System or its equivalent,”* and inserting: *“System, or constructed to an equivalent standard,”*.

Amend sec. 3, page 3, between lines 7 and 8, by inserting:

“3. As used in this section, “occupied public building” means a public building used primarily as an office space or work area for persons employed by this State or a local government. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.”.

Amend sec. 5, page 3, by deleting line 11 and inserting: *“occupied public building which is larger than 20,000 square feet, each”.*

Amend sec. 5, page 3, by deleting lines 22 and 23 and inserting:

“(2) Conservation of energy ~~to and~~

~~(b))~~ and energy efficiency measures that will generate cost savings within 10 years that are equal to or greater than the cost of implementation; and

(3) Use of types of energy which are alternatives to fossil”.

Amend sec. 5, page 3, line 29, before *“building”* by inserting *“public”*.

Amend sec. 5, page 3, line 32, by deleting *“incorporate”* and inserting *“consider”*.

Amend sec. 5, page 3, line 36, after *“4.”* by inserting: *“The State may select, through the bidding process, a contractor to conduct the analysis required pursuant to this section. If a contractor is selected to conduct the analysis, any contract for the purchase, lease or rental of cost-saving measures must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, be made from the cost savings.*

5.”.

Amend sec. 7, page 4, line 27, by deleting *“or remodel”*.

Amend sec. 8, page 5, by deleting lines 35 and 36 and inserting: *“Design Professional Accreditation Exam or its equivalent.”.*

Amend sec. 8.2, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 through 13 on page 6, and inserting:

“1. “Apprentice photovoltaic installer” means a person actually engaged in a course of training and apprenticeship which:

(a) Incorporates photovoltaic installation; and
(b) Is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

2. "Photovoltaic installer" means a person actually engaged in work directly related to the placement and installation of a photovoltaic system project in a capacity other than as an inspector, management planner, consultant, project designer, contractor or supervisor engaged in a photovoltaic system project.

3. "Photovoltaic system" means a facility or energy system for the generation of electricity that uses photovoltaic cells and solar energy to generate electricity.

4. "Photovoltaic system project" means a project related to:

(a) The installation of a photovoltaic system; or

(b) The maintenance of a photovoltaic system."

Amend the bill as a whole by deleting sections 8.3 through 8.5 and adding new sections designated sections 8.3 through 8.5, following sec. 8.2, to read as follows:

"Sec. 8.3. The Division shall issue a license to each qualified applicant for licensure as an apprentice photovoltaic installer or a photovoltaic installer.

Sec. 8.4. 1. Except as otherwise provided in subsection 2, a person shall not engage in a photovoltaic system project unless he holds a valid license issued by the Division.

2. A person is not required to obtain a license from the Division to install or maintain a photovoltaic system on property that the person owns and occupies as a residence.

3. A person who:

(a) Engages in a photovoltaic system project without a license; or

(b) Employs a person to engage in a photovoltaic system project as a photovoltaic installer who does not hold a license issued by the Division, is guilty of a misdemeanor and may be fined a reasonable amount as determined by the Division by regulation.

Sec. 8.5. A person applying for a license as an apprentice photovoltaic installer or a photovoltaic installer must:

1. Submit an application, on a form prescribed and furnished by the Division, and all required fees;

2. Successfully complete a course of training and apprenticeship which incorporates photovoltaic installation that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS;

3. Pass an examination approved or administered by the Division for a photovoltaic installer;

4. If he is a contractor, provide proof to the Division that he has been issued a license of the appropriate classification by the State Contractors' Board pursuant to chapter 624 of NRS; and

5. Meet any additional requirements established by the Division."

Amend sec. 8.6, page 7, line 27, by deleting: “*certificate in an occupation,*” and inserting: “*license as an apprentice photovoltaic installer or photovoltaic installer,*”.

Amend sec. 8.6, page 7, by deleting lines 35 through 38 and inserting: “*education or training of a person for issuance or renewal of a license as an apprentice photovoltaic installer or a photovoltaic installer.*”.

Amend sec. 8.7, page 7, line 41, by deleting: “*certificate in an occupation*” and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer*”.

Amend sec. 8.7, page 8, line 4, by deleting “*certificate,*” and inserting “*license,*”.

Amend sec. 8.7, page 8, line 6, by deleting: “*certificate in an occupation*” and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer*”.

Amend sec. 8.8, page 8, by deleting line 28 and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer, the Division shall deem the license*”.

Amend sec. 8.8, page 8, lines 33 and 36, by deleting “*certificate*” and inserting “*license*”.

Amend sec. 8.8, page 8, by deleting line 40 and inserting: “*license was suspended stating that the person whose license*”.

Amend the bill as a whole by deleting sec. 8.9 and adding:

“Sec. 8.9. (Deleted by amendment.)”.

Amend sec. 8.10, page 9, line 5, by deleting “*worker,*” and inserting “*photovoltaic installer,*”.

Amend sec. 8.10, page 9, by deleting lines 13 and 14 and inserting:

“(2) *If he is licensed pursuant to sections 8.2 to 8.12, inclusive, of this act, suspend or revoke his license and require*”.

Amend sec. 8.10, page 9, line 16, by deleting “*certificate*” and inserting “*license*”.

Amend sec. 8.10, page 9, by deleting lines 19 and 20 and inserting: “*photovoltaic system project without a license.*”

3. *If the license of a contractor for photovoltaic system*”.

Amend sec. 8.10, page 9, line 23, by deleting “*certified*” and inserting “*licensed*”.

Amend sec. 8.11, page 9, line 29, by deleting “*certificate,*” and inserting “*license,*”.

Amend sec. 8.11, page 9, line 33, by deleting “*certificate.*” and inserting “*license.*”.

Amend sec. 8.12, page 9, line 41, by deleting “*solar energy*” and inserting “*photovoltaic*”.

Amend sec. 8.12, page 10, by deleting line 2 and inserting: “*engaging in a photovoltaic system project without a license.*”.

Amend sec. 11, page 10, by deleting lines 6 through 12 and inserting:

“Sec. 11. 1. The Director, in consultation with the State Public Works Board and any other interested agency, shall:

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all new building projects of occupied public buildings.

(b) Adopt the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent, pursuant to subsection 4.”.

Amend sec. 11, page 10, between lines 22 and 23, by inserting:

“3. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.

4. The Director shall establish a process for adopting the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent. The process must include, without limitation:

(a) The gathering and development of scientific data;

(b) Comment from representatives of the building industry;

(c) Consensus from representatives of the building industry;

(d) A method by which the Director, the State Public Works Board and other interested agencies may cast ballots on the proposed standards;

(e) A pilot program for the purpose of refining the standards; and

(f) A process by which an aggrieved person may file an appeal of the standards adopted.”.

Amend sec. 13, page 10, line 33, before “Code,” by inserting: “Code that will not materially lessen the effective energy savings requirements of the Code and are deemed necessary to support effective compliance and enforcement of the”.

Amend sec. 13, page 10, line 41, by deleting “Code” and inserting: “Code, and any amendments thereto,”.

Amend sec. 13, page 11, lines 5 and 7, after “energy” by inserting: “and energy efficiency”.

Amend sec. 16, pages 12 and 13, by deleting line 45 on page 12 and lines 1 through 9 on page 13, and inserting:

“standard pursuant to NRS 704.7821, a renewable energy system shall be deemed to have generated 1.5 kilowatt-hours of renewable energy credits for each 1 kilowatt-hour of actual electricity generated from a renewable energy project if:

(a) The components used in the renewable energy system are manufactured in an expanded production line at an existing facility or at a new manufacturing facility; and

(b) The employees of the manufacturing facility that produced the components of the renewable energy system are trained and licensed to the highest standard for the manufacturing activity.”.

Amend sec. 16, page 13, line 12, by deleting: “50 megawatt hours.” and inserting “200 megawatt-hours.”.

Amend sec. 17, page 13, by deleting lines 16 through 29 and inserting: “standard pursuant to NRS 704.7821, a solar energy system shall be deemed to have generated 1.5 kilowatt-hours of renewable energy credits for each 1 kilowatt-hour of actual electricity generated from the solar energy system if:

(a) The employees of the manufacturing facility that produced the components of the solar energy system are trained and licensed to the highest standard for the manufacturing activity; and

(b) The average price paid for electricity generated by the solar energy system is substantially less than the average price paid for energy delivered by a provider of electric service during peak hours.

2. The Commission shall annually establish and publish the market rate for solar energy in this State. The market rate must be equal to the weighted average price set in solar energy contracts executed with owners of solar energy systems in this State, except that the Commission may use the weighted average price set in solar energy contracts executed in another state if a sufficient number of solar energy contracts have not been executed in this State. The weighted average price must be determined using the price and kilowatt capacity specified in the solar energy contracts such that the weight given to the price of each contract is proportionate to the kilowatt capacity of that contract.

3. A solar energy system installed pursuant to this section is eligible for a monetary incentive of not more than 10 percent of the market price of solar energy, as determined by the Commission pursuant to subsection 2, if the owner of the solar energy system executes a 10-year solar energy contract with a provider of electric service. Such an incentive is in addition to the price of solar energy specified in the contract executed with the provider.

4. The total amount of electricity deemed to have been”.

Amend sec. 17, page 13, lines 30 and 31, by deleting: “20 megawatt hours.” and inserting “30 megawatt-hours.”.

Amend sec. 17, page 13, line 32, by deleting “3.” and inserting “5.”.

Amend the bill as a whole by deleting sections 18 through 18.4 and inserting:

“Secs. 18-18.4. (Deleted by amendment.)”.

Amend the bill as a whole by deleting section 18.8 and inserting:

“Sec. 18.8. (Deleted by amendment.)”.

Amend sec. 19.6, page 19, line 6, by deleting: “commercial standards for” and inserting: “standards for commercial”.

Amend sec. 20, page 19, by deleting line 20 and inserting:

“2. Sections 1, 2, 4 to 8, inclusive, 9 to 18.8, inclusive, and 19.2 to 19.8,”.

Amend sec. 20, page 19, line 26, after “3.” by inserting: “Sections 8.1 to 8.12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2006, for all other purposes.

4. Section 3 of this act becomes effective on July 1, 2007, and applies to buildings constructed, sponsored or financed on or after that date.

5.”.

Amend the preamble of the bill, page 2, between lines 10 and 11, by inserting:

“WHEREAS, The Nevada Legislature encourages a sound financial economy, the reduction of usage and demand of fossil fuels, and a reduction of harmful emissions; and”.

Amend the title of the bill by deleting the eighth through the tenth lines and inserting: “purchases; providing for the licensure of persons engaged in photovoltaic system projects; making various changes concerning portfolio standards;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 3.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 791.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Legislative Auditor shall conduct a performance audit of the following entities within the University and Community College System of Nevada:

(a) The College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno; and

(b) The School of Dental Medicine at the University of Nevada, Las Vegas.

2. The audit of the College of Agriculture, Biotechnology and Natural Resources must include, without limitation, an examination of the financial and administrative practices of the College, including:

(a) The accuracy and reliability of its information and reports;

(b) The effectiveness of its system of management controls;

(c) The extent to which its operations are conducted in accordance with applicable law and regulations; and

(d) The extent to which its operations are conducted in accordance with contractual obligations.

3. The audit of the School of Dental Medicine must include, without limitation, an examination of the financial activities and treatment programs of the School, including:

(a) An analysis of information relating to treatments, including:

(1) A comparison of scheduled procedures with actual procedures performed;

(2) A comparison of the number of patient visits recommended for the completion of an established treatment plan with the actual number of such patient visits;

(3) The number of patients examined and treated by dental students;

(4) The number of extractions performed and the ages of patients undergoing the extractions; and

(5) The use of local dental practitioners to provide dental services through the School, including the number of hours worked by such providers, the number of patients treated and the services provided.

(b) An analysis of information relating to patients and the costs of services provided, including:

(1) For patients who are recipients of Medicaid, the number of patients treated, their age and sex and the types of treatments provided;

(2) For patients who are not recipients of Medicaid, the number of patients treated, their income levels, the types of treatments provided, and whether they are covered by insurance plans;

(3) The cost of providing services to patients who are eligible to receive Medicaid and the amount of Medicaid reimbursements received; and

(4) The cost of providing services to patients who are not recipients of Medicaid and the amounts of insurance and other payments received.

(c) An analysis of the “Crackdown on Cancer” program operated by the School, including:

(1) The number of students screened;

(2) The number of eligible students not screened;

(3) Methods used to ensure the accuracy of the screening numbers reported, including the methods used to eliminate duplicates;

(4) The cost of the various components of the screening program; and

(5) The number of screenings that result in the detection of lesions and the number of students that receive treatment for this condition.

(d) An analysis of financial operations and financial planning, including:

(1) Overall cost of operations;

(2) Overall revenues, including appropriations made from the State General Fund;

(3) The extent to which the School plans to finance future operations with appropriations made from the State General Fund; and

(4) The adequacy of financial planning, including an evaluation of policies to ensure that programs are self-sustaining.

4. The Legislative Auditor shall prepare a written report of each performance audit and present the report to the Audit Subcommittee of the Legislative Commission not later than February 5, 2007.

5. The provisions of NRS 218.737 to 218.893, inclusive, apply to each performance audit conducted pursuant to this section.

Sec. 2. 1. Upon the request of the Legislative Auditor, the University and Community College System of Nevada shall transfer from its budget to the Audit Division of the Legislative Counsel Bureau:

(a) The sum of \$50,000 to conduct the audit of the College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno, required in section 1 of this act.

(b) The sum of \$50,000 to conduct the audit of the School of Dental Medicine at the University of Nevada, Las Vegas required in section 1 of this act.

2. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after February 5, 2007, and reverts to the University and Community College System of Nevada as soon as all payments of money committed have been made.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the University and Community College System of Nevada; requiring the Legislative Auditor to conduct performance audits of the College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno, and the School of Dental Medicine at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Legislative Auditor to conduct performance audits of College of Agriculture, Biotechnology and Natural Resources at University of Nevada, Reno, and School of Dental Medicine at University of Nevada, Las Vegas. (BDR S-493)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 35.

Bill read third time.

Roll call on Assembly Bill No. 35:

YEAS—42.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—42.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 933.

Amend sec. 9, page 9, by deleting lines 11 through 16 and inserting: “school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.”.

Amend sec. 10, page 15, by deleting lines 18 through 23 and inserting: “school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.”.*

Amend the bill as a whole by renumbering sections 21 and 22 as sections 22 and 23 and adding a new section designated sec. 21, following sec. 20, to read as follows:

“Sec. 21. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury ~~{to the credit of the General Fund,}~~ *for credit to the appropriate account of the Department of Education*, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license, an application for an agent’s permit or for renewal of the permit, or a filing for an exemption or for renewal of the exemption, in accordance with the following schedule:

1. The application fee for an elementary or secondary educational institution is \$300.

2. The renewal fee for an elementary or secondary educational institution is \$250.

3. The application fee for a new license by reason of a change of ownership is \$250.

4. The fee for an agent’s permit or for renewal of the permit is \$50.”.

Amend the bill as a whole by deleting sections 23 and 24 and renumbering sec. 25 as sec. 24.

Amend the bill as a whole by deleting sec. 26 and renumbering sec. 27 as sec. 25.

Amend sec. 27, page 41, line 4, by deleting “25” and inserting “24”.

Amend sec. 27, page 41, by deleting line 10 and inserting:

“3. Sections 1, 5 to 10, inclusive, and 12 to 23, inclusive, of”.

Amend the title of the bill by deleting the thirteenth through seventeenth lines and inserting:

“and science examinations; requiring that fees collected pursuant to the Private Elementary and Secondary Education Authorization Act be deposited for credit to the appropriate account of the Department of Education; and providing other matters properly relating”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing statewide system of accountability for school districts and public schools. (BDR 34-484)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 338.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 874.

Amend sec. 7, page 2, line 37, before "*applicant*," by inserting: "*discount health plan of the*".

Amend sec. 7, page 3, line 1, by deleting: "*any other business enterprise*," and inserting: "*the discount health plan*,".

Amend sec. 7, page 3, line 10, after "*independent*" by inserting "*certified*".

Amend sec. 7, page 3, by deleting lines 23 and 24 and inserting:

"3. *An administrator registered pursuant to NRS 683A.0805 to 683A.0893, inclusive, or an insurer, health maintenance organization or prepaid limited health service organization organized pursuant to this title is not required to pay*".

Amend sec. 9, page 4, line 3, before "*The*" by inserting "*1.*".

Amend sec. 9, page 4, line 7, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 9, page 4, line 8, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 9, page 4, line 10, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 9, page 4, line 12, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 9, page 4, line 15, by deleting "*5.*" and inserting "*(e)*".

Amend sec. 9, page 4, line 17, by deleting "*6.*" and inserting "*(f)*".

Amend sec. 9, page 4, between lines 18 and 19, by inserting:

"2. *The disclosures required pursuant to this section may be provided orally or electronically if written disclosures are provided not later than the earlier of:*

(a) *Ten days after the prospective member elects to accept the discount health plan; or*

(b) *The date on which any other written material is provided by the discount health plan to the member.*".

Amend sec. 12, page 4, line 27, by deleting "*a civil*" and inserting "*an administrative*".

Amend sec. 13, page 5, line 16, by deleting "*a civil*" and inserting "*an administrative*".

Amend sec. 45, page 10, line 16, by deleting "*of*:" and inserting: "*of or credit for*:".

Amend sec. 45, page 10, line 17, by deleting "*that*" and inserting "*than*".

Amend sec. 45, page 10, by deleting line 29 and inserting:

"(g) *If the premium or charge for the insurance is financed*,".

Amend sec. 45, page 10, line 30, by deleting "*that*".

Amend sec. 47, page 11, line 35, by deleting “*of coverage*” and inserting “, *term*”.

Amend sec. 47, page 11, line 36, by deleting “*exclusions;*” and inserting: “*exclusions of coverage;*”.

Amend sec. 49, page 13, line 4, by deleting “*less*” and inserting “*more*”.

Amend the bill as a whole by deleting sec. 51 and adding:

“Sec. 51. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 53 and adding:

“Sec. 53. (Deleted by amendment.)”.

Amend sec. 58, page 14, line 41, by deleting “*of*” and inserting “*by*”.

Amend sec. 59, page 14, line 43, by deleting “*90*” and inserting “*60*”.

Amend sec. 59, page 15, line 1, by deleting “*90*” and inserting “*60*”.

Amend sec. 60, page 15, line 8, by deleting “*chapter;*” and inserting: “*chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;*”.

Amend sec. 61, page 15, line 19, after “*Revocation*” by inserting: “, *suspension or limitation*”.

Amend the bill as a whole by deleting sections 62 and 63 and adding:

“Secs. 62 and 63. (Deleted by amendment.)”.

Amend sec. 64, page 20, line 43, after “*the*” by inserting “[~~Insurance~~]”.

Amend sec. 64, page 22, by deleting line 8 and inserting:

“(a) Initial registration and review of an application.....2450”.

Amend sec. 64, page 22, line 10, by deleting “*250*” and inserting “*2450*”.

Amend the bill as a whole by deleting sec. 65 and adding:

“Sec. 65. (Deleted by amendment.)”.

Amend sec. 70, page 25, lines 15 and 25, by deleting “*of*” and inserting: “*established by the Commissioner of not more than*”.

Amend the bill as a whole by adding new sections designated sections 70.3 and 70.7, following sec. 70, to read as follows:

“Sec. 70.3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account are paid for each license and each affiliation with a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 70.7. NRS 683A.271 is hereby amended to read as follows:

683A.271 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a nonresident person if:

(a) He is currently licensed as a resident and in good standing in his home state;

(b) He has made the proper request for licensure and paid the fee prescribed for the license and a fee *established by the Commissioner of not more than \$15* for deposit in the Insurance Recovery Account;

(c) He has sent to the Commissioner the application for licensure that he made in his home state, or a completed uniform application; and

(d) His home state issues nonresident licenses as producers of insurance to residents of this State pursuant to substantially the same procedure.

2. The Commissioner may participate with the National Association of Insurance Commissioners or a subsidiary in a centralized registry in which licensing and appointment of producers of insurance may be effected for all states that require licensing and participate in the registry. If he finds that participation is in the public interest, he may adopt by regulation any uniform standards and procedures necessary for participation, including central collection of fees for licensing and appointment that are handled through the registry.

3. A nonresident producer who moves from one state to another state shall file a change of address and certification from his new state of residence within 30 days after his change of legal residence. No fee or application for license is required.

4. A nonresident licensed as a producer for surplus lines in his home state must be issued a nonresident license of that kind in this State pursuant to subsection 1, subject in all other respects to chapter 685A of NRS. A nonresident licensed as a producer for limited lines in his home state is entitled to a nonresident license of that kind in this State pursuant to subsection 1, granting the same scope of authority as the license issued in the home state. As used in this subsection, insurance for limited lines is authority granted by the home state which is restricted to less than the total authority prescribed for the associated major lines pursuant to NRS 683A.261.”.

Amend the bill as a whole by adding new sections designated sections 71.1 through 71.9, following sec. 71, to read as follows:

“Sec. 71.1. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the Commissioner of not more than* \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant’s license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.

Sec. 71.3. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be made to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the Commissioner of not more than* \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable.

2. An applicant for an insurance consultant’s license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.

Sec. 71.5. NRS 683C.035 is hereby amended to read as follows:

683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct

and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

- (a) Attained the age of 18 years.
- (b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.
- (c) Paid the fee prescribed for the license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded.
- (d) Passed each examination required for the license and successfully completed each course of instruction which the Commissioner requires by regulation, unless he is a resident of another state and holds a similar license in that state.

2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

- (a) Paid the fee prescribed for the license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and
- (b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.

3. The Commissioner may require any document reasonably necessary to verify information contained in an application.

4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance or until it is suspended, revoked or otherwise terminated.

5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.

Sec. 71.7. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

- (a) If the application is made:
 - (1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; or
 - (2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account;
- (b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and

(c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

Sec. 71.9. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

(1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; or

(2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; and

(b) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.”.

Amend the bill as a whole by adding new sections designated sections 75.3 through 75.7, following sec. 75, to read as follows:

“Sec. 75.3. NRS 684A.160 is hereby amended to read as follows:

684A.160 Before the issuance or continuation of an adjuster’s license the applicant must pay a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.

Sec. 75.5. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of the applicable fee for a license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305;

(b) Submitting the statement required pursuant to NRS 685A.127; and

(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. An application for a license must be submitted to the Commissioner on a form designated and furnished by him. The application must include the social security number of the applicant.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of the applicable fee for renewal and a fee *established by the Commissioner of not more than \$15* for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:

- (a) The statement required pursuant to NRS 685A.127;
- (b) The applicable fee for renewal;
- (c) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (d) A fee *established by the Commissioner of not more than \$15* for deposit in the Insurance Recovery Account created by NRS 679B.305.

Sec. 75.7. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of the applicable fee for a license and a fee *established by the Commissioner of not more than \$15* for deposit in the Insurance Recovery Account created by NRS 679B.305; and

(b) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. Application for the license must be made to the Commissioner on forms designated and furnished by him.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed by payment of the applicable fee for renewal and a fee *established by the Commissioner of not more than \$15* for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:

- (a) The applicable fee for renewal;
- (b) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (c) A fee *established by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.*”

Amend the bill as a whole by adding a new section designated sec. 76.5, following sec. 76, to read as follows:

“Sec. 76.5. Chapter 685B of NRS is hereby amended by adding thereto the provisions set forth as sections 77 and 78 of this act.”.

Amend sec. 77, page 29, lines 27 and 28, by deleting: “Chapter 685B of NRS is hereby amended by adding thereto a new section to read as follows:”.

Amend the bill as a whole by deleting sec. 78 and adding a new section designated sec. 78, following sec. 77, to read as follows:

“Sec. 78. *Any insurer who transacts any unauthorized insurance business as set forth in NRS 685B.030 is guilty of a category B felony and shall be punished as provided in NRS 193.130.*”.

Amend the bill as a whole by deleting sec. 80 and adding:

“Sec. 80. (Deleted by amendment.)”.

Amend sec. 97, page 41, line 39, by deleting “debtor.” and inserting: “debtor or of the property used as security for the credit transaction.”.

Amend sec. 101, page 42, line 25, after “than” by inserting: “or equal to”.

Amend sec. 101, page 42, line 32, by deleting “that date.” and inserting: “the date of death.”.

Amend sec. 101, page 43, by deleting line 21 and inserting:

“8. *Other types of insurance may be used if those types.*”.

Amend sec. 104, page 45, line 6, by deleting “of:” and inserting: “of or credit for:”.

Amend sec. 104, page 45, by deleting line 14 and inserting: “of the amount, term, exceptions, limitations and exclusions,”.

Amend sec. 104, page 45, lines 33 and 34, by deleting: “by the creditor”.

Amend sec. 105, page 46, line 4, by deleting “of coverage” and inserting “, term”.

Amend sec. 105, page 46, line 5, by deleting “exclusions;” and inserting: “exclusions of coverage;”.

Amend sec. 105, page 46, line 9, before “debtor;” by inserting: “debtor, to a beneficiary, other than the creditor, named by the debtor or to the estate of the”.

Amend sec. 105, page 46, line 21, before “delivery” by inserting “actual”.

Amend sec. 108, page 47, line 40, by deleting “less” and inserting “more”.

Amend sec. 109, page 48, line 9, by deleting “exceed” and inserting “differ from”.

Amend sec. 112, page 48, line 29, by deleting “charge” and inserting “contract”.

Amend sec. 112, page 48, line 30, by deleting “made to” and inserting “accepted by”.

Amend sec. 114, page 48, line 36, by deleting “chapter;” and inserting: “chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;”.

Amend sec. 121, page 50, line 42, after “drafts” by inserting: “, electronic transfers”.

Amend sec. 121, page 50, line 43, by deleting “of” and inserting “~~of~~ by”.

Amend sec. 123, page 51, line 14, by deleting “a civil” and inserting: “~~a civil~~ an administrative”.

Amend the bill as a whole by adding a new section designated sec. 123.5, following sec. 123, to read as follows:

“Sec. 123.5. NRS 692A.104 is hereby amended to read as follows:

692A.104 Before the issuance or renewal of a license as a title agent or escrow officer the applicant must pay a fee *established by the Commissioner of not more than* \$15 for deposit in the insurance recovery account created by NRS 679B.305.”.

Amend sec. 162, page 66, line 40, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 162, page 67, line 4, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 162, page 67, line 10, by deleting “~~[\$78]~~ \$125” and inserting “\$78”.

Amend sec. 162, page 67, line 11, by deleting “~~[5]~~ 15” and inserting “5”.

Amend sec. 162, page 67, line 12, by deleting “~~[78]~~ 125” and inserting “78”.

Amend sec. 163, page 67, line 18, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 163, page 67, line 26, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 163, page 67, line 32, by deleting “~~[\$78]~~ \$125” and inserting “\$78”.

Amend sec. 163, page 67, line 33, by deleting “~~[5]~~ 15” and inserting “5”.

Amend sec. 163, page 67, line 34, by deleting “~~[78]~~ 125” and inserting “78”.

Amend sec. 165, page 67, by deleting lines 42 through 44 and inserting: “Sec. 165. 1. This section and sections 62, 63, 65, 76.5 to 83, inclusive, 88, 89, 90, 124 to 159, inclusive, and 161 of this act become”.

Amend sec. 165, page 68, by deleting line 1 and inserting:

“2. Sections 64, 66 to 71.1, inclusive, 71.5, 71.7, 72, 73, 74, 75.3, 75.5, 76, 84 to 87, inclusive, 123.5, 160, 162 and 164 of this”.

Amend sec. 165, page 68, line 3, by deleting “17” and inserting “1”.

Amend sec. 165, page 68, line 9, by deleting “74” and inserting: “71.1, 71.7, 74, 75.5”.

Amend sec. 165, page 68, line 20, by deleting “75” and inserting: “71.3, 71.9, 75, 75.7”.

Amend the title of the bill, fourth and fifth lines, by deleting: “decreasing certain fees for risk retention groups;”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 71, 82, 174, 194, 201, 225, 229, 255, 269, 276, 280, 290, 295, 307, 318, 321, and 481 taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 465.

The following Senate amendment was read:

Amendment No. 672.

Amend section 1, page 1, by deleting line 6 and inserting:

“(a) Is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;

(b) Is being sold, exchanged, bartered, supplied,”.

Amend section 1, page 1, line 11, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 1, line 12, after “of” by inserting: “the provisions of”.

Amend section 1, page 2, between lines 5 and 6, by inserting:

“(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:.”.

Amend section 1, page 2, lines 10 and 16, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 21, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 2, line 27, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 42, by deleting “The” and inserting: “*Except as otherwise provided in NRS 453.3363, the*”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, nolo contendere or similar plea to a charge pursuant to subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351 ~~or subparagraph (1) of paragraph (a) of subsection 2 of section 1 of this act~~, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or

acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 672 to Assembly Bill No. 465.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 676.

Amend section 1, page 1, by deleting line 5 and inserting “*substance*:”.

Amend the title of the bill, fourth line, by deleting: “other than marijuana”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances are committed. (BDR 40-112)”.

Assemblyman Anderson moved that the Assembly not concur in the Senate Amendment No. 676 to Assembly Bill No. 465.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 763.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. The Legislature hereby encourages the board of trustees of each school district in this State to adopt policies, or, if applicable, to revise existing policies and regulations, governing the use of school buildings and facilities by groups and organizations that are not part of the school district in a manner that will minimize costs to the school district as well as minimize costs to those groups and organizations that are dedicated to the furtherance and benefit of the mission of the school district.

2. The Legislature hereby recognizes that the boards of trustees of the school districts in this State have a vested interest in ensuring that the operations of the school district are consistent with the policies and regulations adopted by the board of trustees. Therefore, the Legislature hereby encourages the board of trustees of each school district to exercise such authority as is necessary to ensure that a policy or regulation adopted by

the board of trustees concerning the use of school buildings and facilities by groups and organizations that are not part of the school district be applied as consistently as possible by all schools located in that school district.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, Communities benefit when public schools are recognized and respected as focal points for intellectual, social and cultural development; and

WHEREAS, Public schools are public facilities and, to the extent possible, should serve the public in as many ways as possible; and

WHEREAS, There are groups and organizations in our communities whose goals and efforts complement the goals and efforts of public schools and are of direct benefit to pupils enrolled in public schools; and

WHEREAS, It is beneficial for school districts to help support, to the extent possible, such groups and organizations, which may include, without limitation:

1. Youth-oriented groups and organizations that serve the pupils enrolled in a public school and help promote the fundamental missions of a school district; and

2. Adult groups and organizations that foster relationships between parents and schools; and

WHEREAS, School districts may help support those groups and organizations by:

1. Allowing the use of public school buildings and facilities by those youth-oriented groups and organizations that serve the pupils of a public school and promote the fundamental missions of the school district; and

2. Providing those groups and organizations the opportunity to perform service projects, upon the mutual agreement of the school district and the group or organization, in lieu of paying a fee for such use; and

WHEREAS, It remains vital for the school districts in this State to preserve per-pupil allocations for the operation of the public schools and to ensure that those dollars are not expended in support of groups and organizations whose missions do not directly support public education; now, therefore,”.

Amend the title of the bill to read as follows:

“AN ACT relating to school property; expressing the sense of the Legislature concerning the use of school buildings and facilities by groups and organizations that are not part of a school district; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expresses sense of Legislature concerning use of school buildings and facilities by certain groups and organizations. (BDR S-842)”.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 70.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Gretchen Erga.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Ingram, Jill Brewer, Steve Crouch, Marcia Conway, Wendy Maxwell, Becky Ritter, Lourdes McGowan, Bob Evans, Guy Perry, Laurie Rumsey, Cathy Evans, Amy Armstrong, Josh Barham, Cody Barker, Kevin Conrad, Adam Conway, Alex Crouch, Zachary Devall, William Flores, Collin Grischott, Andria Love, Marlene Loza, Brenda Luquin, Maria Magana, Brittney Martin, Sharon Montiel, Joe Neubel, Tyler Parnell, Josh Paul, Chelsey Perkins, Mario Ramirez, Mark Rogers, Tyler Roll, Moises Romo, Alyssa Rumsey, Taron Santiago, Brennan Shaffer, Dylan Strom, Luis Viramontes, Stacia Woomer, Brittany Wyatt, David Yanez, Samantha Fishburn, Shelly Mason, Niko Brewer, Erik Atkinson, Luis Aguilar, Christian Anguiano, Autumn Barron, Jessica Calderon, Luke Cater, Michael Ceccarelli, Katie Cox, Cynthia Galicia, Brandon Gray, Cristian Guerra, Megan Hein, Guillermo Hernandez, Rayond Mansi, Brittani Maxwell, Rachel McHam, Jose Medrano, Neigena Mobaligh, Erika Newlin, Meagan Nuckolls, Alicia Paras, Katherine Pierrott, Kyle Ritter, Gerardo Rivera, Laura Sosa, Rachel Thorson, Justin Toombs, Ashley Turner, Richard Viveros, Kacie Sausedo, Allan Fromeyer, Raymond Jacobo, Raul Castro, Luke Echeverria, Anthony Romo, Brandon Saunders, Kenny Rees, Jackie Green, Brayn Akerley, Kellie Cox, Lizey Davis, Aurora Duenas, Alyssa Fajayan, Chantel Good, Trevor Goodale, Elliott Grundy, Seth Hartley, Amber Ingram, Megan Jackson, Philip Martineau, Max Kilgore, Dom Mariani, Stephanie Medina, Craig Newsome, Eric Novak, Jasmine Olivares, Joish Peacock, Evan Pearson, Kyle Perry, Jonathan Ramirez, Olivia Roberts, Heather Saporito, Julian Tijerin, Monica Torres, Jonathan Tucker, Janelle Yount, Mariol Munoz, Brandon Baxter, Eric Gonzalez, Katie Cowperthwaite, Jose Ayala, Jake Painter, Nikolai Vasquez, Robert Powers, Bonnie Preston, Morgan Adams, Jennifer Borges, Michael Bretlinger, Chris Brewer, Lorena Cedano, Alejandra Contreras, Hannah Dudley, Nathan Eng, Daniel Gallegos, Jacob Houser, Justin Jones, Krystina Kane, Eddie Jones, Nhobelyn Kho, Samantha Lee, Justin Light, Juan Carlos Lopez, Mariah Martinez, Anna Martinez, Will Morrison, Amanda Otto, Ariel Sanchez, Caelan Sanders, Charlie Tucker, Lisa Villagra, Brittany Walker, Jared Wells, Chris Wendell, Samuel White, Juan Espinosa, Joe Benavidez, Amie Dunn, Brett Myers, Patricia Aguirre, Chris Paras,

Skylar Peterson, and Ruby Herman.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Mayhew and Gary Roma.

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Cushing, Mrs. Denué, Mrs. Tivas, Mr. Anderson, Mrs. Anderson, Mrs. Yard, Mrs. Roberson, Mr. Wilson, Mr. Mearideth, Mrs. Allen, Mr. Woodrum, Mrs. Hughes, Mr. Hillenbrand, Mrs. Cook, Mrs. Petersen, Mrs. Bruggenwirth, Mrs. McGee, Mrs. Clark, Mr. Haigwood, Mrs. Swaffer, Ms. Carson, Mrs. Luther, Ms. Martin, Mrs. Seitzinger, Ms. Robertson, Mrs. Nelson, Mrs. Camman, Mr. Bichsel, Mrs. Bichsel, Ms. Songer, Claire Cushing, Caroline Denué, Heather Tivas, Jonathan Anderson, Kara Overlien, Shannon McNich, Brock Yard, Drew Robinson, Brady Wilson, Andrew Vigil, Demetri Church, Jaina Allen, Tatiana Woodrum, Jasmin Huges, Victoria Hillenbrand, Skylar Cook, Lexi Wells, Irma Burciaga, Heidi Petersen, Cera Bruggenwirth, Cassidy McGee, Baleigh Clark, Mackenzie Merrick, Elise McCord, Kyle Haigwood, Shalen Smith, Nathan Palmer, Kayden Mallory, Zachary Barkin, John Ellis, Jenna Swaffer, Chloe Martell, Jennifer Taboada, Taelor Monroe, Kory Brandt, Bryce Luther, Robby Tyra, Kennedy Robertson, Ray Methola, Andrew Ortega, Donovan Seitzinger, Savannah Marrs, Savannah Pike, Nikki Russell, Hayley Schneider, Devonne Williams, Anthony DiPietro, Yasmin Reyes, and Karlee Tanksley.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Petell.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 25, 2005, 11:30 a.m.

Motion carried.

Assembly adjourned at 1:18 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE ONE-HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 25, 2005

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, Your servant and our friend, Benjamin Franklin, once said that You gave us beer because You love us and want us to be happy. Give to this Assembly such a spirit of energetic efficiency that they dispatch the piles of bills with all due haste, so they may the sooner gladden their hearts with this gift of Your love. And be with those who must stay behind and work. Give them a spirit of cheerfulness and the hope that someone will bring them plates of goodies from the tent.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 29, 238, 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 163, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 83, 122, 302, 411, 415, 421, 422, 428, 466, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Senate Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 438, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that Senate Bills Nos. 20, 29, 44, 80, 83, 122, 163, 181, 212, 238, 256, 302, 304, 306, 335, 338, 380, 386, 409, 411, 415, 421, 422, 428, 460, 462, 466, and 488 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 903.

Amend section 1, page 2, by deleting lines 8 through 15 and inserting:

“(b) Two members by the governing body of the ~~[largest]~~ incorporated city *with the largest population* in the county from their own number.

(c) One member by the governing body of the ~~[second-largest]~~ incorporated city *with the second largest population* in the county from their own number.

(d) One member by the governing body of the ~~[third-largest]~~ incorporated city *with the third largest population* in the county from their own number.

(e) *One member by the governing body of the incorporated city with the smallest population in the county from their own number.”.*

Amend section 1, page 2, by deleting lines 21 and 22 and inserting: “submitted by the chamber of commerce of the ~~[largest]~~ incorporated city *with the largest population* in the county. If the nominees so listed are unsatisfactory to the”.

Amend section 1, page 2, by deleting line 40 and inserting: “~~[largest]~~ incorporated city *with the largest population* in the county.”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 834.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: “least as effective as any other medical treatment;”.

Amend section 1, page 3, by deleting lines 10 through 14 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend section 1, page 3, line 16, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.*

(d)”.

Amend section 1, page 3, by deleting lines 19 through 22 and inserting:

~~“(d) (e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.~~

(f) Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.

Amend section 1, page 3, line 24, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~((d))~~ (f)”.

Amend section 1, page 5, line 12, after “*facility*” by inserting: “*or an affiliate of a facility*”.

Amend sec. 2, page 6, by deleting lines 27 and 28 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 2, pages 6 and 7, by deleting lines 44 and 45 on page 6 and lines 1 through 3 on page 7, and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 2, page 7, line 6, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.*

(d)”.

Amend sec. 2, page 7, by deleting lines 8 through 11 and inserting:

~~“(d) (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.~~

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.

Amend sec. 2, page 7, line 13, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~((d))~~ (f)”.

Amend sec. 2, page 9, line 3, after “*facility*” by inserting: “*or an affiliate of a facility*”.

Amend sec. 3, page 10, by deleting lines 18 and 19 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 3, page 10, by deleting lines 35 through 39 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 3, page 10, line 41, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.*”

(d)”.

Amend sec. 3, pages 10 and 11, by deleting lines 43 and 44 on page 10 and lines 1 and 2 on page 11, and inserting:

“(d) (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.*”.

Amend sec. 3, page 11, line 4, by deleting: “(b) and (d)” and inserting: “(b), (c), (e) and ~~(d)~~ (f)”.

Amend sec. 3, page 12, line 40, after “*facility*” by inserting: “*or an affiliate of a facility*”.

Amend sec. 4, page 14, by deleting lines 10 and 11 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 4, page 14, by deleting lines 27 through 31 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 4, page 14, line 33, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.*”

(d)”.

Amend sec. 4, page 14, by deleting lines 35 through 38 and inserting:

“(d) (e) Health care services required for the clinically appropriate monitoring of the enrollee during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.*”.

Amend sec. 4, page 14, line 40, by deleting: “(b) and (d)” and inserting: “(b), (c), (e) and ~~(d)~~ (f)”.

Amend sec. 4, page 16, line 31, after “*facility*” by inserting: “*or an affiliate of a facility*”.

Amend sec. 5, page 18, by deleting lines 1 and 2 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 5, page 18, by deleting lines 18 through 22 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 5, page 18, line 24, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.*

(d)”.

Amend sec. 5, page 18, by deleting lines 26 through 29 and inserting:

~~“(d) (e)~~ (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.*

Amend sec. 5, page 18, line 31, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~(d)~~ (f)”.

Amend sec. 5, page 20, line 23, after “*facility*” by inserting: “*or an affiliate of a facility*”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 256 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 113 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 722.

Amend sec. 3, page 3, between lines 6 and 7, by inserting:

“6. If a consumer requests that a security freeze be placed in his file, a reporting agency shall not change information in his consumer report in a manner that would adversely impact his credit worthiness, credit standing or credit capacity because he requested a security freeze be placed in his file.”.

Amend sec. 5, page 4, by deleting lines 10 through 24 and inserting:

“Sec. 5. 1. A reporting agency shall not charge a consumer a fee to place a security freeze in his file. After a security freeze has been placed in the file of a consumer, a reporting agency shall not charge a consumer a fee to remove the security freeze from his file or to temporarily release his consumer report if the consumer has not authorized a release of his consumer report more than three previous times during the same calendar year.

2. Except as otherwise provided in this section, after a security freeze has been placed in the file of a consumer, if the consumer has authorized a release of his consumer report four or more previous times during the same calendar year, a reporting agency may charge a consumer a reasonable fee:

(a) Not to exceed \$18, to remove a security freeze from his file pursuant to section 9 of this act.

(b) Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to section 8 of this act.

(c) Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to section 8 of this act.

3. A reporting agency may not charge a consumer the fee set forth in paragraph (a), (b) or (c) of subsection 2 to remove a security freeze from his file or to temporarily release his consumer report if the consumer is a victim of identity theft and the”.

Amend sec. 5, page 4, line 30, by deleting “3.” and inserting “4.”.

Amend sec. 5, page 4, line 31, by deleting “1” and inserting “2”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 824.

Amend section 1, page 2, line 31, by deleting: “that person may:” and inserting: “the public body must allow that person to:”.

Amend section 1, page 2, by deleting lines 35 through 37 and inserting: “body;

(b) Have an attorney or other representative of his choosing present with him during the closed meeting; and

(c) *Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.*”.

Amend the title of the bill by deleting the fifth line and inserting: “closed meeting to attend the meeting, have an attorney or other representative present at the meeting and present”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 904.

Amend section 1, page 2, line 24, before “*Operation*” by inserting: “*Operation Desert Storm*,”.

Amend sec. 2, page 5, line 17, before “*Operation*” by inserting: “*Operation Desert Storm*,”.

Amend the title of the bill, third line, after “during” by inserting: “*Operation Desert Storm*,”.

Amend the bill as a whole by adding the following Assemblymen as primary joint sponsors: Assemblymen Manendo, Parks, McCleary and Ohrenschall.

Amend the bill as a whole by adding the following Assemblymen as nonprimary joint sponsors: Assemblymen Allen, Anderson, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, Pierce, and Smith.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 972.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. *Except as otherwise provided by a specific statute, a regulatory body shall not issue a temporary or new license to an applicant who has not passed a background investigation that is required pursuant to this title or*

has not complied with any other requirement to qualify for the issuance of the license.”.

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to read as follows:

“Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A pharmacist shall not refuse to fill or refill a prescription unless the pharmacist knows or has reasonable cause to believe that the prescription:*

- (a) Has been obtained by any fraudulent representation;*
- (b) Has been issued in violation of any applicable law or regulation; or*
- (c) Has been contraindicated by the Food and Drug Administration.*

2. *Before a pharmacist refuses to fill or refill a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall, as soon as practicable, consult with the prescribing practitioner concerning the prescription.*

3. *The provisions of this section do not:*

- (a) Require a pharmacy to stock a drug; or*
- (b) Prohibit a pharmacist from:*

- (1) Substituting a drug pursuant to NRS 639.2583; or*
- (2) Requiring payment for a drug in the regular course of business.*

4. *A pharmacist who commits a second or subsequent violation of a provision of this section is subject to discipline as provided in NRS 639.255.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; prohibiting such regulatory bodies from issuing a temporary or new license to an applicant who has not qualified for the issuance of the license under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin and Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 829.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 373.080 is hereby amended to read as follows:

373.080 All motor vehicle fuel taxes collected during any month by the Department pursuant to contract with any county shall be transmitted each month by the Department to such county and the Department shall charge the county for the Department’s services specified in this section and in NRS 373.070 ~~{such}~~ :

1. Such amount as will reimburse the Department for the cost to it of rendering the services ~~{-}~~ ; or

2. *In the case of a motor vehicle fuel tax imposed pursuant to NRS 373.065, 1 percent of the tax collected by the Department.”.*

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 929.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. The board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools, excluding charter schools, as follows:

(a) Beginning the school day of all elementary schools before all middle schools, junior high schools and high schools.

(b) Beginning the school day of all middle schools and junior high schools before all high schools.

(c) Beginning the school day of all high schools not earlier than 8 a.m.

2. If the board of trustees of a school district determines that the schedule set forth in subsection 1 is feasible, the board may implement such a schedule.

3. On or before January 1, 2007, the board of trustees of each school district shall submit to the Department of Education a written summary of the determination made pursuant to subsection 1.

4. On or before February 1, 2007, the Department of Education shall submit a written report of the summaries and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the boards of trustees of school districts to determine the feasibility of scheduling the start times for public schools in a certain manner; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires school districts to determine scheduling start times for public schools in certain manner. (BDR S-729)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblymen Smith and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 915.

Amend section 1, page 2, line 14, by deleting “4” and inserting “[4] 5”.

Amend sec. 3, page 3, line 44, by deleting “~~for~~” and inserting “or”.

Amend sec. 3, page 4, by deleting lines 2 through 8 and inserting:
“letter of advice in accordance with the provisions of subsection [4.] 5.

2. A public utility shall *adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility’s recorded costs of natural gas purchased for resale.*

3. *A public utility shall post copies of all proposed schedules”.*

Amend sec. 3, page 4, line 13, by deleting “3.” and inserting “[3.] 4.”.

Amend sec. 3, page 4, by deleting line 20 and inserting:

“[4.] 5. Except as otherwise provided in subsection [5.] 6, if the”.

Amend sec. 3, page 4, line 29, by deleting “5.” and inserting “[5.] 6.”.

Amend sec. 3, page 4, by deleting line 36 and inserting:

“[6.] 7. In making the determination pursuant to subsection [4 or 5.] 5 or 6,”.

Amend sec. 4, page 6, line 8, after “of” by inserting “all”.

Amend sec. 4, page 6, by deleting line 9 and inserting: “*in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date*”.

Amend sec. 4, page 6, line 19, after “subsection” by inserting: “*and evidence relevant to the statement*”.

Amend sec. 4, page 7, lines 8 and 9, by deleting: “*if the public utility is authorized to adjust*” and inserting: “*and which adjusts*”.

Amend sec. 4, page 7, line 12, by deleting “may” and inserting “must”.

Amend sec. 4, page 8, line 25, by deleting “4” and inserting “[4] 5”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 905.

Amend the bill as a whole by deleting section 1 and the text of repealed section and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 244A.627 is hereby amended to read as follows:

244A.627 Notwithstanding any other provision of law, no county fair and recreation board in a county whose population is 100,000 or more and less than 400,000 may ~~acquire, purchase, lease, sell, or dispose of~~ *sell or lease to a person or governmental entity* any real property ~~for engage in any other transaction relating to real property~~ *within the county which is located in a city whose population is less than 150,000* without prior approval of the board of county commissioners.”.

Amend the title of the bill to read as follows:

“AN ACT relating to counties; removing the requirement that a county fair and recreation board in certain larger counties obtain the approval of the board of county commissioners before engaging in certain transactions involving real property; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Removes limitation on county and recreation board in certain larger counties from engaging in certain transactions involving real property. (BDR 20-1060)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 908.

Amend sec. 9, page 4, line 37, by deleting “*may*” and inserting “*shall*”.

Amend sec. 14, page 8, line 36, by deleting “*Notwithstanding*” and inserting:

“1. Except as otherwise provided in subsection 2, notwithstanding”.

Amend sec. 14, page 8, by deleting line 38 and inserting: *“construction, improvement, repair, demolition, reconstruction, other acquisition, equipment,”.*

Amend sec. 14, page 8, after line 43, by inserting:

“2. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of section 13 of this act; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of section 13 of this act, regardless of whether the project is publicly or privately owned.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 959.

Amend the bill as a whole by adding new sections designated sections 5.3 through 5.7, following sec. 5, to read as follows:

“Sec. 5.3. NRS 643.120 is hereby amended to read as follows:

643.120 ~~[Any]~~ Except as otherwise provided in NRS 643.130, any person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the Board.

Sec. 5.5. NRS 643.130 is hereby amended to read as follows:

643.130 1. A license as a barber or an apprentice must be issued by the Board to any applicant who:

~~[1.]~~ (a) Passes an examination as provided for in NRS 643.070 and 643.080;

~~[2.]~~ (b) Possesses the other qualifications required by the provisions of this chapter;

~~[3.]~~ (c) Submits the statement required pursuant to NRS 643.095; and

~~[4.]~~ (d) Complies with the requirements set forth in the regulations of the Board.

2. A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has

substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of temporary exemption if:

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to NRS 643.100;

(c) The person has not previously failed an examination for licensure as a barber;

(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.*

Sec. 5.7. NRS 643.130 is hereby amended to read as follows:

643.130 1. A license as a barber or an apprentice ~~{shall}~~ must be issued by the Board to any applicant who ~~{shall}~~:

~~1.—Pass}~~

(a) *Passes an examination as provided for in NRS 643.070 and 643.080.*

~~{2.—Possess}~~

(b) *Possesses the other qualifications required by the provisions of this chapter.*

~~{3.—Meet}~~

(c) *Meets the requirements as set forth in the rules and regulations of the Board.*

2. *A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of temporary exemption if:*

(a) *The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;*

(b) *The Board has approved the person to sit for the examination required pursuant to NRS 643.100;*

(c) *The person has not previously failed an examination for licensure as a barber;*

(d) *The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and*

(e) *The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.*

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.”.*

Amend sec. 30, page 14, by deleting line 37 and inserting:

“Sec. 30. 1. This section and sections 5.3 and 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 6 to 18, inclusive, and”.

Amend sec. 30, page 14, by deleting line 39 and inserting:

“3. The provisions of sections 5.5 and 18 of this act expire by limitation”.

Amend sec. 30, page 15, by deleting line 7 and inserting:

“4. Sections 5.7 and 19 of this act become effective on the date on”.

Amend the title of the bill, third line, after “violations;” by inserting: “providing for a temporary exemption from licensure as a barber or barber’s apprentice under certain circumstances;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 815.

Amend the bill as a whole by renumbering sections 57 and 58 as sections 66 and 67 and adding new sections designated sections 57 through 65, following sec. 56, to read as follows:

“Sec. 57. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A local government shall require a business entity which:*

(a) *Buys or leases land from the local government;*

(b) *Enters into a contract to provide any good or service to the local government;*

(c) *Applies to the local government for a change to the zoning of land; or*

(d) *Transacts any other business with the local government,*

to submit a disclosure to the local government which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. *As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 58. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; or

(d) Knowingly accept a contribution made by a person in the name of another person.

2. *A business entity that makes a contribution to a candidate shall disclose to the candidate receiving the contribution the name of each person who holds an ownership interest of 1 percent or more in the business entity.*

3. As used in this section ~~[-“make”]~~ :

(a) *“Business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

(b) *“Make a contribution in the name of another person” includes, without limitation:*

~~[(a)]~~ (1) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

~~[(b)]~~ (2) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 59. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

9. As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their

equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 60. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

6. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their*

equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Land Registrar shall require a business entity which enters into a contract to buy or lease land owned by the State to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 62. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Chief shall require a business entity which enters into a contract to provide any good or service to a using agency to submit a disclosure to the Chief which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 63. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A using agency shall require a business entity which enters into a performance contract with the using agency to submit a disclosure to the using agency which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 64. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public body shall require a business entity which enters into a contract to conduct a public work for the public body to submit a disclosure to the public body which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall require a business entity which:

- (a) Buys or leases land from the System;
- (b) Enters into a contract to provide any good or service to the System;
- (c) Transacts any other business with the System,

to submit a disclosure to the Board of Regents which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.”

Amend sec. 58, page 42, lines 29 and 30, by deleting:

“~~organized or qualified to do business pursuant to the laws of this State.~~” and inserting: “organized or qualified to do business pursuant to the laws of this State.”

Amend the title of the bill, sixteenth line, after “associations;” by inserting: “requiring a business entity that transacts business with a governmental entity to disclose the names of certain owners of the business entity in certain circumstances;”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 380 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 256 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 326 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 386 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that Senate Bill No. 409 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McCleary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 786.

Amend sec. 14, page 11, by deleting lines 3 through 8 and inserting:

"7. The ordinance authorizing the levy of assessments must allow the governing body to authorize the treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to subsection 4 of NRS 271.415 and any interest incurred pursuant to NRS 271.585."

Amend sec. 21, page 20, line 20, by deleting "271.320" and inserting "271.325".

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 826.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 656.090 is hereby repealed.”.

Amend the bill as a whole by adding the text of repealed section, following sec. 6, to read as follows:

“

TEXT OF REPEALED SECTION

656.090 Public meetings; executive sessions. All meetings of the Board shall be open and public, except that the Board may hold executive sessions to:

1. Deliberate on the decision to be reached upon any contested hearing.

2. Prepare, administer or grade examinations.”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 910.

Amend section 1, page 2, by deleting lines 22 and 23 and inserting:

“4. ~~Each~~ *Except as otherwise provided in subsection 6, a public body* ~~may~~ *shall, for each of its meetings, whether*”.

Amend section 1, page 2, line 42, by deleting: “*subsections 6 and 7,*” and inserting “*subsection 6,*”.

Amend section 1, page 3, by deleting lines 4 through 6.

Amend section 1, page 3, line 7, by deleting “7.” and inserting “6.”.

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

“Sec. 12.5. NRS 287.0415 is hereby amended to read as follows:

287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.

2. The Governor shall designate one of the members of the Board to serve as the Chairman.

3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chairman.

4. The Board may meet in closed session:

- (a) To discuss matters relating to personnel;
- (b) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding; or
- (c) As otherwise provided pursuant to chapter 241 of NRS.

5. *Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.*

6. As used in this section, "request for a proposal" has the meaning ascribed to it in subsection 8 of NRS 333.020."

Amend the title of the bill, fifth line, after "exceptions;" by inserting: "requiring the Board of the Public Employees' Benefits Program to post minutes of its meetings on its Internet website under certain circumstances;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises certain provisions relating to Open Meeting Law. (BDR 19-99)".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 754.

Amend sec. 5, page 2, by deleting line 8 and inserting: "*complex for which a business license issued by the county is required for its operation.*".

Amend sec. 8, page 2, by deleting lines 43 and 44 and inserting:

"(a) *A person who holds a license issued pursuant to chapter 645 of NRS; or*".

Amend sec. 9, page 3, by deleting lines 19 through 21 and inserting:

"(a) *A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or*".

Amend sec. 22, page 8, by deleting line 45 and inserting:

"*complex for which a business license issued by the city is required for its operation.*".

Amend sec. 25, page 9, by deleting lines 37 and 38 and inserting:

“(a) A person who holds a license issued pursuant to chapter 645 of NRS; or”.

Amend sec. 26, page 10, by deleting lines 14 through 16 and inserting:

“(a) A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 428 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 970.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 5, line 3, by deleting: “or section 5 of this act.”.

Amend the title of the bill, first line, after “authorizing” by inserting “certain”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 944.

Amend sec. 183, page 66, by deleting lines 24 through 27 and inserting:

“(a) The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;

(b) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(c) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.”.

Amend the bill as a whole by deleting sec. 185.8 and adding:

“Sec. 185.8. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sections 189 through 207 and renumbering sections 208 through 210 as sections 189 through 191.

Amend the bill as a whole by renumbering sections 211 through 219 as sections 193 through 201 and adding a new section designated sec. 192, following sec. 210, to read as follows:

“Sec. 192. 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated; and

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall ensure that the persons and entities which provide services for the treatment or prevention of mental illness or substance abuse in this State are involved in the study.

4. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.”.

Amend sec. 219, page 86, by deleting lines 14 through 27 and inserting:

“Sec. 201. 1. This section and section 192 of this act become effective upon passage and approval.

2. Sections 1 to 191, inclusive, and 193 to 200, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Legislative Committee on Health Care to conduct an interim study concerning the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State; reenacting certain penalties; and providing other matters properly relating thereto.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1005.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, pages 1 and 2, by deleting lines 16 through 18 on page 1 and lines 1 through 18 on page 2, and inserting:

“1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) *The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;*

(b) *The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;*

(c) *The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and*

(d) *The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.*

2. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; requiring certain public bodies to make written determinations before selling or leasing for a certain period their water rights; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain public bodies to make written determinations before sales or certain leases of their water rights. (BDR 20-1351)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 993.

Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 and 2 on page 2, and inserting:

“237.080 1. Before ~~adopting~~ a governing body of a local government adopts a proposed rule, the governing body ~~of a local government~~ or its designee must notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) *Impose a direct and significant economic burden upon a business; or*

(b) *Directly restrict the formation, operation or expansion of a business.*

Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

3. After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

- (a) Impose a direct and significant economic burden upon a business; or*
- (b) Directly restrict the formation, operation or expansion of a business.*

~~*{2.}*~~

If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

4. If the governing body ~~{of a local government}~~ or its designee determines pursuant to subsection ~~{1}~~ 3 that a proposed rule is likely to impose a”.

Amend section 1, page 2, line 5, after “body” by inserting: “or its designee”.

Amend section 1, page 2, by deleting lines 17 and 18 and inserting:

“5. After making a determination pursuant to subsection 3, the governing body or its designee shall prepare a business”.

Amend sec. 2, page 2, line 34, after “government” by inserting: “or its designee”.

Amend sec. 2, page 2, line 36, after “body” by inserting: “or its designee”.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government or its designee failed to prepare a business impact statement as required pursuant to NRS 237.080; or

(b) The business impact statement prepared by the governing body or its designee pursuant to NRS 237.080 did not consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 916.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 6, line 4, by deleting “[11,] 12,” and inserting “11,”.

Amend sec. 4, page 6, line 12, by deleting “240” and inserting “210”.

Amend sec. 4, page 8, by deleting lines 14 through 23 and inserting:

“9. If an electric utility files an application to clear its deferred”.

Amend sec. 4, page 8, line 31, by deleting “[10,] 11.” and inserting “10.”.

Amend sec. 4, page 8, line 37, by deleting “[11,] 12.” and inserting “11.”.

Amend sec. 4, page 9, line 3, by deleting “[12,] 13.” and inserting “12.”.

Amend sec. 5, page 10, by deleting lines 1 through 8 and inserting:

“4. An electric utility using deferred accounting may file ~~an~~ a”.

Amend sec. 5, page 10, by deleting lines 16 through 20 and inserting:

“5. ~~{The Commission shall adopt regulations prescribing the period within which an electric utility must file an application to clear its deferred accounts after the end of a period of deferred accounting.~~

~~6.} As used in this section:”.~~

Amend the bill as a whole by renumbering sections 6 and 7 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 5, to read as follows:

“Sec. 4. NRS 704.7815 is hereby amended to read as follows:

704.7815 “Renewable energy system” means:

1. A facility or energy system that:

(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; ~~and~~

~~(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:~~

~~(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or~~

~~(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.]~~

(b) Either:

(1) Is directly connected to a provider of electric service through the use of a dedicated transmission or distribution line; or

(2) Schedules and delivers, either directly or through a contract path transaction, the electricity it generates from a renewable energy system or from a qualified energy recovery process to a provider of electric service; and

(c) Has a commercial operation date on or after July 1, 2005, has applied to, petitioned for or sought an advisory opinion from the Commission to be registered as a renewable energy system before July 1, 2005, or is currently providing electricity to a provider of electric service using renewable energy or energy from a qualified energy recovery process. As used in this paragraph, "commercial operation date" means the date the facility first produces electrical energy, for any purpose, at its current location or any former location.

2. A solar energy system that reduces the consumption of electricity, natural gas or propane.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public utilities; revising certain provisions relating to the regulation of public utilities; changing the date on which the Public Utilities Commission of Nevada must mail certain report forms to public utilities and other regulated entities; revising certain provisions relating to changes in schedules; revising the period within which the Commission must take action on certain applications; revising the period within which an electric utility must file a general rate application; revising the period within which an electric utility must file an application to clear its deferred accounts; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 998.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 37 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Notwithstanding any other provision of law, an agency may not exercise the power of eminent domain to acquire a parcel of property or group of contiguous parcels of property that is more than 40 acres in area for the purpose of open-space use unless:*

(a) *Before the governing body of the agency votes to commence an action in eminent domain to acquire the property, the agency has negotiated with the owner of the property, in good faith, for a period of not less than 24 months beginning on the date on which the agency provided the written offer of compensation to the owner of the property pursuant to subsection 2, to reach an agreement regarding the amount of compensation to be paid for the property;*

(b) *The use of property for the purpose of open-space use conforms with any applicable provisions of the applicable:*

(1) *Master plan adopted pursuant to chapter 278 of NRS;*

(2) *Zoning regulations adopted pursuant to chapter 278 of NRS; and*

(3) *Open-space plan adopted pursuant to chapter 376A of NRS;*

(c) *Each acre of the property is necessary for the purpose of open-space use and will be devoted to open-space use for not less than 50 years; and*

(d) *If the agency is seeking to acquire water rights appurtenant to the property, the agency uses the water beneficially on the property for the purpose of open-space use.*

2. *To satisfy the requirement to have negotiated with the owner of the property in good faith, pursuant to paragraph (a) of subsection 1, an agency must, at a minimum:*

(a) *Provide to the owner of the property, by personal delivery or by certified mail, return receipt requested, a written offer of compensation that includes:*

(1) *A copy of the appraisal report upon which the offer of compensation is based;*

(2) *A detailed description of the nature of the intended use of each acre of the property and the specific reasons for the necessity of acquiring each acre of the property for the purpose of open-space use;*

(3) *If the agency is seeking to acquire any water rights appurtenant to the property, a detailed description of the intended beneficial use of the water rights on the property and the specific reasons for the necessity of acquiring the water rights; and*

(4) *The value of the property, plus damages, if any, as appraised by the agency; and*

(b) *Attempt to engage in meaningful negotiations with the owner of the property at least once per calendar month during the period described in paragraph (a) of subsection 1.*

3. *As used in this section:*

(a) *“Agency” means the State of Nevada, any political subdivision of the State or any other governmental entity that possesses the power of eminent domain.*

(b) *“Open-space plan” has the meaning ascribed to it in NRS 376A.010.*

(c) *“Open-space use” means the use of property:*

(1) *To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; or*

(2) *To protect, conserve or preserve wildlife habitat.*

Sec. 3. *Notwithstanding any other provision of law, if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property pursuant to the provisions of this chapter:*

1. *Fails to use the property for the public purpose for which it was acquired; and*

2. *Seeks to convey the right, title or interest in all or part of that property to any person,*

within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.

Sec. 4. 1. *In addition to any amount of compensation determined pursuant to NRS 37.110, the owner of a business conducted on property that is acquired pursuant to this chapter must be compensated for loss of goodwill if:*

(a) *The condemnation causes the business to be dissolved and the business cannot be relocated for reasons beyond the control of the owner, including, without limitation, the unavailability of a new franchise or when the value of the business is inextricably tied to the unique location of the property being condemned; and*

(b) *The owner of the business has a property interest in the property acquired pursuant to this chapter.*

2. *As used in this section, “goodwill” means the component of value attributed to the reputation, loyal customer base, ability to attract new customers and location of a business. The term does not include the loss of anticipated profits or loss of business opportunity.*

Sec. 5. NRS 244.290 is hereby amended to read as follows:

244.290 1. *Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any*

county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, *except as otherwise provided in section 3 of this act*, for an amount equal to the appraised value of the land at the time of the reconveyance.

The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this State under the dedication.

2. If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.

3. The board shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county;

(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and

(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.

The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.

4. If the board, after the hearing, determines that maintenance of the property by the county solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the county and its citizens, the board shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman of the board shall execute a deed of reconveyance on behalf of the county and the county clerk shall attest the deed under the seal of the county.

5. The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or states in writing that he is unable to accept the reconveyance; or

(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.

Sec. 6. NRS 268.050 is hereby amended to read as follows:

268.050 1. The governing body of any incorporated city in this State may reconvey all the right, title and interest of the city in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the governing body; or

(b) From whom the land was acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, *except as otherwise provided in section 3 of this act*, for an amount equal to the appraised value of the land at the time of the reconveyance.

The reconveyance may be made whether the land is held by the city solely or as tenant in common with any other municipality or other political subdivision of this State under the dedication.

2. If the city has a planning commission, the governing body shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the governing body.

3. The governing body shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city or county;

(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and

(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.

The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.

4. If the governing body, after the hearing, determines that maintenance of the property by the city solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the city and its citizens, the governing body shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall execute a deed of reconveyance on behalf of the city and the city clerk shall attest the deed under the seal of the city.

5. The governing body may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or states in writing that he is unable to accept the reconveyance; or

(b) The land has been combined with other land owned by the city and improved in such a manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.”.

Amend sec. 2, page 2, by deleting lines 12 through 16 and inserting: *“within the redevelopment area at the time the redevelopment area was created.”.*

Amend the bill as a whole by renumbering sections 3 and 4 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 2, to read as follows:

“Sec. 8. NRS 408.533 is hereby amended to read as follows:

408.533 1. ~~[All]~~ *Except as otherwise provided in section 3 of this act, all real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:*

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a

newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.”.

Amend sec. 3, page 3, by deleting lines 3 through 9 and inserting:

“Sec. 9. The provisions of this act apply to an action in eminent domain that is filed on or after the effective date of this act.”.

Amend sec. 4, page 3, line 10, by deleting: “on July 1, 2005.” and inserting: “upon passage and approval.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “acquire real property by eminent domain; limiting the use and reconveyance of real property acquired by eminent domain; requiring an agency that acquires real property on”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblymen Horne and Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 306 and 462.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Arberry moved that upon return from the printer Senate Bill No. 304 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Leslie moved that Senate Bill No. 296 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 396 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 420 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 172 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 347 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Claborn moved that Senate Bill No. 208 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Claborn.

Motion carried.

Assemblywoman Pierce moved that Senate Bill No. 263 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills Nos. 17, 18, 28, 46, 52, 67, 82, 110, 115, 118, 125, 150, 153, 194, 252, 280, 281, 282, 287, 290, 307, 321, 346, 358, 368, 389, 432, and 444 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 263.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 999.

Amend sec. 17, page 5, line 21, by deleting "*located;*" and inserting: "*located and any local planning commission whose territorial jurisdiction includes or is immediately adjacent to the real property subject to the covenant;*".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblymen Leslie and Grady.

Roll call on Assembly Bill No. 3:

YEAS—33.

NAYS—Carpenter, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—9.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 103:

YEAS—42.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 338:

YEAS—42.

NAYS—None.

Assembly Bill No. 338 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 403:

YEAS—42.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 498:

YEAS—42.

NAYS—None.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 525:

YEAS—42.

NAYS—None.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 48

Bill read third time.

Remarks by Assemblymen Seale and Buckley.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 48 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 71:

YEAS—42.

NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Senate Bill No. 112:

YEAS—41.

NAYS—Angle.

Senate Bill No. 112 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 133:

YEAS—42.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 134:

YEAS—42.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Roll call on Senate Bill No. 146:

YEAS—42.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 152:

YEAS—42.

NAYS—None.

Senate Bill No. 152 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 173:

YEAS—36.

NAYS—Angle, Carpenter, Gansert, Hettrick, Marvel, Sherer—6.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 174.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 174:

YEAS—28.

NAYS—Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Weber—14.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 175:

YEAS—42.

NAYS—None.

Senate Bill No. 175 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 201:

YEAS—42.

NAYS—None.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 218:

YEAS—42.

NAYS—None.

Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Roll call on Senate Bill No. 219:

YEAS—42.

NAYS—None.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Roll call on Senate Bill No. 225:

YEAS—34.

NAYS—Angle, Christensen, Gansert, Goicoechea, Hettrick, Mabey, Sherer, Weber—8.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—42.

NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Roll call on Senate Bill No. 229:

YEAS—42.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblywoman Weber.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 254 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Pierce.

Conflict of interest declared by Assemblywoman Pierce.

Roll call on Senate Bill No. 255:

YEAS—41.

NAYS—None.

NOT VOTING—Pierce.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Roll call on Senate Bill No. 269:

YEAS—42.

NAYS—None.

Senate Bill No. 269 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—42.

NAYS—None.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Roll call on Senate Bill No. 295:

YEAS—41.

NAYS—None.

NOT VOTING—Carpenter.

Senate Bill No. 295 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Roll call on Senate Bill No. 315:

YEAS—40.

NAYS—None.

NOT VOTING—Carpenter, Parks—2.

Senate Bill No. 315 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Mortenson.

Assemblyman Mortenson requested that his remarks be entered in the Journal.

Senate Bill 318 creates an account for maintenance of state parks facilities and grounds within the General Fund Account. The interest and income is used to repair and maintain state parks. Mr. Speaker, if I might have a very short Order of Business 15 to establish a Legislative intent.

Mr. Speaker, I was assured on the other side, during committee hearings, that with this bill it was always intended that this would be money that would supplement and not supplant the budget of the state parks. I wish to establish that here on the Floor of the Assembly. I know that in the committee hearing here there also was an emphasis on supplement and not supplant, so, Mr. Speaker, that is what I wish to do. Thank you, Sir.

Roll call on Senate Bill No. 318:

YEAS—42.

NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Roll call on Senate Bill No. 353:

YEAS—42.

NAYS—None.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Roll call on Senate Bill No. 354:

YEAS—42.

NAYS—None.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 367:

YEAS—33.

NAYS—Allen, Carpenter, Christensen, Gansert, Goicoechea, Grady, Marvel, Sherer, Weber—9.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Roll call on Senate Bill No. 381:

YEAS—42.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 310, 413 and 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 209, 310, 413, 514; Senate Bills Nos. 170, 325, and 365 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 975.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, by deleting line 11 and inserting:

“Section 1. 1. To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to school districts to establish a pilot program in accordance with this section.

2. If the Department of Education provides grants to school districts pursuant to this section, the Department shall:”.

Amend sec. 2, page 2, line 20, by deleting “2.” and inserting “3.”.

Amend sec. 2, page 2, line 26, by deleting “1;” and inserting “2;”

Amend sec. 2, page 2, line 29, by deleting “subsection 5;” and inserting “this section;”.

Amend sec. 2, page 2, line 31, by deleting “1.” and inserting “2.”.

Amend sec. 2, page 3, by deleting line 1 and inserting:

“4. An application submitted pursuant to subsection 3 must”.

Amend sec. 2, page 3, line 17, by deleting “4.” and inserting “5.”.

Amend sec. 2, page 3, line 18, by deleting “2” and inserting “3”.

Amend sec. 2, page 3, by deleting lines 20 through 44 and inserting:

“6. For each school district whose application is approved, the school district shall use the money to carry out the approved pilot program before the beginning of the 2006–2007 school year. A school district may distribute a portion of the money to each school that will”.

Amend sec. 2, page 4, line 22, by deleting “subsection 5” and inserting “this section”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the Department of Education to provide grants, to the extent money is available, for school districts to establish and implement pilot programs for prekindergarten children who have limited proficiency in the English language; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Department of Education to provide grants for establishment and implementation of pilot programs for prekindergarten children with limited proficiency in English language. (BDR S-827)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 310

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 977.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department, in collaboration with any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services, shall establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. The system must:*

(a) Integrate any information and referral systems previously established by state agencies, local agencies or community-based organizations with the system established pursuant to this section;

(b) Be the sole system in this State which is accessible to a person by dialing the digits 2-1-1 and which provides nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State;

(c) Be accessible to a person using the public telephone system by dialing the digits 2-1-1; and

(d) Include information that is updated periodically.

2. *In establishing the statewide information and referral system, the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services shall consult with representatives of:*

(a) The Public Utilities Commission of Nevada;

(b) Telephone companies which provide service through a local exchange in this State;

(c) Companies that provide wireless phone services in this State;

(d) Existing information and referral services established by state agencies, local agencies or community-based organizations;

(e) *State and local agencies or other organizations that provide health, welfare, human and social services;*

(f) *Nonprofit organizations; and*

(g) *Such other agencies, entities and organizations as determined necessary by the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services or any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services.*

3. *The Public Utilities Commission of Nevada, each telephone company which provides service through a local exchange in this State and each company that provides wireless phone services in this State shall cooperate with the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services in the establishment of the statewide information and referral system.*

Sec. 2. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.465, inclusive, and section 1 of this act, unless the context requires otherwise:

1. “Department” means the Department of Human Resources.

2. “Director” means the Director of the Department.”.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting: “\$200,000 for the establishment of the statewide nonemergency information and referral telephone system concerning health, welfare, human and social services established pursuant to section 1 of this act.”.

Amend sec. 2, page 1, line 7, by deleting “1” and inserting “3”.

Amend sec. 3, page 2, line 1, by deleting: “on July 1, 2005.” and inserting: “upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health; providing for the establishment of a statewide nonemergency information and referral telephone system concerning health, welfare, human and social services that is accessible by dialing the digits 2-1-1; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for establishment of statewide nonemergency information and referral telephone system concerning health, welfare, human and social services. (BDR 18-829)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 988.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State General Fund the Account for the Control of Weeds to be administered by the Director. Money in the Account must be used for the abatement of weeds. The Director may adopt regulations for the administration of the Account.*

2. *The Account is a continuing account without reversion to the State General Fund. The money in the Account must be invested as the money in other state funds or accounts is invested. The interest and income earned on the money in the Account, after deducting any appropriate charges, must be credited to the Account. All claims against the Account must be paid as other claims against the State are paid.*

3. *The Director may accept gifts, grants and donations from any source for deposit in the Account.”.*

Amend section 1, page 1, line 1, by deleting “1. There” and inserting “There”.

Amend section 1, page 1, by deleting lines 2 through 7 and inserting: “General Fund to the Account for the Control of Weeds created by section 1 of this act the sum of \$100,000.”.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 and sec. 2.

Amend the title of the bill to read as follows:

“AN ACT relating to weed control; creating the Account for the Control of Weeds to be administered by the Director of the State Department of Agriculture; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for the Control of Weeds. (BDR 49-1120)”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 976.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 1, line 11, by deleting “The” and inserting: “To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to public schools to establish a pilot program pursuant to this section. If the Department provides grants pursuant to this section, the”.

Amend sec. 2, page 2, by deleting lines 7 and 8 and inserting: “pilot program, the school will receive a grant of money to carry out the program in”.

Amend sec. 2, page 3, by deleting lines 12 through 15 and inserting: “for disruptive pupils.”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to education; authorizing the Department of Education to provide grants, to the extent money is available, for distribution to public schools to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Department of Education to provide grants to public schools for establishment of pilot programs providing alternative educational settings for disruptive pupils. (BDR S-937)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 864.

Amend section 1, page 2, line 2, by deleting “2” and inserting “1.5”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. 1. *“Agriculture” means the current use of real property as a business venture for profit, which business venture produced a minimum gross income of \$5,000 during the immediately preceding calendar year from the following pursuits:*

(a) *Raising, harvesting and selling crops, fruit, flowers, timber or other products of the soil;*

(b) *Feeding, breeding, management and sale of livestock, poultry or the produce thereof;*

(c) Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;

(d) Raising furbearing animals or bees; or

(e) Dairying and the sale of dairy products.

The term includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. As used in this section, "current use" of real property for agricultural purposes includes:

(a) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;

(b) Land planted in orchards or other perennials prior to maturity; and

(c) Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS."

Amend sec. 4, page 2, line 16, after "persons." by inserting: "The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf."

Amend sec. 5, page 2, line 20, after "therewith." by inserting: "The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf."

Amend sec. 9, page 2, line 37, after "for" by inserting "agriculture,".

Amend sec. 9, page 3, line 1, after "for" by inserting "agriculture,".

Amend sec. 10, page 3, line 4, by deleting "Money" and inserting: "Except as otherwise provided in this subsection, money".

Amend sec. 10, page 3, line 7, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 10, page 3, line 12, after "for" by inserting "agriculture,".

Amend sec. 10, page 3, between lines 15 and 16, by inserting: "Money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs must not be obtained by the issuance of bonds.".

Amend sec. 12, page 3, line 36, by deleting "2" and inserting "1.5".

Amend sec. 13, page 4, line 12, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 14, page 5, line 5, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 15, page 5, line 42, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 16, page 6, line 39, after "citizens," by inserting: "and to preserve and protect agriculture,".

Amend sec. 18, page 8, line 15, after "citizens," by inserting: "and for preserving and protecting agriculture,".

Amend sec. 18, page 8, line 19, after "chapter." by inserting: "The provisions of this subsection do not authorize the board of county

commissioners of a county to obtain money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs by the issuance of bonds.”.

Amend the bill as a whole by renumbering sec. 19 as sec. 20 and adding a new section designated sec. 19, following sec. 18, to read as follows:

“Sec. 19. NRS 547.140 is hereby amended to read as follows:

547.140 ~~[Where]~~

1. *Except as otherwise provided in subsection 2, if two or more counties are included in and comprise an agricultural district, the boards of county commissioners of such counties are authorized to appropriate, out of the general fund of such counties, such money ~~[or moneys]~~ for the encouragement of such agricultural associations as the boards may, in their judgment, deem just and proper . ~~[, but in]~~*

2. *In no case ~~[shall such]~~ may an appropriation described in subsection 1 exceed the sum of \$1,500 in any 1 year ~~[,], unless the money so appropriated was obtained from the proceeds of a tax imposed pursuant to chapter 377A of NRS.”.~~*

Amend sec. 19, page 8, line 25, by deleting: “17 and 18” and inserting: “17, 18 and 19”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 884.

Amend sec. 18, page 3, line 40, by deleting “chapter,” and inserting: “chapter or chapter 116 of NRS”.

Amend sec. 18, page 4, by deleting line 1 and inserting: “other information considered by the Commission or a hearing panel when determining”.

Amend sec. 23, page 5, line 9, after “with” by inserting: “the provisions of this chapter and chapter 116 of NRS and”.

Amend sec. 25, page 6, line 25, after “with” by inserting: “the provisions of this chapter and chapter 116 of NRS and”.

Amend sec. 25, page 6, line 30, after “chapter” by inserting: “or chapter 116 of NRS”.

Amend sec. 29, page 8, line 35, after “chapter” by inserting: “or chapter 116 of NRS”.

Amend sec. 29, page 8, line 38, after “chapter” by inserting: “or chapter 116 of NRS”.

Amend sec. 31, page 9, by deleting lines 18 through 24 and inserting:

"Sec. 31. 1. *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) *Must be paid by the party at whose request the witness is subpoenaed;*
or

(b) *If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division."*

Amend sec. 34, page 10, line 13, by deleting "chapter," and inserting: "chapter or chapter 116 of NRS,".

Amend sec. 34, page 10, line 40, after "chapter" by inserting: "or chapter 116 of NRS".

Amend sec. 34, page 10, line 42, after "chapter" by inserting: "or chapter 116 of NRS".

Amend sec. 35, page 11, by deleting lines 1 through 17 and inserting:

"Sec. 35. 1. *If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person has violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or the Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.*

2. *The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.*

3. *The court may issue the temporary restraining order, preliminary injunction or final injunction without:*

(a) *Proof of actual damages sustained by any person.*

(b) *The filing of any bond."*

Amend sec. 36, page 11, line 19, by deleting "47," and inserting "47.6,".

Amend the bill as a whole by deleting sec. 38 and adding:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 39, pages 11 and 12, by deleting lines 37 through 44 on page 11 and lines 1 through 9 on page 12, and inserting:

"Sec. 39. 1. *At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.*

2. *The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.*

3. *As used in this section, “converted building reserve deficit” means the amount necessary to replace the major components of the common elements needing replacement within 5 years after the date of the first sale of a unit.”.*

Amend sec. 40, page 14, line 9, after “must” by inserting “be”.

Amend sec. 41, page 15, by deleting lines 5 through 7 and inserting: “environment and is adaptable to local conditions.”.

Amend sec. 44, page 15, line 44, by deleting “is not” and inserting: “will not be”.

Amend sec. 44, page 16, line 2, by deleting “after” and inserting “before”.

Amend sec. 45, page 16, line 13, before “In” by inserting “1.”.

Amend sec. 45, page 16, by deleting lines 16 through 18 and inserting: “governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way”.

Amend sec. 45, page 16, between lines 21 and 22, by inserting:

“2. *The provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.”.*

Amend sec. 46, page 16, by deleting lines 26 through 43 and inserting: “a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches.”.

Amend sec. 47, page 17, by deleting lines 10 through 12 and inserting: “each unit’s owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except”.

Amend the bill as a whole by adding new sections designated sections 47.3 and 47.6, following sec. 47, to read as follows:

“Sec. 47.3. 1. *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) *Must be paid by the party at whose request the witness is subpoenaed;*
or

(b) *If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.*

Sec. 47.6. 1. *Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.*

2. *A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.*”.

Amend sec. 48, page 18, line 18, by deleting: “sections 37 and 38” and inserting “section 37”.

Amend sec. 52, page 19, by deleting lines 12 through 14 and inserting: “government from imposing different requirements and standards regarding design and construction on different types of structures in common-interest communities. For the purposes of this subsection, a townhouse in a planned community is a different type of structure from other structures in common-interest communities, including, without limitation, other structures that are or will be owned as condominiums or cooperatives.”.

Amend sec. 54, page 19, line 45, after “is” by inserting “created for”.

Amend sec. 54, page 21, line 9, after “is” by inserting “created for”.

Amend the bill as a whole by adding a new section designated sec. 54.5, following sec. 54, to read as follows:

“Sec. 54.5. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1105, 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.3119, inclusive, and sections 41 to 47, inclusive, of this act, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.”.

Amend sec. 57, page 23, by deleting lines 26 and 27 and inserting: “recording of any amendments to the declaration ~~[, the information required by NRS 116.4109]~~ or any statements of unpaid assessments ~~[,]~~, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.”.

Amend sec. 57, page 24, line 7, before “residents” by inserting: “units’ owners or”.

Amend sec. 58, page 25, line 16, before “residents” by inserting: “units’ owners or”.

Amend sec. 58, page 25, line 22, before “residents” by inserting: “units’ owners or”.

Amend sec. 62, page 31, line 14, by deleting “Within” and inserting: “[~~Within~~] In addition to any applicable requirement set forth in section 39 of this act, within”.

Amend sec. 63, page 33, by deleting line 7 and inserting: “number of voting members of the association.

~~{2-}~~ *The same number of*”.

Amend sec. 63, page 33, by deleting line 3 and inserting: “March 1.

2. Special meetings of the units’ owners ~~{of an association}~~”.

Amend sec. 63, page 33, line 15, by deleting “must” and inserting “shall”.

Amend sec. 63, page 33, line 19, by deleting “election,” and inserting: “election and:

(a) *The voting rights of the units’ owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or*

(b) *The voting rights of the units’ owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036,”.*

Amend sec. 63, page 33, line 22, by deleting “must” and inserting “shall”.

Amend sec. 63, page 33, line 26, by deleting “2.” and inserting “3.”.

Amend sec. 63, page 33, line 44, by deleting “3.” and inserting “~~{3-}~~ 4.”.

Amend sec. 63, page 34, line 16, by deleting “4.” and inserting “~~{4-}~~ 5.”.

Amend sec. 63, page 34, line 23, by deleting “5.” and inserting “~~{5-}~~ 6.”.

Amend sec. 63, page 34, by deleting line 32 and inserting:

“~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, the minutes of”.

Amend sec. 63, page 34, line 41, by deleting “7.” and inserting “~~{7-}~~ 8.”.

Amend sec. 63, page 35, line 1, by deleting “8.” and inserting “~~{8-}~~ 9.”.

Amend sec. 63, page 35, line 4, by deleting “9.” and inserting “~~{9-}~~ 10.”.

Amend sec. 63, page 35, line 9, by deleting “10.” and inserting “~~{10-}~~ 11.”.

Amend sec. 63, page 35, line 14, by deleting “11.” and inserting “12.”.

Amend sec. 63, page 35, line 17, by deleting “~~{units’ owners}~~” and inserting: “units’ owners or”.

Amend sec. 63, page 35, line 22, by deleting: “2 or 3.” and inserting: “~~{2 or 3-}~~ 3 or 4.”.

Amend sec. 64, page 36, line 17, by deleting “3” and inserting “~~{3}~~ 4”.

Amend sec. 64, page 37, line 39, by deleting “~~{units’ owners}~~” and inserting: “units’ owners or”.

Amend sec. 66, page 39, by deleting line 16 and inserting: “operation of the association and ~~{the money}~~ a budget for the ~~{reserve}~~ reserves required”.

Amend sec. 66, page 39, line 19, by deleting “a reserve,” and inserting: “~~{a reserve-}~~ the reserves,”.

Amend sec. 66, page 39, line 22, by deleting: “an adequate reserve,” and inserting: “~~{an adequate reserve-}~~ adequate reserves,”.

Amend sec. 66, page 39, line 24, by deleting “reserve” and inserting “~~{reserve}~~ reserves”.

Amend sec. 66, page 39, line 27, after “maintenance.” by inserting: “*The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a*

period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.”.

Amend sec. 66, page 40, by deleting lines 12 through 16 and inserting:

“9. The association shall provide written notice to ~~{the owner of each unit}~~ *each unit’s owner* of a meeting at which an assessment for a capital improvement ~~{for the commencement of a civil action}~~ is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting. ~~{Except as otherwise provided in”.~~

Amend sec. 67, page 41, line 21, by deleting: “maintain the reserve” and inserting: “~~{maintain the reserve}~~ *provide adequate funding for the reserves*”.

Amend sec. 67, page 41, line 34, by deleting “required” and inserting “~~{required}~~ *necessary*”.

Amend sec. 67, page 41, line 35, after “adequate” by inserting: “*funding for the*”.

Amend sec. 67, page 41, line 36, before “for” by inserting “*designated*”.

Amend sec. 67, page 42, line 8, by deleting “unit” and inserting “unit’s”.

Amend sec. 68, page 42, line 27, by deleting “if” and inserting “~~{if}~~ *whether*”.

Amend sec. 68, page 42, line 28, by deleting “it” and inserting: “~~{it}~~ *to the association’s funding plan which the executive board*”.

Amend sec. 68, page 42, line 29, by deleting “maintain” and inserting: “~~{maintain}~~ *provide adequate funding for*”.

Amend sec. 68, page 43, line 5, by deleting “required” and inserting “~~{required}~~ *necessary*”.

Amend sec. 68, page 43, by deleting lines 8 and 9 and inserting: “of the date of the study ~~{~~

~~3.—The results}~~ , and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.”.

Amend sec. 70, page 45, line 12, by deleting “after:” and inserting: “after ~~{~~ *all of the following occur:*”.

Amend sec. 70, page 45, line 37, by deleting “DISPUTED!” and inserting “*IN DISPUTE!*”.

Amend sec. 70, page 46, by deleting line 5 and inserting:

“(a) The ~~{day}~~ *date* on which the notice of default is recorded; or”.

Amend sec. 70, page 46, line 6, by deleting “day” and inserting “~~{day}~~ *date*”.

Amend sec. 70, page 46, by deleting lines 9 through 12 and inserting: “address of the unit ~~{~~ ,

whichever date occurs later.”.

Amend sec. 70, page 46, line 18, before “residents” by inserting: “*units’ owners or*”.

Amend sec. 72, page 46, line 40, before “The” by inserting “1.”.

Amend sec. 72, page 46, line 43, by deleting “1.” and inserting “~~{1}~~ *(a)*”.

Amend sec. 72, page 46, line 45, by deleting “a” and inserting: “[a] in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit’s owner as follows:

(1) A”.

Amend sec. 72, page 47, lines 4 and 5, by deleting “unit.

2.” and inserting: “unit [

~~2~~]; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b)”.

Amend sec. 72, page 47, line 7, by deleting “(a)” and inserting “[~~(a)~~] (1)”.

Amend sec. 72, page 47, line 9, by deleting “(b)” and inserting “[~~(b)~~] (2)”.

Amend sec. 72, page 47, line 13, by deleting “(c)” and inserting “[~~(c)~~] (3)”.

Amend sec. 72, page 47, by deleting lines 14 through 25 and inserting:

“2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:”.

Amend sec. 72, page 47, by deleting line 36 and inserting:

“PLEASE CALL (name and telephone number of the contact person for the”.

Amend sec. 72, page 47, by deleting lines 38 and 39 and inserting:

“CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN’S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.”.

Amend sec. 72, pages 47 and 48, by deleting lines 41 through 45 on page 47 and lines 1 through 4 on page 48, and inserting:

“4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.”.

Amend sec. 73, page 48, line 33, by deleting “conformed”.

Amend sec. 73, page 48, by deleting line 34 and inserting: “within 30 days after the deed is delivered to the purchaser, or his successor or assign; and”.

Amend sec. 74, page 49, by deleting lines 14 through 16 and inserting "been recorded."

Amend the bill as a whole by adding a new section designated sec. 74.5, following sec. 74, to read as follows:

"Sec. 74.5. NRS 116.31185 is hereby amended to read as follows:
116.31185 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:*

~~{1-}~~ (a) *Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or*

~~{2-}~~ (b) *Would result or would appear to a reasonable person to result in a conflict of interest for those persons.*

2. *Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:*

(a) *An attorney, law firm or vendor that provides or seeks to provide services to the applicable community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, which total more than \$100 per year per such attorney, law firm or vendor; or*

(b) *A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association, which total more than \$100 per year per such declarant, affiliate or person.*

3. *An attorney, law firm or vendor that provides or seeks to provide services to a community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager, which total more than \$100 per year per such member, officer, community manager or person.*

4. *A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager, which total more than \$100 per year per such member, officer, community manager or person."*

Amend sec. 75, page 49, lines 40 and 41, by deleting "a reserve" and inserting: "~~{a reserve}~~ reserves".

Amend sec. 75, page 49, line 44, by deleting "a reserve" and inserting: "~~{a reserve}~~ reserves".

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

“Sec. 75.5. NRS 116.4106 is hereby amended to read as follows:

116.4106 1. The public offering statement of a common-interest community containing any converted building must contain, in addition to the information required by NRS 116.4103 and 116.41035:

(a) A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building;

~~(b) [A statement by the declarant of the expected useful life of each item reported in paragraph (a) or a statement that no representations are made in that regard; and~~

~~(c) [A list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with the estimated cost of curing those violations [–]; and~~

(c) The budget to maintain the reserves required pursuant to paragraph (b) of subsection 2 of NRS 116.3115 which must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the common elements and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations;

(3) A statement as to whether the declarant has determined or anticipates that the levy of one or more special assessments will be required within the next 10 years to repair, replace and restore any major component of the common elements or to provide adequate reserves for that purpose;

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of reserves required pursuant to NRS 116.31152; and

(5) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years.

2. This section applies only to a common-interest community comprised of a converted building or buildings containing more than 12 units that may be occupied for residential use.”.

Amend sec. 76, page 50, line 34, by deleting the colon.

Amend sec. 76, page 50, line 35, after “~~purchase~~” by inserting: “*a resale package containing all of the following:*”.

Amend sec. 76, page 51, by deleting line 8 and inserting:

"2. The ~~[association, within]~~ purchaser may, by written notice, cancel the contract".

Amend sec. 76, page 51, by deleting line 10 and inserting: "date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the".

Amend sec. 76, page 51, line 12, by deleting "may" and inserting "must".

Amend sec. 76, page 51, by deleting lines 16 through 19 and inserting: "the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written".

Amend sec. 76, page 51, line 20, after "agent," by inserting "the association".

Amend sec. 76, page 51, line 21, by deleting the colon and inserting: "all of the following to the unit's owner or his authorized agent for inclusion in the resale package:".

Amend sec. 76, page 51, line 25, after "(d)" by inserting "of".

Amend sec. 76, page 51, line 27, by deleting "an" and inserting "the".

Amend sec. 76, page 51, by deleting lines 28 through 30 and inserting: "pursuant to subsection ~~[1 is not]~~ 3:

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the".

Amend sec. 76, page 51, lines 35 and 36, by deleting: "documents and certificate." and inserting: "certificate furnished pursuant to subsection 3.".

Amend sec. 76, page 51, by deleting lines 37 through 43 and inserting: "association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.".

Amend sec. 76, page 51, line 44, by deleting "6." and inserting "5.".

Amend sec. 76, page 52, by deleting lines 5 through 8 and inserting:

~~"[4.]~~ 6. Upon the request of a unit's owner ~~[,]~~ or his authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to ~~[subsection 1]~~ this section, or his authorized agent ~~[, of the unit's owner or the purchaser]~~ the association shall make the entire".

Amend sec. 77, page 52, line 24, by deleting “*TERMINATE*” and inserting “*CANCEL*”.

Amend sec. 77, page 52, by deleting lines 26 through 35 and inserting: “When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.”.

Amend sec. 77, page 52, by deleting lines 39 through 41 and inserting: “Declaration of Covenants, Conditions and Restrictions ~~{(C, C & R’s) that should be provided for your review before making your purchase. The C, C & R’s}~~. The CC&Rs become a part of the title to your”.

Amend sec. 77, page 52, line 44, by deleting: “C, C & R’s,” and inserting: “[~~C, C & R’s~~] CC&Rs,”.

Amend sec. 77, page 53, lines 4 and 6, by deleting: “C, C & R’s,” and inserting: “[~~C, C & R’s~~] CC&Rs,”.

Amend sec. 77, page 53, lines 15 and 17, by deleting “homeowner’s” and inserting “[~~homeowner’s~~] homeowners”.

Amend sec. 77, page 53, line 26, by deleting “maintain adequate” and inserting: “[~~maintain~~] provide adequate funding for”.

Amend sec. 77, page 53, line 39, by deleting “HOMEOWNER’S” and inserting “[~~HOMEOWNER’S~~] HOMEOWNERS”.

Amend sec. 77, page 53, line 41, by deleting “homeowner’s” and inserting “[~~homeowner’s~~] homeowners”.

Amend sec. 77, page 54, line 10, after “professional” by inserting “community”.

Amend sec. 77, page 54, line 12, by deleting “Homeowner’s” and inserting “[~~Homeowner’s~~] Homeowners”.

Amend sec. 77, page 54, line 17, by deleting: “C, C & R’s” and inserting: “[~~C, C & R’s~~] CC&Rs”.

Amend sec. 77, page 54, by deleting lines 30 through 32 and inserting: “bodies that are more responsive to your needs. If ~~{persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek}~~ you have a dispute

with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common Interest Communities. However, to resolve some disputes, you may have to”.

Amend sec. 77, page 54, line 34, after “unsuccessful,” by inserting: “you may have to”.

Amend sec. 77, page 54, line 41, by deleting “BUYERS” and inserting “[~~BUYERS~~] PURCHASERS”.

Amend sec. 77, page 54, line 44, by deleting “to a” and inserting “[~~to~~] a”.

Amend sec. 77, page 54, by deleting line 45 and inserting: “property [~~, before you enter into a purchase agreement,~~] with a copy of the”.

Amend sec. 77, page 55, line 1, by deleting: “C, C & R’s,” and inserting: “[~~C, C & R’s,~~] CC&Rs,”.

Amend sec. 77, page 55, by deleting lines 12 through 14 and inserting: “are aware. [~~You are also required to provide a copy of the minutes from the most recent meeting of the homeowner’s association or its executive board.]~~ For more information regarding these”.

Amend sec. 77, page 55, line 15, by deleting “116.4103 and” and inserting “[~~116.4103 and~~]”.

Amend sec. 77, page 55, line 39, after “from” by inserting: “the Office of”.

Amend sec. 79, page 57, by deleting lines 18 through 20 and inserting:

“[~~7. The Division may publish or supply a reference manual or study guide for community managers and may offer it for sale at a reasonable fee.]”.~~

Amend the bill as a whole by adding a new section designated sec. 79.5, following sec. 79, to read as follows:

“Sec. 79.5. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, and section 47.6 of this act, unless the context otherwise requires, “violation” means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.”.

Amend sec. 80, page 57, line 23, after “inclusive,” by inserting: “and section 47.6 of this act,”.

Amend sec. 80, page 57, by deleting line 32 and inserting:

“(d) Any person who holds a permit to conduct a study of the reserves of an association issued pursuant to sections 2 to 35, inclusive, of this act.

(e) Any declarant or affiliate of a declarant.”.

Amend sec. 80, page 57, line 35, by deleting “(e)” and inserting “[~~(e)~~] (f)”.

Amend sec. 80, page 57, line 36, by deleting “(f)” and inserting “[~~(f)~~] (g)”.

Amend the bill as a whole by adding new sections designated section 82.3 and 82.6, following sec. 82, to read as follows:

“Sec. 82.3. NRS 116.795 is hereby amended to read as follows:

116.795 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person ~~has committed a violation or will continue to commit violations,~~ *violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel*, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction ~~in~~ *within or outside this State*, to *restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.*

2. The action must be brought in the name of the State of Nevada. *If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.*

3. The court may issue the *temporary restraining order, preliminary injunction or final injunction* without:

- (a) Proof of actual damages sustained by any person.
- (b) The filing of any bond.

Sec. 82.6. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a developer to sell any lot, parcel, unit or interest in a subdivision without complying with the provisions of NRS 116.4106, if applicable.”.

Amend sec. 99, page 74, line 36, by deleting “116.31075.”.

Amend sec. 100, page 74, line 40, by deleting: “October 6, 2006,” and inserting: “October 1, 2007.”.

Amend sec. 100, page 75, line 15, by deleting “2006,” and inserting “2007.”.

Amend sec. 100, page 75, line 16, by deleting “2007.” and inserting “2008.”.

Amend sec. 100, page 75, line 25, by deleting “2007.” and inserting “2008.”.

Amend sec. 101, page 75, line 40, by deleting: “on July 1, 2005,” and inserting: “upon passage and approval”.

Amend the leadlines of repealed sections by deleting the leadline of NRS 116.31075.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 980.

Amend section 1, page 1, line 2, by deleting “shall” and inserting: “shall, after consultation with the State Public Works Board,”.

Amend section 1, page 2, line 5, after “accessibility” by inserting “and confidentiality”.

Amend section 1, page 3, line 6, after “6.” by inserting: “After the statewide mapping system is established pursuant to this section, each state agency and political subdivision that participates in the system shall submit to the Commission any initial or final plan for a public work.

7.”.

Amend section 1, page 3, by deleting lines 9 and 10 and inserting:

“(b) “Commission” means the Nevada Commission on Homeland Security created by NRS 239C.120.”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to public safety; requiring the Nevada Commission on Homeland Security to establish a statewide mapping”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 384, 398, 401, 410, 445, 450, 452, 453, 481, and 489 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 26, 32, 40, 104, 105, 124, 141, 165, 341, 351; Assembly Joint Resolution No. 8; Senate Bills Nos. 77, 382.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karon Dutcher, Linda Doty, Ramiro Aguilar, Melissa Fernandez, Gerardo Flores, Jose Garcia, Edith Gonzalez, Alexandra Lara, Erica Martinez, Lorena Martinez, Jonathan Navarro, Alvaro Perez, Luis Perez, Jocelyn Ramirez,

Ruby Ramirez, Juan Rangel, Yesenia Razo, Alfred Salas, Adriana Torres, Edith Torres, David Urrutia, Jose Gomez, Hugo Hernandez, Stephanie Anguiano, Ivan Ayala, Etienne Agiurre, Ramiro Garcia, Jerman Gonzalez, Karla Hernandez, Jimmy Kolesar, Yadira Lopez, Maria Lena Magana, Daniela Martin, Rogelio Martinez, Brenda Perez, Maria Perez, Noe Reyes, Rocio Reyes, Cody Rose, Gabriela Soto, Josue Soto, and Lidia Hoffman.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Fiedrich, Vee Ann Fiedrich, Paul Corine, and Lora Mair.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Rios, Rafael Cerrillo, and Amber Tuller.

On request of Assemblyman Ocegüera, the privilege of the floor of the Assembly Chamber for this day was extended to Imonee Williams and Yolanda Rivera.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Charlyne Chen.

Assemblyman Ocegüera moved that the Assembly adjourn until Thursday, May 26, 2005, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:23 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE ONE-HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 26, 2005

Assembly called to order at 12:10 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, the Patriarch Jacob wrestled with humans and You and, though he came away limping, wrested a blessing for himself and his descendants, and declared that he had seen You face-to-face (Genesis 32). As we engage in the final days of this session, help us to be tenacious in our wrestling, knowing that wrestling strengthens, and need not divide. Give us ears eager to listen to each other's questions and fears, passions, and hopes. Grant us generous hearts more ready to compromise than condemn. Pour out upon us a spirit of reconciliation and graciousness. And even though we should come away limping, give us and our descendants a blessing, knowing that we have seen You face-to-face.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 188, 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 233, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 62, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 172 and 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 411 and 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 59, 114, 145, 156, 215, 232, 259, 323, 379, 421; Senate Bills Nos. 510, 511.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15, Amendment No. 790; Assembly Bill No. 51, Amendment No. 801; Assembly Bill No. 404, Amendment No. 698; Assembly Bill No. 407, Amendment No. 789, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 56, 156, 310, 461.

CLAIRE J. CLIFT
Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 64 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 347 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 500 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 386 be taken from the Chief Clerk's desk and placed on Second Reading.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 172, 289, 560; Senate Bills Nos. 22, 45, 62, 188, 189, 221, 233, 240, 251, 332, and 426 just reported out of committee be placed on the Second Reading File for the current legislative day.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bills Nos. 175, 411, and 499 just reported out of committee be placed on the General File for the current legislative day.

Motion carried.

Assemblywoman Pierce moved that Senate Bill No. 235 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblywoman Pierce moved that Senate Bill No. 396 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 325 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 56.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 156.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 310.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 461.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 510.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 511.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 911.

Amend sec. 2, page 3, line 16, after “*officer*” by inserting: “*in a contested case*”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 438 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 969.

Amend sec. 2, page 1, by deleting line 10 and inserting: "September 15, 2006, and September 21, 2007, respectively."

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. On or before July 1 of the 2005–2006 and 2006–2007 Fiscal Years, the Commission on Tourism shall transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism to the Office of Historic Preservation of the Department of Cultural Affairs to carry out the stewardship program created pursuant to section 1 of this act:

For the Fiscal Year 2005–2006	\$62,608

For the Fiscal Year 2006–2007	\$77,225

2. Any balance of the sums transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the Fund for the Promotion of Tourism on or before September 15, 2006, and September 21, 2007, respectively."

Amending the title of the bill, fourth line, after "resources;" by inserting: "providing funding to carry out the stewardship program;"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 985.

Amend section 1, page 1, by deleting line 4 and inserting: “*be administered by the Department of Administration. The Department of Administration*”.

Amend section 1, page 1, line 7, by deleting: “*Board of Regents*” and inserting: “*Department of Administration*”.

Amend section 1, page 1, line 11, by deleting: “*Board of Regents,*” and inserting: “*Department of Administration,*”.

Amend section 1, page 1, line 12, by deleting: “*Board of Regents*” and inserting: “*Department of Administration*”.

Amend sec. 5, page 6, line 26, after “*enrollment,*” by inserting: “*excluding a summer academic term,*”.

Amend sec. 5, page 6, line 33, after “*semester,*” by inserting: “*excluding a summer academic term,*”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. NRS 120A.370 is hereby amended to read as follows:

120A.370 1. There is hereby created in the State Treasury the Abandoned Property Trust Fund.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State Treasury for credit to the Abandoned Property Trust Fund.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders’ reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Abandoned Property Trust Fund:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. At the end of each fiscal year, the amount of the balance in the Fund in excess of \$100,500 must be transferred . *The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926. The remainder must be transferred to the State General Fund,* but remains subject to the valid claims of holders pursuant to NRS 120A.340 or owners pursuant to NRS 120A.380.

6. If there is an insufficient amount of money in the Abandoned Property Trust Fund to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Abandoned Property Trust Fund of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Abandoned Property Trust Fund.”.

Amend sec. 6, page 7, line 16, by deleting “\$100,000,000.” and inserting “\$35,000,000.”.

Amend sec. 7, page 7, line 17, by deleting: “4, 5 and 6” and inserting: “4 to 7, inclusive,”.

Amend the title of the bill to read as follows:

“AN ACT relating to millennium scholarships; revising the provisions governing the administration of the Millennium Scholarship Program and the Millennium Scholarship Trust Fund; revising the provisions governing eligibility for millennium scholarships; providing for the annual transfer of money from the Abandoned Property Trust Fund to the Millennium Scholarship Trust Fund; making an appropriation; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 22.

Bill read second time and ordered to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 741.

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: “of the installment of taxes. ~~[The tax receiver forthwith shall forward one copy of the protest to the Attorney General and one copy to~~”.

Amend the title of the bill, second line, after “provide” by inserting: “the Attorney General and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Eliminates requirement that Attorney General and State Controller receive copy of written protest filed by property owner concerning property taxes. (BDR 32-166)”.

Assemblywoman Allen moved the adoption of the amendment.

Remarks by Assemblywoman Allen.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 892.

Amend section 1, page 2, line 13, after “to” by inserting: “*or changing ownership of*”.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection ~~{4}~~ 5 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

- (a) That the application has been filed.
- (b) The date of the filing.
- (c) The name and address of the applicant.
- (d) The name of the source from which the appropriation is to be made.
- (e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.
- (f) The purpose for which the water is to be appropriated.

The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) For municipal, quasi-municipal or industrial use; and
- (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

Sec. 3. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and ~~subsection 7,~~ and subsections 3 and 8, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. *Except as otherwise provided in subsection 8, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:*

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

~~{4.}~~ 5. Except as otherwise provided in subsection ~~{7.}~~ 8, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

~~{5.}~~ 6. In determining whether an application for an interbasin transfer of ground water must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

~~{6.}~~ 7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~{8.}~~ 9, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps

toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

~~{7-}~~ 8. The provisions of subsections 1 to ~~{5-}~~ 6, inclusive, do not apply to an application for an environmental permit.

~~{8-}~~ 9. The provisions of subsection ~~{6-}~~ 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~{9-}~~ 10. As used in this section, "interbasin transfer of ground water" means a transfer of ground water for which the proposed point of diversion is in a different basin than the proposed place of beneficial use."

Amend sec. 2, page 3, line 25, by deleting "*final.*" and inserting: "*final or until a final resolution of the conflicting claims has otherwise occurred.*".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in subsection ~~{4-}~~ 6 of NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow him to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the

Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.”.

Amend sec. 3, page 4, line 6, after “by” by inserting:
“the amendatory provisions of sections 1 and 4 of”.

Amend the title of the bill, second line, after “rights;” by inserting:
“revising the provisions concerning the approval or rejection of an application to change the point of diversion of water in certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provisions governing water rights. (BDR 48-681)”.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the reprinting of Senate Bill No. 62 be dispensed with and the bill be placed on third reading and final passage for the next legislative day.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 913.

Amend section 1, page 2, line 26, by deleting “residences” and inserting: “residences, schools, public buildings”.

Amend section 1, page 3, line 1, by deleting “residences” and inserting: “residences, schools, public buildings”.

Amend the bill as a whole by adding new sections designated sections 1.3 and 1.7, following section 1, to read as follows:

“Sec. 1.3. NRS 702.170 is hereby amended to read as follows:

702.170 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 702.160. Such regulations may require public utilities, municipal utilities and retail customers that are required to collect or remit money for the universal energy charge to file reports and to provide the Commission with information relating to compliance with the requirements of the universal energy charge.

2. In carrying out the provisions of NRS 702.160, the Commission shall solicit advice from the Consumer’s Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, public utilities and municipal utilities and other knowledgeable persons.

3. The Commission may conduct audits and investigations of public utilities, municipal utilities and retail customers that are required to collect or remit money for the universal energy charge ~~{1}~~ if the Commission determines that such audits and investigations are necessary to verify compliance with the requirements of the universal energy charge. In conducting such audits and investigations, the Commission may exercise any of the investigative powers granted to the Commission pursuant to chapter 703 of NRS, including, without limitation, the power to issue orders to compel the appearance of witnesses and the production of books, accounts, papers and records.

4. To carry out its powers and duties pursuant to this chapter, the Commission is entitled to an administrative charge of not more than ~~{3}~~ 2 percent of the money collected for the universal energy charge. After deduction of its administrative charge, the Commission shall deposit the remaining money collected for the universal energy charge in the State Treasury for credit to the Fund.

5. The Commission may bring an appropriate action in its own name for recovery of any money that a person fails to pay, collect or remit in violation of the requirements of the universal energy charge.

Sec. 1.7. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Welfare Division for programs to assist eligible households in paying for natural gas and electricity. The Welfare Division may use not more than ~~{3}~~ 7 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Welfare Division may use the money distributed to it pursuant to this section only to:

- (a) Assist eligible households in paying for natural gas and electricity.
- (b) Carry out activities related to consumer outreach.
- (c) Pay for program design.
- (d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in subsection 4, to be eligible to receive assistance from the Welfare Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Welfare Division.

4. The Welfare Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Welfare Division shall determine the amount of

assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Welfare Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

- (1) The income of the household;
- (2) The size of the household;
- (3) The type of energy that the household uses; and

(4) Any other factor which, in the determination of the Welfare Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

7. The Welfare Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

8. In carrying out the provisions of this section, the Welfare Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.”

Amend sec. 12, page 6, by deleting line 15 and inserting:

“(a) For calendar years ~~{2003 and 2004,}~~ 2005 and 2006, not less than ~~{5}~~ 6 percent of”.

Amend sec. 12, page 6, by deleting line 18 and inserting:

“(b) For calendar years ~~{2005 and 2006,}~~ 2007 and 2008, not less than ~~{7}~~ 9 percent of”.

Amend sec. 12, page 6, by deleting line 21 and inserting:

“(c) For calendar years ~~{2007 and 2008,}~~ 2009 and 2010, not less than ~~{9}~~ 12 percent of”.

Amend sec. 12, page 6, by deleting line 24 and inserting:

“(d) For calendar years ~~[2009 and 2010,]~~ 2011 and 2012, not less than ~~[11]~~ 15 percent”.

Amend sec. 12, page 6, by deleting line 27 and inserting:

“(e) For calendar years ~~[2011 and 2012,]~~ 2013 and 2014, not less than ~~[13]~~ 18 percent”.

Amend sec. 12, page 6, line 30, by deleting “2013” and inserting “[~~2013~~ 2015”.

Amend sec. 12, page 6, line 31, by deleting “15” and inserting “[~~15~~ 20”.

Amend sec. 14, page 10, by deleting line 27 and inserting: “this section must be deposited in the ~~[State General Fund,]~~ Trust Fund for Renewable Energy and Energy Conservation.”.

Amend the title of the bill, first line, after “energy;” by inserting: “reducing the amount of certain administrative charges to which the Public Utilities Commission of Nevada is entitled from money collected for the universal energy charge; increasing the amount of certain administrative expenses available for use by the Welfare Division of the Department of Human Resources for programs to assist eligible households in paying for natural gas and electricity;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 914.

Amend section 1, page 2, by deleting lines 21 through 35 and inserting:

“3. *If a manufacturer or distributor changes the area of primary responsibility of a dealer, the change constitutes a modification of the franchise of the dealer for the purposes of NRS 482.36311 to 482.36425, inclusive. As used in this subsection, “area of primary responsibility” means the geographic area in which a dealer, pursuant to a franchise agreement, is responsible for selling, servicing and otherwise representing the products of a manufacturer or distributor.*”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 928.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 4, by deleting lines 4 and 5 and inserting: *“interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events pursuant to this subsection must participate within the school district of the child’s residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils”*.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 759.

Amend sec. 2, page 3, by deleting lines 3 through 6 and inserting:

“4. A local governing body may adopt reasonable restrictions regarding the time, place,”.

Amend sec. 2, page 3, line 16, after “7.” by inserting: *“A local governing body may not charge any fee for issuing an annual permit pursuant to this section.*

8.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 681.

Amend the bill as a whole by deleting sec. 29 and renumbering sections 30 through 34 as sections 29 through 33.

Amend sec. 34, page 25, line 2, by deleting: “30, 32 and 33” and inserting: “31 and 32”.

Amend sec. 34, page 25, line 5, by deleting “30” and inserting “29”.

Amend sec. 34, page 25, line 16, by deleting “31” and inserting “30”.

Amend the title of the bill, page 2, second line, by deleting “revising fees;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 889.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The fact that a particular project or undertaking does not qualify as a public work, as defined in NRS 338.010, does not exempt a person, including, without limitation, a contractor or subcontractor, or a governmental entity, from complying with the provisions of this section and NRS 338.010 to 338.090, inclusive, in the same manner as a public body is required to comply with those provisions if the person or governmental entity is otherwise required to comply with the provisions of this section and NRS 338.010 to 338.090, inclusive, by specific statute.”.

Amend section 1, page 4, by deleting lines 14 through 17 and inserting:

“(b) A ~~building for~~ project of the University and Community College System of Nevada ~~[of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.]~~ for which the estimated cost exceeds \$100,000.”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 4 through 6 and adding a new section designated sec. 3, following section 1, to read as follows:

“Sec. 3. NRS 338.050 is hereby amended to read as follows:

338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*, except as otherwise provided by specific statute, every workman who performs work for a public work covered by a contract therefor is subject to all of the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*, regardless of any contractual relationship alleged to exist between such workman and his employer.”.

Amend sec. 3, page 8, line 10, by deleting “contract.” and inserting: “contract, unless approval of the change order is more economically feasible than termination of the retrofit.”.

Amend sec. 4, page 10, line 13, by deleting “contract.” and inserting: “contract, unless approval of the change order is more economically feasible than termination of the retrofit.”.

Amend the bill as a whole by renumbering sec. 5 as sec. 25 and adding new sections designated sections 7 through 24, following sec. 4, to read as follows:

“Sec. 7. Chapter 333A of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 22, inclusive, of this act.

Sec. 8. “Board” means:

1. If the using agency that enters into a performance contract is the University and Community College System of Nevada, the Board of Regents of the University of Nevada; or

2. For any other using agency that enters into a performance contract, the State Board of Examiners.

Sec. 9. 1. Notwithstanding any provision of chapter 333 of NRS, NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, and chapter 338 of NRS to the contrary, a using agency may enter into a performance contract with a qualified service company for the purchase and installation of one or more operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs.

2. Any operating cost-savings measures put into place as a result of a performance contract must comply with all applicable building codes.

Sec. 10. 1. The Purchasing Division of the Department of Administration shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works Board pursuant to NRS 333A.080. The Purchasing Division, in conjunction with the using agency, shall ensure that each appropriate qualified service company is notified of the using agency’s interest in entering into a performance contract and coordinate an opportunity for each such qualified service company to:

(a) Visit the site pertaining to which the using agency wishes to enter into a performance contract;

(b) Perform a comprehensive audit in the manner prescribed in section 11 of this act; and

(c) Submit a proposal, including, without limitation, the comprehensive audit, and make a related presentation to the using agency for all operating cost-savings measures that the qualified service company determines would be practicable to implement.

2. The using agency shall:

(a) Evaluate the proposals and presentations made pursuant to subsection 1;

(b) Evaluate the financial stability of the qualified service companies that made proposals and presentations pursuant to subsection 1 based on the financial statements and ratings of the qualified service companies; and

(c) Select a qualified service company, pursuant to the provisions of NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, and any regulations adopted pursuant thereto, for evaluating and awarding contracts.

3. A qualified service company selected by a using agency pursuant to subsection 2 shall prepare a financial-grade operational audit, which must include, without limitation:

(a) A detailed explanation of the operating cost savings that will result from the performance contract; and

(b) A comparison of the costs of implementing the operating cost-savings measures to the operating cost savings that are anticipated as a result of the performance contract.

4. Except as otherwise provided in this subsection, the financial-grade operational audit prepared by the qualified service company pursuant to subsection 3 becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the financial-grade operational audit shall be deemed to be part of the performance contract. If, after the financial-grade operational audit is prepared, the using agency decides not to execute the performance contract, the using agency shall pay the qualified service company that prepared the financial-grade operational audit the costs incurred by the qualified service company in preparing the financial-grade operational audit, if the Legislature has specifically appropriated money for that purpose. An appropriation by the Legislature for the purchase and installation of an operating cost-savings measure creates no presumption that the using agency for which the money was appropriated is required to enter into such a performance contract.

Sec. 11. 1. Each comprehensive audit performed pursuant to paragraph (b) of subsection 1 of section 10 of this act must include, without limitation:

(a) An assessment of any operating cost-savings measure that might be implemented within the building of the using agency, including, without limitation, any operating cost-savings measure specifically requested by the using agency;

(b) An estimate of the costs associated with implementing an operating cost-savings measure described in paragraph (a);

(c) A comparison of the energy and water consumption in the building of the using agency to the energy and water consumption in similar buildings; and

(d) A report that compares the current pattern of the costs to the using agency associated with energy consumption, water consumption and the disposal of waste, and related labor costs, to the projected costs if the using agency implements operating cost-savings measures.

2. A comprehensive audit must be based on:

(a) A review and analysis of the historical energy and water usage of the using agency; and

(b) Surveys, plans, specifications or drawings that provide details of the structure or design of the building of the using agency.

3. The using agency shall provide to each qualified service company that intends to perform a comprehensive audit the records of the energy and water consumption of the building.

Sec. 12. 1. A using agency that selects a qualified service company pursuant to section 10 of this act shall retain the professional services of a third-party consultant to work on behalf of the using agency in coordination with the qualified service company.

2. A third-party consultant retained pursuant to subsection 1 must be certified by the Association of Energy Engineers as a “Certified Energy Manager” or hold similar credentials from a comparable nationally recognized organization.

3. The duties of a third-party consultant retained pursuant to subsection 1 may include, without limitation:

(a) Assisting the using agency in reviewing the operating cost-savings measures proposed by the qualified service company;

(b) Overseeing the construction of the operating cost-savings measures; and

(c) Monitoring the operating cost savings after the construction of the operating cost-savings measures is completed.

4. The Purchasing Division of the Department of Administration may procure sufficient funding from the qualified service company, through negotiation, to pay for the third-party consultant out of the proceeds relating to the performance contract. A qualified service company shall not pay a third-party consultant directly for the work described in subsection 3.

5. A third-party consultant retained pursuant to subsection 1 may recommend that the using agency not execute the performance contract. If the using agency does not execute the performance contract, the using agency shall pay the third-party consultant a pre-negotiated fee based on the work completed by the third-party consultant.

Sec. 13. In connection with any installment-purchase contract or lease-purchase contract entered into to finance a performance contract, the Board may:

1. Grant a security interest in any property that is the subject of the installment-purchase contract or lease-purchase contract and execute an instrument to evidence such a security interest, including, without limitation, a deed of trust, a leasehold interest deed of trust, a mortgage or a financing agreement.

2. Offer certificates of participation.

3. If the installment-purchase contract or lease-purchase contract involves an improvement to property owned by the State of Nevada or the using agency, enter into a lease of the property to which the improvement

will be made and any property that is adjacent to that property if the installment-purchase contract or lease-purchase contract:

(a) Except as otherwise provided in section 20 of this act, has a term of not more than 15 years beyond the date on which construction of the work required by the installment-purchase contract or lease-purchase contract is completed; and

(b) Provides for rental payments that approximate the fair market rental of the property before the improvement is made, as determined by the Board at the time the parties enter into the lease, which must be paid if the installment-purchase contract or lease-purchase contract terminates before the expiration of the lease because the Legislature fails to appropriate money for payments due pursuant to the installment-purchase contract or lease-purchase contract.

A lease entered into pursuant to this subsection may provide for nominal rental payments to be paid pursuant to the lease before the installment-purchase contract or lease-purchase contract terminates.

4. Enter into any other agreement, contract or arrangement that the Board determines would be beneficial to the purpose of the installment-purchase contract or lease-purchase contract, including, without limitation, contracts for professional services, trust indentures, paying agent agreements and contracts of insurance.

Sec. 14. For the period during which an installment-purchase contract or lease-purchase contract that was entered into to finance a performance contract is in effect, the property that is the subject of the installment-purchase contract or lease-purchase contract:

1. Is exempt from ad valorem property taxation by this State and its political subdivisions if:

(a) An improvement is being constructed on the property pursuant to the installment-purchase contract or lease-purchase contract; or

(b) This State or a using agency is in possession of the property.

2. Shall be deemed to be the property of this State or the using agency that is a party to the installment-purchase contract or lease-purchase contract for the purposes of statutory limits on damages that may be awarded against this State, including, without limitation, the limits in chapter 41 of NRS, with respect to any action or claim, including a claim for civil damages, that arises from or is related to the property and is brought by a person who is not a party to the installment-purchase contract or lease-purchase contract if:

(a) An improvement is being constructed on the property pursuant to the installment-purchase contract or lease-purchase contract; or

(b) This State or the using agency is in possession of the property.

Sec. 15. Any obligations of this State issued in accordance with NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act may be refunded on behalf of the State by the Board without the necessity of the refunding obligations being authorized by NRS 333A.010 to 333A.150,

inclusive, and sections 8 to 22, inclusive, of this act, by the adoption of a resolution by the Board authorizing the issuance of obligations to refund, pay and discharge all or any part of such outstanding obligations of any one or more or all outstanding issues:

1. For the acceleration, deceleration or other modification of the payment of such obligations, including, without limitation, any interest on such obligations that is in arrears or about to become due for any period not exceeding 3 years after the date of the issuance of the refunding obligations, unless the capitalization of interest on obligations constituting an indebtedness increases the debt of the State in excess of the limitation set forth in Section 3 of Article 9 of the Nevada Constitution.

2. For the purpose of reducing interest costs or effecting other economies.

3. For the purpose of modifying or eliminating restrictive contractual limitations appertaining to the issuance of additional obligations, otherwise concerning the outstanding obligations, or otherwise relating to any operating cost-savings measure appertaining thereto.

4. For any combination of the purposes set forth in subsections 1, 2 and 3.

Sec. 16. 1. Except as otherwise provided in sections 15 to 20, inclusive, of this act, the proceeds of refunding obligations issued pursuant to section 15 of this act must be immediately applied to the retirement of the obligations to be refunded or be placed in escrow or trust in any trust bank or trust banks within or without or both within and without this State to be applied to the payment of the refunded obligations or the refunding obligations, or both, upon their presentation for payment to the extent, in such priority and otherwise in the manner which the using agency may determine.

2. The incidental costs of refunding obligations may be paid by the purchaser of the refunding obligations or be defrayed from any revenues in the State General Fund, subject to appropriations for such revenues as otherwise provided by law, or other available revenues of the State under the control of the Board or from the proceeds of the refunding obligations, or from the interest or other yield derived from the investment of the proceeds of any refunding obligations or other money in escrow or trust, or from any other sources legally available therefor, or any combination thereof, as the using agency may determine.

3. Any accrued interest and any premium appertaining to a sale of refunding obligations may be applied to the payment of the interest on or principal of those refunding obligations, or both, or may be deposited in a reserve therefor, or may be used to refund obligations by deposit in escrow, trust or otherwise, or may be used to defray any incidental costs appertaining to the refunding, or any combination thereof, as the using agency may determine, but in no event by the incurrence of additional debt in

excess of the limitation on state debt set forth in Section 3 of Article 9 of the Nevada Constitution.

Sec. 17. 1. Any escrow or trust into which the proceeds of refunding obligations are placed pursuant to section 16 of this act must not necessarily be limited to proceeds of refunding obligations but may include other money available for its purpose.

2. Any proceeds of refunding obligations placed in escrow or trust, pending such use, may be invested or reinvested in federal securities, and in the case of an escrow or trust for the refunding of outstanding obligations issued in accordance with sections 15 to 20, inclusive, of this act in other securities issued by the Federal Government if the resolution by the Board authorizing the issuance of such outstanding state securities or any trust indenture or other proceedings appertaining thereto expressly allows any such investment or reinvestment in such securities issued by the Federal Government other than federal securities.

3. A trust bank accounting for federal securities and other securities issued by the Federal Government in such escrow or trust may place the securities for safekeeping wholly or in part in any trust bank or trust banks within or without or both within and without this State.

4. A trust bank shall continuously secure any money placed in escrow or trust and not so invested or reinvested in federal securities and other securities issued by the Federal Government by a pledge in any trust bank or trust banks within or without or both within and without the State of federal securities in an amount at all times at least equal to the total uninvested amount of such money accounted for in such escrow or trust.

5. Such proceeds and investments in escrow or trust, together with any interest or other gain to be derived from any such investment, must be in an amount at all times at least sufficient to pay principal, interest, any prior redemption premiums due, and any charges of the escrow agent or trustee and any other incidental expenses payable therefrom, except to the extent provision may have been previously otherwise made therefor, as such obligations become due at their respective maturities or due at designated prior redemption date or dates in connection with which the using agency has exercised or is obligated to exercise a prior redemption option on behalf of the State.

6. The computations made in determining such sufficiency must be verified by a certified public accountant licensed to practice in this State or in any other state.

7. Any purchaser of any refunding obligation issued pursuant to sections 15 to 20, inclusive, of this act is not responsible for the application of the proceeds of the refunding obligation by the State, the Board, the using agency or any of the officers, agents or employees of the State.

8. As used in this section, "federal securities" means bills, notes, certificates of indebtedness, bonds or other similar securities which are direct obligations of the United States or which are unconditionally

guaranteed as to payment, both of principal and of interest, by the United States.

Sec. 18. Obligations for refunding and obligations for any other purpose authorized pursuant to sections 15 to 20, inclusive, of this act or by any other law may be issued separately or issued in combination in one series or more by the State in accordance with the provisions of sections 15 to 20, inclusive, of this act.

Sec. 19. Except as otherwise provided in sections 15 to 20, inclusive, of this act, the relevant provisions elsewhere herein appertaining generally to the issuance of obligations to defray the cost of any operating cost-savings measure are equally applicable in the authorization and issuance of refunding obligations, including, without limitation, their terms and security, the covenants and other provisions of the resolution authorizing the issuance of the obligations, or other instrument or proceedings appertaining thereto, and other aspects of the obligations.

Sec. 20. 1. An obligation may not be refunded pursuant to sections 15 to 20, inclusive, of this act unless the holder of the obligation voluntarily surrenders the obligation for exchange or payment, or unless the obligation matures or is callable for prior redemption under its terms within 25 years after the date of issuance of the refunding obligations. Provision must be made for paying the securities within that period.

2. The maturity of any obligation refunded may not be extended beyond 25 years, or beyond 1 year next following the date of the last outstanding maturity, whichever limitation is later.

3. The principal amount of the refunding obligations may:

- (a) Exceed the principal amount of the refunded obligations; or*
- (b) Be less than or equal to the principal amount of the obligations being refunded if provision is duly and sufficiently made for their payment.*

Sec. 21. The determination of the using agency that the limitations imposed upon the issuance of obligations pursuant to NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, including, without limitation, any obligations for funding or refunding obligations, have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion regardless of whether the authorizing resolution or the obligations authorized by that resolution contain a recital as authorized by section 22 of this act.

Sec. 22. A resolution providing for the issuance of a performance contract, including, without limitation, an installment-purchase contract or lease-purchase contract or other proceedings appertaining thereto, may provide that the obligations contain a recital that the obligations are issued pursuant to NRS 333A.010 to 333A.150, inclusive, and sections 8 to 22, inclusive, of this act, which recital is conclusive evidence of the validity of the obligations.

Sec. 23. NRS 333A.010 is hereby amended to read as follows:

333A.010 As used in NRS 333A.010 to 333A.150, inclusive, *and sections 8 to 22, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 333A.020 to 333A.070, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.

Sec. 24. NRS 333A.080 is hereby amended to read as follows:

333A.080 1. ~~[Notwithstanding any provision of this chapter and chapters 333 and 338 of NRS to the contrary, a using agency may enter into a performance contract with a qualified service company for the purchase and installation of an operating cost-savings measure to reduce costs related to energy, water and the disposal of waste, and related labor costs. Such a performance contract may be in the form of an installment payment contract or a lease-purchase contract that is subject to the provisions of NRS 353.500 to 353.630, inclusive. Any operating cost-savings measures put into place as a result of a performance contract must comply with all applicable building codes.]~~

~~2.]~~ The State Public Works Board shall determine those companies that satisfy the requirements of qualified service companies for the purposes of NRS 333A.010 to 333A.150, inclusive ~~[.]~~, *and sections 8 to 22, inclusive, of this act*. In making such a determination, the State Public Works Board shall enlist the assistance of the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration. The State Public Works Board shall prepare and issue a request for qualifications to not less than three potential qualified service companies.

~~[3.]~~ 2. In sending out a request for qualifications, the State Public Works Board:

(a) Shall attempt to identify at least one potential qualified service company located within this State; and

(b) May consider whether and to what extent the companies to which the request for qualifications will be sent will use local contractors.

~~[4.]~~ 3. The State Public Works Board shall ~~[use objective]~~ *adopt, by regulation*, criteria to determine those companies that satisfy the requirements of qualified service companies. The ~~[objective]~~ criteria for evaluation must include , *without limitation*, the following areas as substantive factors to assess the capability of such companies:

(a) Design;

(b) Engineering;

(c) Installation;

(d) Maintenance and repairs associated with performance contracts;

(e) Experience in conversions to different sources of energy or fuel and other services related to operating cost-savings measures provided that is done in association with a comprehensive energy, water or waste disposal cost-savings retrofit;

(f) Monitoring projects after the projects are installed;

- (g) Data collection and reporting of savings;
- (h) Overall project experience and qualifications;
- (i) Management capability;
- (j) Ability to access long-term financing;
- (k) Experience with projects of similar size and scope; and
- (l) Such other factors determined by the State Public Works Board to be relevant and appropriate to the ability of a company to perform the ~~[the project.]~~ projects.

In determining whether a company satisfies the requirements of a qualified service company, the State Public Works Board shall also consider ~~{the financial health of the company as evidenced by its financial statements and ratings and}~~ whether the company holds the appropriate licenses required for the design, engineering and construction which would be completed pursuant to a performance contract.

~~{5.}~~ 4. The State Public Works Board shall compile a list of those companies that it determines satisfy the requirements of qualified service companies. ~~{The Purchasing Division of the Department of Administration shall work directly with any using agency interested in entering into a performance contract, using the list of qualified service companies compiled by the State Public Works Board. The Purchasing Division, in conjunction with the using agency, shall ensure that each appropriate qualified service company is notified of the using agency's interest in entering into a performance contract and coordinate an opportunity for each such qualified service company to:~~

(a) ~~Perform a preliminary and comprehensive audit and assessment of all potential operating cost savings measures that might be implemented within the buildings of the using agency, including any operating cost savings measures specifically requested by the using agency; and~~

(b) ~~Submit a proposal and make a related presentation to the using agency for all such operating cost savings measures that the qualified service company determines would be practicable to implement.~~

~~6. The using agency shall:~~

(a) ~~Evaluate the proposals and presentations made pursuant to subsection 5; and~~

(b) ~~Select a qualified service company, pursuant to the provisions of this chapter and chapter 333 of NRS, and any regulations adopted pursuant thereto, for evaluating and awarding contracts.~~

~~7. A qualified service company selected by a using agency pursuant to subsection 6 shall prepare a financial grade operational audit. Except as otherwise provided in this subsection, the audit prepared by the qualified service company becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the audit shall be deemed to be part of the performance contract. If, after the audit is prepared, the using agency decides not to execute the performance contract, the using agency shall pay the qualified service company that~~

~~prepared the audit the costs incurred by the qualified service company in preparing the audit, if the Legislature has specifically appropriated money for that purpose. An appropriation by the Legislature for the purchase and installation of an operating cost savings measure creates no presumption that the using agency for which the money was appropriated is required to enter into such a contract.~~

~~8.—The using agency shall retain the professional services of a third party consultant with the requisite technical expertise to assist the using agency in reviewing the operating cost savings measures proposed by the qualified service company. The Purchasing Division of the Department of Administration may procure sufficient funding from the qualified service company, through negotiation, to pay for the third party consultant. Such a third party consultant must be certified by the Association of Energy Engineers as a “Certified Energy Manager” or hold similar credentials from a comparable nationally recognized organization. A third party consultant retained pursuant to this subsection shall work on behalf of the using agency in coordination with the qualified service company.]”~~

Amend sec. 5, page 10, by deleting lines 18 through 20 and inserting:

“333A.090 1. *Any financing related to a performance contract must be approved by the Board.*

2. A performance contract may be financed through {a} :

(a) A person other than the qualified service company.

~~{2.} (b) An installment-purchase contract or lease-purchase contract. Such an installment-purchase contract or lease-purchase contract is not subject to:~~

~~(1) The provisions of NRS 353.500 to 353.630, inclusive.~~

~~(2) Any requirement of competitive bidding or other restriction imposed on the procedure for the awarding of contracts or the procurement of goods or services.~~

3. A performance contract may be structured as:”.

Amend sec. 5, page 10, line 26, after “including” by inserting: “, without limitation,”.

Amend sec. 5, page 10, line 29, by deleting: “annually or over” and inserting: “{annually or over} :

(1) *When the work required by the performance contract is completed and 1 year after that work is completed; or*

(2) Over”.

Amend sec. 5, page 10, line 36, by deleting “3.” and inserting “4.”.

Amend sec. 5, page 10, line 41, by deleting “4.” and inserting “5.”.

Amend sec. 5, page 11, line 2, by deleting “contract.” and inserting: “contract, unless approval of the change order is more economically feasible than termination of the operating cost-savings measure.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 28 and adding new sections designated sections 26 and 27, following sec. 5, to read as follows:

“Sec. 26. NRS 333A.100 is hereby amended to read as follows:

333A.100 1. Notwithstanding any provision of NRS 333A.010 to 333A.150, inclusive, *and sections 8 to 22, inclusive, of this act* to the contrary, a performance contract entered into pursuant to NRS 333A.010 to 333A.150, inclusive, *and sections 8 to 22, inclusive, of this act* does not create a debt for the purposes of Section 3 of Article 9 of the Nevada Constitution.

2. Except as otherwise provided in this section, the term of a performance contract may extend beyond the biennium in which the contract is executed, provided that the performance contract contains a provision which states that all obligations of the State under the performance contract are extinguished at the end of any fiscal year if the Legislature fails to provide an appropriation to the using agency for the ensuing fiscal year for payments to be made under the performance contract. If the Legislature fails to appropriate money to a using agency for a performance contract, there is no remedy against the State, except that if a security interest in any property was created pursuant to the performance contract, the holder of such a security interest may enforce the security interest against that property. ~~{The}~~ *Except as otherwise provided in section 20 of this act, the term of a performance contract must not exceed 15 years* ~~{-} after the date on which the work required by the performance contract is completed.~~

3. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

Sec. 27. NRS 333A.130 is hereby amended to read as follows:

333A.130 1. During the term of a performance contract, the qualified service company shall monitor the reductions in energy or water consumption and other operating cost savings attributable to the operating cost-savings measure purchased or installed under the performance contract, and shall ~~{, at least once a year or at such other intervals specified in the performance contract,}~~ prepare and provide a report to the using agency documenting the performance of the operating cost-savings measures ~~{-}~~ :

(a) *At the time that the work required by the performance contract is completed and 1 year after that work is completed; or*

(b) *At such other intervals as specified in the performance contract.*

2. A qualified service company and the using agency may agree to make modifications in the calculation of savings based on:

(a) Subsequent material changes to the baseline consumption of energy or water identified at the beginning of the term of the performance contract.

(b) A change in utility rates.

(c) A change in the number of days in the billing cycle of a utility.

(d) A change in the total square footage of the building.

(e) A change in the operational schedule, and any corresponding change in the occupancy and indoor temperature, of the building.

(f) A material change in the weather.

(g) A material change in the amount of equipment or lighting used at the building.

(h) Any other change which reasonably would be expected to modify the use of energy or the cost of energy.”.

Amend sec. 6, page 11, line 4, by deleting: “3 and 4” and inserting: “5 and 6”.

Amend the title of the bill to read as follows:

“AN ACT relating to public contracts; clarifying the applicability of prevailing wage requirements; revising the types of projects of the University and Community College System of Nevada that constitute public works; providing that certain documents furnished to a public body may be transmitted and stored electronically; requiring that annual energy savings resulting from energy retrofit projects meet or exceed the total annual contract payments; revising requirements relating to performance contracts for operating cost-savings measures in buildings occupied by state agencies; providing requirements for such performance contracts that are financed as installment-purchase contracts or lease-purchase contracts; authorizing the issuance of refunding obligations relating to performance contracts; requiring that annual operating cost savings resulting from performance contracts meet or exceed the total annual contract payments; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to certain public contracts. (BDR 28-1032)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 325.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1032.

Amend sec. 39, page 12, line 1, by deleting “5” and inserting “10”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 396.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 1001.

Amend section 1, page 2, line 1, after “2.” by inserting: “*The State Environmental Commission shall adopt regulations:*”

(a) *Establishing standards for the construction of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average; and*

(b) *Requiring the installation of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average.*

3.”

Amend section 1, page 2, lines 10 and 11, by deleting: “~~State-}~~ solid waste. 3.” and inserting: “~~State-~~

~~3-}~~ solid waste.

4.”

Amend section 1, page 2, line 14, by deleting “4.” and inserting “[~~4-~~ 5.”.

Amend the title of the bill, first line, to read as follows:

“AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations concerning the construction and installation of liner and leachate collection systems for certain solid waste disposal sites; revising the scope of activity for certain”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 235.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 997.

Amend sec. 2, page 2, line 24, by deleting “*property owners*” and inserting: “*qualified electors who reside*”.

Amend sec. 3, page 2, by deleting lines 30 through 36 and inserting:

“Sec. 3. 1. *On or before the date fixed for the hearing on the dissolution of a hospital district, any qualified elector who resides within the hospital district may protest against the dissolution of the hospital district by filing a written protest with the county clerk of the county in which he resides.*”.

Amend sec. 3, page 2, lines 39 and 44, by deleting: “*owners of property*” and inserting: “*qualified electors who reside*”.

Amend sec. 3, page 3, line 7, by deleting: “*owners of property*” and inserting: “*qualified electors who reside*”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

SECOND READING AND AMENDMENT

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 931.

Amend the bill as a whole by deleting sections 1 and 2 and adding:

“Secs. 1 and 2. (Deleted by amendment.)”.

Amend sec. 3, page 2, by deleting line 21 and inserting:

“Sec. 3. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

“*Provisional ballot*” means a ballot voted by a person”.

Amend the bill as a whole by deleting sections 4 through 6 and adding:

“Secs. 4-6. (Deleted by amendment.)”.

Amend sec. 7, page 4, line 36, by deleting: “sections 2 and” and inserting “section”.

Amend the bill as a whole by deleting section 13 and adding:

“Sec. 13. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:

“Sec. 18.5. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

2. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests ~~{ }~~, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) *The procedures to be used for the testing, use and auditing of a mechanical voting system that directly records the votes electronically and that creates a paper record when a voter casts a ballot on the system;*

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

~~{(p)}~~ (p) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~{(q)}~~ (q) Such other matters as determined necessary by the Secretary of State.

3. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

4. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State."

Amend the bill as a whole by deleting sec. 25 and adding:

"Sec. 25. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 27 and adding:

"Sec. 27. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 30 through 37 and adding:

"Secs. 30-37. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 47 and adding:

"Sec. 47. (Deleted by amendment.)".

Amend sec. 57, page 31, line 34, by deleting: "to the state or" and inserting:

"both to the state ~~{or}~~ central committee of any major political party and to the".

Amend sec. 57, page 31, line 35, by deleting "or" and inserting: "~~{or}~~ , and".

Amend sec. 57, page 32, by deleting line 10 and inserting: "State, record for ~~that~~ both the state central committee and the county central committee ~~for~~ of the major political party, if requested, and for the".

Amend sec. 57, page 32, line 11, after "committee" by inserting: "*of the minor political party, if requested,*".

Amend the bill as a whole by deleting sec. 63 and adding:

"Sec. 63. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 73 and adding:

"Sec. 73. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 77 and adding:

"Sec. 77. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 79 and adding:

"Sec. 79. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 82 through 85 and adding:

"Secs. 82–85. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 88 and adding:

"Sec. 88. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 96 and adding:

"Sec. 96. (Deleted by amendment.)".

Amend sec. 122, page 88, by deleting line 24 and inserting:

"Sec. 122. NRS 293.075, 293.12756, 293.233, 293.245, 293.293".

Amend sec. 122, page 88, line 26, by deleting "293C.265,".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 293.272 and 293C.265 and adding the leadline of NRS 293.12756.

Amend the title of the bill by deleting the seventh through seventeenth lines and inserting "making various".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

The following amendment was proposed by Assemblyman Perkins:

Amendment No. 1002.

Amend the bill as a whole by adding a new section designated sec. 110.5, following sec. 110, to read as follows:

"Sec. 110.5. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is unlawful for a person who is elected to any county, city or township office or other office of a political subdivision of this State to solicit or accept any monetary contribution, or to solicit or accept a commitment to make such a contribution, for any political purpose during the period beginning 45 days after the person has been issued a certificate of election to the public office and ending 180 days before the last day to file as a candidate for that office at the next preceding election for that office pursuant to the provisions of NRS 293.177 or 293C.185.*

2. *This section does not prohibit the payment of a salary or other compensation or income to a person who is elected to a public office if it is*

made for services provided as a part of his regular employment or is additional income to which he is entitled.”.

Amend the bill as a whole by adding new sections designated sections 119.2 through 119.8, following sec. 119, to read as follows:

“Sec. 119.2. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney’s fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter. Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

4. *A public body or person who violates the provisions of this chapter two or more times within 5 years is liable, in addition to any other penalty or remedy that may be provided by law, for a civil penalty of:*

(a) Not more than \$5,000 for the second offense; and

(b) Not more than \$10,000 for each subsequent offense committed within that 5-year period,

which penalty may be recovered by civil action on complaint of the Attorney General. All money collected as civil penalties pursuant to this subsection must be deposited in the State General Fund.

Sec. 119.4. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. The Attorney General shall ~~investigate~~ :

(a) *Investigate* and prosecute any violation of this chapter ~~[-]~~ ; and

(b) *Report to the Commission on Ethics each member of a public body that is convicted of a violation of subsection 1.*

Sec. 119.6. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established

a policy allowing the use or the use is necessary as a result of emergency circumstances;

- (2) The use does not interfere with the performance of his public duties;
- (3) The cost or value related to the use is nominal; and
- (4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

11. *A public officer or employee who is a member of a public body shall not attend a meeting of that public body where action is taken in violation of any provision of chapter 241 of NRS if the public officer or employee knows or should have known that the meeting is in violation thereof.*

Sec. 119.8. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed ~~[\$5,000]~~ \$10,000 for a first willful violation of this chapter;

(b) Not to exceed ~~[\$10,000]~~ \$15,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed ~~[\$25,000]~~ \$30,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.

5. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee:

(a) Relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the

public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) Was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) Took action that was not contrary to a prior published opinion issued by the Commission.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to government; eliminating various obsolete provisions governing elections; providing for when a candidate for the office”.

Amend the title of the bill, twenty-fourth line, after “expenditures;” by inserting: “prohibiting certain public officers from soliciting or accepting monetary contributions for any political purposes during certain times; providing civil penalties for repeated violations of the Open Meeting Law; making attendance by a member of a public body at a meeting of the public body that violates the Open Meeting Law an ethics violation in certain circumstances; increasing the civil penalties for willful violations of the ethics provisions;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to public office. (BDR 24-311)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 500.

Bill read third time.

The following amendment was proposed by Assemblyman Hardy:

Amendment No. 813.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 15 as sections 7 through 14.

Amend sec. 8, page 8, line 2, by deleting “[293.558,]” and inserting: “293.558 ~~and~~”.

Amend sec. 13, page 10, line 4, by deleting “[293.558,]” and inserting: “293.558 ~~and~~”.

Amend the bill as a whole by deleting sec. 16 and renumbering sections 17 through 45 as sections 15 through 43.

Amend sec. 17, page 12, line 32, by deleting: “18, 19 and 20” and inserting: “16, 17 and 18”.

Amend sec. 22, page 16, line 16, by deleting “[293.558,]” and inserting: “293.558 ~~and~~”.

Amend sec. 23, page 16, line 39, by deleting “19” and inserting “17”.

Amend sec. 24, page 17, line 5, by deleting “19” and inserting “17”.

Amend sec. 25, page 17, line 19, by deleting: “26, 27 and 28” and inserting: “24, 25 and 26”.

Amend sec. 28, page 18, by deleting lines 9 through 22 and inserting:

“Sec. 26. 1. *In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.200 and 294A.360, if a natural person who is elected to any public office accepts a monetary contribution for any political purpose during the period beginning 45 days after the person has been issued a certificate of election to the public office and ending 180 days before the last day to file as a candidate for that office at the next preceding election for that office pursuant to the provisions of NRS 293.177 or 293C.185, the person shall, for the month after the month in which he received the contribution, report in the form of a list each of the contributions that he received during that month.*

2. *The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.*

3. *The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and for contributions that a contributor has made cumulatively in excess of that amount.*

4. *The report must be filed:*

(a) *With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by*

regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before the 15th day of the month immediately after the month for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”

Amend sec. 29, page 18, line 26, by deleting “26” and inserting “24”.

Amend sec. 33, page 23, line 42, by deleting “27” and inserting “25”.

Amend sec. 33, page 24, line 7, by deleting “27” and inserting “25”.

Amend sec. 34, page 24, lines 13, 29 and 45, by deleting “27” and inserting “25”.

Amend sec. 35, page 25, lines 28 and 31, by deleting “27” and inserting “25”.

Amend sec. 36, page 26, line 7, by deleting “27” and inserting “25”.

Amend sec. 37, page 26, line 26, by deleting “27” and inserting: “25 or 26”.

Amend sec. 37, page 26, line 32, by deleting “27” and inserting: “25 or 26”.

Amend sec. 38, page 26, line 42, by deleting “27” and inserting “25”.

Amend sec. 39, page 27, lines 32 and 41, by deleting “27” and inserting “25”.

Amend sec. 41, page 29, line 41, by deleting: “42 and 43” and inserting: “40 and 41”.

Amend sec. 43, page 30, by deleting lines 16 through 23.

Amend sec. 44, page 31, lines 21 and 22, by deleting: “42 and 43” and inserting: “40 and 41”.

Amend sec. 45, page 31, line 26, by deleting: “42 and 43” and inserting: “40 and 41”.

Amend sec. 45, page 31, line 28, by deleting “42” and inserting “40”.

Amend the bill as a whole by deleting sections 46 and 47 and renumbering sections 48 through 61 as sections 44 through 57.

Amend sec. 49, page 36, line 14, by deleting “43” and inserting “41”.

Amend sec. 51, page 37, lines 6, 14, 24, 29, 33, 37 and 40, by deleting “43” and inserting “41”.

Amend sec. 52, page 38, line 18, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 53, page 38, line 32, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 54, page 39, line 2, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 55, page 39, line 18, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 56, page 39, line 32, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 57, page 40, line 2, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 58, page 40, line 16, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 59, page 40, line 32, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend sec. 60, page 41, line 1, by deleting “[293.558,]” and inserting: “293.558 [and]”.

Amend the bill as a whole by deleting sec. 62 and renumbering sec. 63 as sec. 58.

Amend sec. 63, page 41, line 18, by deleting “61” and inserting “57”.

Amend sec. 63, page 41, by deleting lines 20 through 22 and inserting:

“2. Sections 1, 2, 3, 6 to 17, inclusive, and 19 to 56, inclusive, of this act become effective on October 1, 2005.

3. Sections 4, 5 and 18 of this act become effective on”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Assemblymen Buckley, Anderson, and Leslie requested a Roll Call vote on Amendment No. 813 to Assembly Bill No. 500.

Roll call on Amendment No. 813 to Assembly Bill No. 500:

YEAS—15.

NAYS—Anderson, Arberry, Atkinson, Buckley, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Manendo, McClain, McCleary, Munford, Ocegueda, Ohrenschaal, Parks, Parnell, Perkins, Pierce, Sibley, Smith—26.

EXCUSED—Christensen.

Amendment lost.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 937.

Amend the bill as a whole by deleting sec. 7 and adding:

“Sec. 7. (Deleted by amendment).”.

Amend sec. 28, page 18, by deleting lines 9 through 11 and inserting:

“Sec. 28. 1. *It is unlawful for a person who is elected to any county, city or township office or other office of a political subdivision of this State to solicit or accept any monetary contribution, or to solicit*”.

Amend sec. 41, page 29, line 41, by deleting: “42 and 43” and inserting: “42, 43 and 43.5”.

Amend sec. 43, page 30, by deleting lines 16 through 23.

Amend the bill as a whole by adding a new section designated sec. 43.5, following sec. 43, to read as follows:

“Sec. 43.5. In addition to the statements of financial disclosure required pursuant to NRS 281.561, each public officer who was elected to the office of a city or county shall file a statement of financial disclosure not later than 30 days after the public officer has a new source of income required to be reported pursuant to paragraph (b) of subsection 1 of NRS 281.571.”.

Amend sec. 44, page 31, lines 21 and 22, by deleting: “42 and 43” and inserting: “42, 43 and 43.5”.

Amend sec. 45, page 31, line 26, by deleting: “42 and 43” and inserting: “42, 43 and 43.5”.

Amend the bill as a whole by deleting sections 46 and 47 and adding:

“Secs. 46 and 47. (Deleted by amendment.)”.

Amend sec. 49, page 36, line 14, by deleting “section 43” and inserting: “sections 43 and 43.5”.

Amend sec. 51, page 37, lines 6 and 14, after “43” by inserting “or 43.5”.

Amend sec. 51, page 37, lines 24, 29, 33, 37 and 40, after “43” by inserting: “or section 43.5”.

Amend the bill as a whole by deleting sec. 62 and adding:

“Sec. 62. (Deleted by amendment.)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 347.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1031.

Amend sec. 24, page 13, line 17, by deleting “§1681a,” and inserting “§1681a(p),”.

Amend sec. 29, page 14, by deleting lines 9 and 10 and inserting: “security of electronic transmission.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 64.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1020.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 111.1031 is hereby amended to read as follows:

111.1031 1. A nonvested property interest is invalid unless:

(a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of a natural person then alive; or

(b) The interest either vests or terminates within ~~{150}~~ 365 years after its creation.

2. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(a) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of a natural person then alive; or

(b) The condition precedent either is satisfied or becomes impossible to satisfy within ~~{150}~~ 365 years after its creation.

3. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(a) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of a natural person then alive; or

(b) The power is irrevocably exercised or otherwise terminates within ~~{150}~~ 365 years after its creation.

4. In determining whether a nonvested property interest or a power of appointment is valid under paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, the possibility that a child will be born to a person after his or her death is disregarded.

5. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument seeks to disallow the vesting or termination of any interest or trust beyond, seeks to postpone the vesting or termination of any interest or trust until, or seeks to operate in effect in any similar fashion upon, the later of:

(a) The expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement; or

(b) The expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement,

that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

Sec. 2. NRS 111.1035 is hereby amended to read as follows:

111.1035 Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the ~~{150}~~ 365 years allowed by paragraph (b) of subsection 1, paragraph (b) of subsection 2 or paragraph (b) of subsection 3 of NRS 111.1031 if:

1. A nonvested property interest or a power of appointment becomes invalid under NRS 111.1031;

2. A class gift is not but might become invalid under NRS 111.1031 and the time has arrived when the share of any class member is to take effect in possession or enjoyment; or

3. A nonvested property interest that is not validated by paragraph (a) of subsection 1 of NRS 111.1031 can vest but not within ~~[150]~~ 365 years after its creation.”.

Amend sec. 5, page 7, by deleting line 13 and inserting:

“Sec. 5. 1. This section and sections 3 to 6, inclusive, of this act become effective on July 1, 2005.

2. Sections 1 and 2 of this act become effective at 12:01 a.m. on October 1, 2005.”.

Amend the title of the bill, eleventh line, after “grantor;” by inserting: “extending the time within which a nonvested property interest must vest or terminate;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning conveyances of property. (BDR 10-539)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 1:09 p.m.

ASSEMBLY IN SESSION

At 1:11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 175, 411, and 499 be taken from the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 968.

Amend sec. 2, page 2, by deleting lines 4 through 6 and inserting: “Nevada Adult Mental Health Services the sum of \$7,050,938.”.

Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting:

“4. Any remaining balance of the appropriation made by subsection 1 must not be committed”.

Amend sec. 8, page 4, by deleting line 22 and inserting:

“Sec. 8. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1 and 3 to 7, inclusive, of this act become effective on July 1, 2005.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 411.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 996.

Amend section 1, page 1, line 3, by deleting “*shall*” and inserting: “*shall, in consultation with the State Board,*”.

Amend section 1, page 1, line 6, by deleting “*new*”.

Amend section 1, page 1, line 7, after “2007.” by inserting: “*To the extent feasible, the Department of Public Safety and the State Board shall prescribe the three point restraint system as the appropriate safety restraint.*”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 6 as sections 3 through 5.

Amend sec. 4, page 5, line 12, by deleting “1,” and inserting: “*1 and within the amount of money appropriated for this purpose,*”.

Amend sec. 4, page 5, line 13, by deleting “*new*”.

Amend sec. 4, page 5, line 19, by deleting “*new*”.

Amend sec. 5, page 6, lines 24 and 31, by deleting “*new*”.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 6, to read as follows:

“Sec. 6. On or before September 1, 2006, the State Board of Education shall compile information from each school district that provides an estimate of the financial costs for each school district to comply with the provisions of this act. The compilation must be included in the biennial budgetary request prepared by the Department of Education.”.

Amend sec. 7, page 8, line 27, by deleting “*shall*” and inserting: “*shall, in consultation with the State Board of Education,*”.

Amend sec. 7, page 8, line 30, by deleting “section 7” and inserting: “sections 6 and 7”.

Amend sec. 7, page 8, line 35, by deleting “6,” and inserting “5,”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “used for the transportation of pupils; requiring under certain

circumstances that school buses which are purchased on or after July 1, 2007, to”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 499.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 965.

Amend the bill as a whole by deleting sections 10 through 16 and renumbering sections 17 and 18 as sections 10 and 11.

Amend the bill as a whole by deleting sec. 19 and renumbering sections 20 and 21 as sections 12 and 13.

Amend the bill as a whole by deleting sections 22 through 28 and renumbering sections 29 and 30 as sections 14 and 15.

Amend sec. 30, page 21, line 1, by deleting “10” and inserting “10,”.

Amend sec. 30, page 21, by deleting line 2 and inserting: “11, 12 and 14 of this act become effective”.

Amend sec. 30, page 21, line 4, by deleting “20” and inserting “12”.

Amend sec. 30, page 21, line 6, by deleting “21” and inserting “13”.

Amend the title of the bill by deleting the sixth through tenth lines and inserting: “revising the provisions relating to powers of a chairman of an election board; providing that a district”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 209:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 413:

YEAS—40.

NAYS—None.

NOT VOTING—Angle.

EXCUSED—Christensen.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 18, 20, 28, 44, 46, 52, 67, 80, 82, 110, 115, 118, 153, 181, 194, 212, 238, 252, 256, 280, 281, 282, 302, 338, 346, 358, 365, and 422 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 17 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 1:25 p.m.

ASSEMBLY IN SESSION

At 1:33 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 29.

Bill read third time.

Roll call on Senate Bill No. 29:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Roll call on Senate Bill No. 83:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 122.

Bill read third time.

Remarks by Assemblymen Parks, Anderson, Arberry, Atkinson, Carpenter, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Holcomb, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Ohrenschall, and Parnell.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Assemblymen Parks, Anderson, Arberry, Atkinson, Carpenter, Denis, Gerhardt, Giunchigliani, Goicoechea, Grady, Holcomb, Koivisto, Leslie, Manendo, McClain, Munford, Ocegüera, Ohrenschall, Parnell, and Mr. Speaker.

Roll call on Senate Bill No. 122:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 125 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared by Mr. Speaker.

Roll call on Senate Bill No. 150:

YEAS—40.

NAYS—McCleary.

EXCUSED—Christensen.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblywomen Giunchigliani and Angle.

Roll call on Senate Bill No. 163:

YEAS—25.

NAYS—Allen, Angle, Carpenter, Denis, Gansert, Goicoechea, Grady, Hardy, Holcomb, Mabey, Marvel, McCleary, Seale, Sherer, Sibley, Weber—16.

EXCUSED—Christensen.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 170:

YEAS—39.

NAYS—Anderson, Angle—2.

EXCUSED—Christensen.

Senate Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Bill No. 263:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 287.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 287:

YEAS—42.

NAYS—None.

Senate Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 290.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 880.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section; and

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than ~~{25}~~ 30 separate designs of special license plates.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.”.

Amend sec. 4, page 5, line 3, by deleting: “1 and 2” and inserting: “1, 2 and 3”.

Amend sec. 4, page 5, line 5, by deleting “3” and inserting “4”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “increasing the number of designs allowed for special license plates;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning issuance of special license plates. (BDR 43-223)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblymen Parks and Ocegüera.

Amendment lost.

Roll call on Senate Bill No. 290:

YEAS—41.

NAYS—Giunchigliani.

Senate Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:

YEAS—42.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 321.

Bill read third time.

Roll call on Senate Bill No. 321:

YEAS—42.

NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 326.

Bill read third time.

Roll call on Senate Bill No. 326:

YEAS—40.

NAYS—Leslie, Pierce—2.

Senate Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 222 and 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 222 and 376 just reported out of committee, be placed at the top of the General File for the current legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 222.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1018.

Amend sec. 3, page 3, line 23, after “sections.” by inserting: “*The Legislative Counsel Bureau may accept gifts, grants and other sources of money to provide financial assistance in expanding the number of school districts selected for reviews pursuant to sections 2 to 11, inclusive, of this act.*”.

Amend sec. 6, page 6, lines 28 and 29, by deleting “*a program*” and inserting: “*the plan for funding the rebuilding of older schools and the programs*”.

Amend sec. 6, page 6, line 40, by deleting “*public;*” and inserting: “*public, including, without limitation, surveys of the residents of the community;*”.

Amend the bill as a whole by deleting sec. 12 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. 1. There is hereby appropriated from the State General Fund to the Legislative Counsel Bureau the sum of \$300,000 for reviews of certain school districts in accordance with sections 2 to 11, inclusive, of this act.

2. Notwithstanding the provisions of section 4 of this act to the contrary, the Legislative Auditor shall issue a request for proposals for reviews of school districts selected by the Legislative Auditor after consultation with the Legislative Commission.

3. Each school district selected by the Legislative Auditor, in consultation with the Legislative Commission, pursuant to subsection 2 must undergo a review in accordance with sections 2 to 11, inclusive, of this act during the 2005–2006 interim.

4. After the initial reviews, the provisions of section 4 of this act regarding the selection of school districts for review apply.

5. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend the title of the bill, page 2, sixth line, after “circumstances;” by inserting: “making an appropriation;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 987.

Amend section 1, pages 2 and 3, by deleting lines 3 through 6 on page 2 and lines 1 through 4 on page 3, and inserting:

“1. The Patriot Relief Account is hereby created as a special account in the State General Fund.

2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the money in the Patriot Relief Account, after deducting any applicable charges, must be credited to the Account. All claims against the Patriot Relief Account must be”.

Amend section 1, page 3, line 7, by deleting “Fund.” and inserting “Account.”.

Amend section 1, page 3, lines 8 and 22, by deleting “Fund” and inserting “Account”.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 11 as sections 2 through 10.

Amend sec. 4, page 4, line 16, by deleting: “5 and 6” and inserting: “4 and 5”.

Amend sec. 5, page 4, by deleting lines 22 through 26 and inserting:

“1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5).”.

Amend sec. 6, page 4, lines 34, 39 and 43, by deleting “5” and inserting “4”.

Amend sec. 7, page 5, line 8, by deleting: “8 and 9” and inserting: “7 and 8”.

Amend sec. 8, page 5, by deleting lines 14 through 18 and inserting:

“1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5).”.

Amend sec. 9, page 5, lines 26, 31 and 35, by deleting “8” and inserting “7”.

Amend sec. 10, page 6, by deleting lines 2 and 3 and inserting: “Fund to the Patriot Relief Account created pursuant to section 1 of this act.”.

Amend sec. 10, page 6, lines 4 and 5, by deleting “\$2,500,000” and inserting “\$500,000”.

Amend the title of the bill by deleting the second through ninth lines and inserting: “Relief Account to provide reimbursements to certain members of the Nevada National Guard for the cost of premiums paid for coverage under certain policies of group life insurance and certain textbooks and to provide certain other monetary relief; providing for additional pay for state officers and”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 328 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 335.

Bill read third time.

Roll call on Senate Bill No. 335:

YEAS—41.

NAYS—Angle.

Senate Bill No. 335 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Roll call on Senate Bill No. 368:

YEAS—42.

NAYS—None.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Roll call on Senate Bill No. 384:

YEAS—42.

NAYS—None.

Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 389:

YEAS—41.

NAYS—McCleary.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Roll call on Senate Bill No. 398:

YEAS—42.

NAYS—None.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—42.

NAYS—None.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 410:

YEAS—42.

NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved to rescind the action whereby Senate Bill No. 338 was taken from General File and placed on General File for the next Legislative Day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblymen Buckley, Seale, Hettrick, Allen, Christensen, Conklin, Gansert, Giunchigliani, Goicoechea, Mabey, Ocegüera, and Sibley.

Potential conflict of interest declared by Assemblymen Hettrick, Allen, Christensen, Conklin, Gansert, Giunchigliani, Goicoechea, Mabey, Ocegüera, and Sibley.

Roll call on Senate Bill No. 338:

YEAS—30.

NAYS—Angle, Christensen, Gansert, Goicoechea, Hardy, Hettrick, Holcomb, Kirkpatrick, Marvel, Seale, Sherer, Weber—12.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Roll call on Senate Bill No. 411:

YEAS—42.

NAYS—None.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Roll call on Senate Bill No. 415:

YEAS—41.

NAYS—Carpenter.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

Roll call on Senate Bill No. 421:

YEAS—42.

NAYS—None.

Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Roll call on Senate Bill No. 432:

YEAS—42.

NAYS—None.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 445:

YEAS—28.

NAYS—Allen, Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Weber—14.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—42.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Roll call on Senate Bill No. 452:

YEAS—42.

NAYS—None.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblymen Sibley and Anderson.

Roll call on Senate Bill No. 453:

YEAS—42.

NAYS—None.

Senate Bill No. 453 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Roll call on Senate Bill No. 460:

YEAS—42.

NAYS—None.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 466 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 481.

Bill read third time.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Roll call on Senate Bill No. 488:

YEAS—41.

NAYS—Pierce.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 489.

Bill read third time.

Roll call on Senate Bill No. 489:

YEAS—42.

NAYS—None.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 801.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 2 through 12 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 125.480 is hereby amended to read as follows:

125.480 1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. ~~[If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.]~~

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly ~~[pursuant to NRS 125.490 or to either parent.]~~, if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the child.

(b) To both parents jointly, or to either parent, according to the best interest of the child, based upon the best judgment of the court considering the facts of the case and subject to such conditions and limitations as the court deems equitable. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. ~~[When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.]~~

~~(b)~~ (c) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

~~(c)~~ (d) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

~~(d)~~ (e) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider ~~{}~~ and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody. ~~{}~~

(b) Any nomination by a parent or a guardian for the child. ~~{; and}~~

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) The ability of each parent to prioritize the needs of the child.

(l) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the

perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this section, "domestic violence" means the commission of any act described in NRS 33.018."

Amend section 1, page 2, line 2, by deleting: "2 to 7," and inserting: "3 to 8,".

Amend sec. 3, page 3, lines 13 and 32, by deleting "2" and inserting "3".

Amend sec. 4, page 4, line 6, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 16, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 22, by deleting "6" and inserting "7".

Amend sec. 5, page 4, line 26, by deleting "section 2" and inserting "section 3".

Amend sec. 5, page 4, line 28, by deleting "2" and inserting "3".

Amend sec. 5, page 4, line 30, by deleting "6" and inserting "7".

Amend sec. 5, page 4, line 34, by deleting "section 2" and inserting "section 3".

Amend sec. 5, page 4, line 38, by deleting "7" and inserting "8".

Amend sec. 6, page 4, line 41, by deleting "2" and inserting "3".

Amend sec. 6, page 5, line 1, by deleting "11" and inserting "12".

Amend sec. 7, page 5, line 8, by deleting "2" and inserting "3".

Amend sec. 8, page 5, line 36, by deleting: "2 to 7," and inserting: "3 to 8,".

Amend sec. 9, page 6, line 12, by deleting: “5 or 7” and inserting: “6 or 8”.

Amend sec. 9, page 6, line 17, by deleting “5” and inserting “6”.

Amend sec. 9, page 6, line 19, by deleting “11” and inserting “12”.

Amend sec. 10, page 6, lines 30 and 31, by deleting: “2 to 7,” and inserting: “3 to 8,”.

Amend sec. 11, page 6, line 41, by deleting “2” and inserting “3”.

Amend sec. 11, page 6, line 43, by deleting “4” and inserting “5”.

Amend sec. 11, page 7, line 3, by deleting “4” and inserting “5”.

Amend the bill as a whole by adding a new section designated sec. 13 and the text of the repealed section, following sec. 11, to read as follows:

“Sec. 13. NRS 125.490 is hereby repealed.

TEXT OF REPEALED SECTION

125.490 Joint Custody.

1. There is a presumption, affecting the burden of proof, that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.

2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.

3. For assistance in making a determination whether an award of joint custody is appropriate, the court may direct that an investigation be conducted.”.

Amend the title of the bill, first line, by deleting “adoption;” and inserting: “domestic relations; revising the provisions relating to the determination of custody of a minor after the parents’ separation or dissolution of marriage;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions relating to domestic relations. (BDR 11-457)”.

Assemblyman Anderson moved that the Assembly not concur in the Senate amendment to Assembly Bill No. 51.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 708.

Amend section 1, page 2, by deleting lines 6 and 7 and inserting: “*misdeemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.*”

3. *In addition to any criminal penalty imposed pursuant to subsection 2, a person who violates the provisions of this section is subject to a civil*

penalty in an amount not to exceed \$5,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

4. *For the purposes of this section, a degree or honorary”.*

Amend section 1, page 2, line 27, by deleting “4.” and inserting “5.”.

Amend sec. 3, page 3, by deleting lines 35 and 36 and inserting: *“misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.*

3. *In addition to any criminal penalty imposed pursuant to subsection 2, a person who violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.*

4. *For the purposes of this section, a degree or honorary”.*

Amend sec. 3, page 4, line 7, by deleting “4.” and inserting “5.”.

Amend sec. 4, page 4, line 13, by deleting “file” and inserting “[file] files”.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 395.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 501.

The following Senate amendment was read:

Amendment No. 706.

Amend sec. 9, page 9, line 8, after “\$50,000.” by inserting: *“The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this subsection. The standards must include, without limitation, provisions requiring the Board to consider:*

(a) *The gravity of the violation;*

(b) *The good faith of the licensee; and*

(c) *Any history of previous violations of the provisions of this chapter committed by the licensee.”.*

Amend sec. 9, page 9, by deleting lines 30 through 32 and inserting: *“NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest*

must be collected from the date of the order until the date the administrative fine is paid.”.

Amend sec. 12, page 11, by deleting line 21 and inserting:

“2. ~~[A-]~~ The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section . ~~[is]~~ The standards must include, without limitation, provisions requiring the Board to consider:

- (a) The gravity of the violation;
- (b) The good faith of the licensee; and
- (c) Any history of previous violations of the provisions of this chapter committed by the licensee.

3. An administrative fine imposed pursuant to this section is in”.

Amend sec. 12, page 11, line 23, by deleting “3.” and inserting “~~[3-]~~ 4.”.

Amend sec. 12, page 11, line 26, by deleting “4.” and inserting “~~[4-]~~ 5.”.

Amend the title of the bill, tenth line, after “violations;” by inserting: “requiring the Board to establish standards for use by the Board in determining the amount of certain administrative fines;”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 501.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 790.

Amend section 1, page 2, by deleting lines 23 and 24 and inserting: “Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous”.

Amend the title of the bill, fourth line, after “State;” by inserting: “authorizing the expenditure of certain annual deposits in the Account;”.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 15.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Ocegüera moved that the Assembly recess until 5:45 p.m.

Motion carried.

Assembly in recess at 2:45 p.m.

ASSEMBLY IN SESSION

At 5:57 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 262, 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 356, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 32, 214, 262, 267, 356, 394, 458, 467, 477, and 479 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 930.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. The provisions of section 1 of this act apply prospectively and do not affect, impair or eliminate any existing obligation of the Board of Regents to pay refunds to students who were charged tuition but who were bona fide residents of the State of Nevada for at least 6 months before matriculation between 1995 and spring of 2004 that was established by the Board of Regents at its meeting which was held on March 18–19, 2004.

Sec. 4. Notwithstanding any provision of section 1 of this act to the contrary, each student who is a resident of the State of Nevada for at least 6 months but less than 12 months before the first day of instruction for the fall semester of 2005 at the applicable institution within the Nevada System of Higher Education shall be deemed a “bona fide resident” for purposes of that section.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1022.

Amend sec. 17, page 19, by deleting lines 36 and 37 and inserting: “*involvement accords to be used by all public schools in this State. The*”.

Amend sec. 17, page 19, line 38, after “*educational*” by inserting “*involvement*”.

Amend sec. 17, page 20, by deleting lines 35 through 41 and inserting:

“3. *Each educational involvement accord must be accompanied by, without limitation:*

(a) *Information describing how the parent or legal guardian may contact the pupil’s teacher and the principal of the school in which the pupil is enrolled;*

(b) *The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;*

(c) *The homework and grading policies of the pupil’s teacher or school;*

(d) *Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;*

(e) *Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;*

(f) *The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;*

(g) *The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;*

(h) *The classroom rules and policies;*

(i) *The dress code of the school, if any;*

(j) *The availability of assistance to parents who have limited proficiency in the English language;*

(k) *Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;*

(l) *Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and*

(m) *The code of honor relating to cheating prescribed pursuant to section 17.5 of this act.*

4. *The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:*

(a) *Distribute the educational involvement accord to the parent or legal guardian of each pupil in his class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and*

(b) *Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord."*

Amend sec. 17, page 20, line 42, by deleting "4." and inserting "5."

Amend sec. 17, pages 20 and 21, by deleting line 45 on page 20 and line 1 on page 21 and inserting: "*involvement accord of each public school in the school district. The board of trustees of a*".

Amend sec. 17, page 21, line 6, by deleting "5." and inserting "6."

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5. 1. *The Department shall prescribe by regulation a written policy that establishes a code of honor for pupils relating to cheating on examinations and course work. The policy must be developed in consultation with the boards of trustees of school districts, the governing bodies of charter schools, educational personnel employed by school districts and charter schools, and local associations and organizations of parents whose children are enrolled in public schools throughout this State.*

2. *The policy must include, without limitation, a definition of cheating that clearly and concisely informs pupils which acts constitute cheating for purposes of the code of honor.*

3. *On or before July 1 of each year, the Department shall:*

(a) *Provide a copy of the code of honor to the board of trustees of each school district and the governing body of each charter school.*

(b) *Review and amend the code of honor as necessary.*

4. *Copies of the code of honor must be made available for inspection at each public school located within a school district, including, without limitation, each charter school, in an area on the grounds of the school that is open to the public.”.*

Amend the title of the bill by deleting the fifth through eighth lines and inserting: “accountability; requiring the Department of Education to prescribe an educational involvement accord for use in all public schools; requiring the Department of Education to prescribe a code of honor relating to cheating; and providing other matters properly relating”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 907.

Amend section 1, page 1, line 8, by deleting: “*is located along*” and inserting “*adjoins*”.

Amend section 1, page 1, line 11, after “*Transportation*” by inserting: “*pursuant to chapter 410 of NRS*”.

Amend section 1, page 2, line 2, after “*Transportation*” by inserting: “*pursuant to chapter 410 of NRS*”.

Amend section 1, page 2, line 6, after “*structure*” by inserting: “*pursuant to the applicable local ordinances in existence at that time*”.

Amend section 1, page 2, line 17, after “*Transportation*” by inserting: “*pursuant to chapter 410 of NRS*”.

Amend sec. 3, page 3, line 22, by deleting: “*is located along*” and inserting “*adjoins*”.

Amend sec. 3, page 3, lines 24 and 30, after “*county*” by inserting: “*pursuant to chapter 278 of NRS*”.

Amend sec. 3, page 3, line 35, after “*structure*” by inserting: “*pursuant to the applicable local ordinances in existence at that time*”.

Amend sec. 3, page 4, line 1, after “*county*” by inserting: “*pursuant to chapter 278 of NRS*”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 6:04 p.m.

ASSEMBLY IN SESSION

At 6:05 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that Senate Bill No. 267 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McCleary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 906.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

There are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the storage, use or other consumption in a county of, any:

1. *Computer equipment;*
2. *Article of clothing, the sales price of which does not exceed \$1,000;*
and
3. *School supply,*
sold from August 26, 2005, to August 28, 2005, inclusive."

Amend the bill as a whole by renumbering sections 3 through 15 as sections 7 through 19 and adding new sections designated sections 4 through 6, following sec. 2, to read as follows:

"Sec. 4. NRS 374.120 is hereby amended to read as follows:

374.120 1. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer , ~~for~~ that if

applicable it will not be added to the selling price of the property sold , or that if added it or any part thereof will be refunded.

2. Any person violating any provision of this section is guilty of a misdemeanor.

Sec. 5. NRS 374.210 is hereby amended to read as follows:

374.210 It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer , ~~for~~ that *if applicable* it will not be added to the selling price of the property sold , or that if added it or any part thereof will be refunded.

Sec. 6. NRS 374.265 is hereby amended to read as follows:

374.265 “Exempted from the taxes imposed by this chapter,” as used in NRS 374.265 to 374.355, inclusive, *and section 1 of this act* means exempted from the computation of the amount of taxes imposed.”.

Amend sec. 15, page 8, by deleting lines 39 through 45 and inserting:

“Sec. 19. 1. This section and sections 1, 4, 5 and 6 of this act become effective upon passage and approval.

2. Sections 7 to 17, inclusive, and subsection 2 of section 18 of this act become effective on October 1, 2005.

3. Sections 2 and 3 and subsection 1 of section 18 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 10 to 14, inclusive, of this act is not approved by the voters at the General Election on November 7, 2006.

4. Sections 1, 4, 5 and 6 of this act expire by limitation on August 31, 2005.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to taxation; prescribing a sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies; revising the provisions governing the”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing amount of sales and use taxes due on certain retail sales. (BDR 32-1106)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 1029.

Amend the bill as a whole by renumbering sections 23 through 27 as sections 24 through 28 and adding a new section designated sec. 23, following sec. 22, to read as follows:

“Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~[1. Except as otherwise provided in this section, on]~~ On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ 6 percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]”.~~

Amend the bill as a whole by renumbering sections 28 through 39 as sections 42 through 53 and adding new sections designated sections 29 through 41, following sec. 27, to read as follows:

“Sec. 29. The Legislature hereby finds and declares that because of the shortage of real property available to the urban and rural communities in Nevada, it is in the best interests of the people of the State of Nevada to encourage the development of property as golf courses so as to preserve open space in both residential and commercial areas of development.

Sec. 30. Chapter 361A of NRS is hereby amended by adding thereto the provisions set forth as sections 31 and 32 of this act.

Sec. 31. 1. “Golf course” means:

(a) Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and

(b) Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.

2. The term does not include:

(a) A commercial golf driving range that is not operated in conjunction with a golf course.

(b) A clubhouse, pro shop, restaurant or other building that is associated with a golf course.

Sec. 32. 1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) An amount equal to \$2,860 per acre of real property used as the golf course multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004; and

(b) The value of the improvements made to the real property before that fiscal year as measured by the cost of those improvements adjusted by obsolescence.

2. The Nevada Tax Commission shall establish a manual for the assessment of improvements made to real property used as a golf course. The manual must require:

(a) *The use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable; and*

(b) *For the purpose of determining obsolescence, the consideration of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.*

Sec. 33. NRS 361A.010 is hereby amended to read as follows:

361A.010 As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections except where the context otherwise requires.

Sec. 34. NRS 361A.040 is hereby amended to read as follows:

361A.040 “Open-space real property” means:

1. Land:

(a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and

(b) Devoted exclusively to open-space use.

2. The improvements on the land *described in subsection 1 that is* used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.

3. *Land that is used as a golf course.*

Sec. 35. NRS 361A.050 is hereby amended to read as follows:

361A.050 “Open-space use” means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the Department of Cultural Affairs. *The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.*

Sec. 36. NRS 361A.090 is hereby amended to read as follows:

361A.090 1. It is the intent of the Legislature to:

(a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and

(b) Provide a separate plan for:

(1) Appraisal and valuation of such property for assessment purposes; and

(2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.

2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence

adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.

3. *The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.*

Sec. 37. NRS 361A.170 is hereby amended to read as follows:

361A.170 1. *Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.*

2. ~~{The}~~ *In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of each city or county shall, from time to time, specify by resolution ~~{the}~~ additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.*

~~{2-}~~ 3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment ~~{-}~~ *based on a designation or classification adopted pursuant to subsection 2.* The criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 38. NRS 361A.180 is hereby amended to read as follows:

361A.180 Any owner of real property may apply to the county assessor for open-space use assessment *based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170* and the payment of taxes on such property as provided in this chapter.

Sec. 39. NRS 361A.220 is hereby amended to read as follows:

361A.220 1. If ~~{the}~~ property is ~~{found by the board of county commissioners}~~ *to be assessed as open-space real property, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.*

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.

Sec. 40. NRS 361A.230 is hereby amended to read as follows:

361A.230 1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) ~~[Notification by the applicant to the assessor to remove the open-space use assessment;~~

~~(b)~~ Sale or transfer to an owner making it exempt from ad valorem property taxation;

~~((c))~~ (b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the ~~[approved]~~ open-space use; or

~~((d))~~ (c) *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:*

(1) *Notification by the applicant to the assessor to remove the open-space use assessment; or*

(2) *Failure to file a new application as provided in NRS 361A.190.*

2. Except as otherwise provided in paragraph ~~((b))~~ (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an ~~[approved]~~ open-space use. ~~[if]~~ *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the new owner ~~[applies]~~ must apply for open-space use assessment in the manner provided in NRS 361A.190.*

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

Sec. 41. NRS 361A.240 is hereby amended to read as follows:

361A.240 1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. ~~[The]~~ *If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the applicant for the open-space assessment is entitled to:*

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.”.

Amend sec. 33, page 21, by deleting lines 43 and 44 and inserting:

“2. The money in the Account ~~[must]~~ :

(a) *Must be accounted for separately and not as a part of any other account* ~~[]~~ ; and

(b) *Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.”.*

Amend sec. 39, page 25, line 24, by deleting "37" and inserting "51".

Amend the bill as a whole by renumbering sections 40 and 41 as sections 56 and 57 and adding new sections designated sections 54 and 55, following sec. 39, to read as follows:

"Sec. 54. The Nevada Tax Commission shall establish the manual required by section 32 of this act not later than July 1, 2006.

Sec. 55. On or before July 1, 2006, and July 1, 2007, the county assessor of each county shall submit to the board of county commissioners of the county and the Legislative Commission a report of:

1. Any technology acquired and any improvements in the technology used in the office of the county assessor as a result of the money accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor pursuant to NRS 361.530 and 362.170, as amended by this act; and

2. The means by and extent to which that money has assisted the county assessor in the collection of taxes."

Amend sec. 41, page 25, by deleting line 29 and inserting:

"Sec. 57. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, and 42 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

- (a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

- (b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, 2007.

5. Section 43 of this act expires by limitation on June 30, 2007."

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 943.

Amend sec. 2, page 4, line 33, by deleting "Health Division" and inserting: "State Board of Health".

Amend sec. 2, page 4, lines 38 and 39, by deleting "Health Division" and inserting: "State Board of Health".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 890.

Amend section 1, page 1, line 4, by deleting “governing” and inserting “[~~governing~~] public”.

Amend section 1, page 3, line 21, after “by” by inserting: “*the governing body of*”.

Amend sec. 7, page 9, by deleting lines 24 and 25 and inserting: “public body shall report to the public body any contract that ~~the~~ *the authorized representative*”.

Amend sec. 7, page 9, line 37, after “body” by inserting: “*or its authorized representative*”.

Amend sec. 7, page 10, line 5, by deleting: “*responsive and responsible*”.

Amend sec. 7, page 10, line 11, by deleting “and”.

Amend sec. 7, page 10, by deleting line 13 and inserting: “*publishing a notice pursuant to paragraph (a); and*

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.”.

Amend sec. 8, page 11, by deleting lines 23 and 24 and inserting: “public body shall report to the public body any contract that ~~the~~ *the authorized representative*”.

Amend sec. 8, page 11, line 36, after “body” by inserting: “*or its authorized representative*”.

Amend sec. 8, page 12, line 3, by deleting “*responsive and responsible*”.

Amend sec. 8, page 12, line 9, by deleting “and”.

Amend sec. 8, page 12, line 11, by deleting “(a).” and inserting: “(a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.”.

Amend the bill as a whole by deleting sec. 12.5 and adding:

“Sec. 12.5. (Deleted by amendment.)”.

Amend sec. 15, page 18, line 19, by deleting “*responsive and responsible*”.

Amend sec. 15, page 18, line 25, by deleting “and”.

Amend sec. 15, page 18, line 27, by deleting “(a).” and inserting: “(a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.”.

Amend sec. 16, page 20, line 15, by deleting “*responsive and responsible*”.

Amend sec. 16, page 20, line 21, by deleting “and”.

Amend sec. 16, page 20, line 23, by deleting “(a).” and inserting: “(a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.”.

Amend sec. 21, page 21, by deleting line 39 and inserting: “the public body ~~{determines that:}~~”.

Amend sec. 21, page 22, line 23, before “work:” by inserting: “*has approved the use of a design-build team for the design and construction of the public work and the public*”.

Amend sec. 21, page 23, line 37, by deleting “\$5,000,000.” and inserting “\$10,000,000.”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 902.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 14 as sections 9 through 13.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 479.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 912.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Public Officers’ and Employees’ Benefits Account is hereby created as a special account in the Fund to Stabilize the Operation of the State Government. The Interim Finance Committee shall administer the Account.*

2. *Except money required to be returned to the Federal Government, any money in excess of the amount that the Program is required to retain as reserves must be deposited at least quarterly in the Account. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

3. *The money in the Account:*

(a) Does not revert to the State General Fund at the end of any fiscal year; and

(b) Must be carried forward to the next fiscal year.

4. Money in the Account must be used only for programs that provide benefits for active or retired public officers and employees, or both, other than the Public Employees' Retirement System.

Sec. 2. NRS 287.023 is hereby amended to read as follows:

287.023 1. Whenever an officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada retires under the conditions set forth in NRS 1A.350 or 1A.480, or 286.510 or 286.620 and, at the time of his retirement, was covered or had his dependents covered by any group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, the officer or employee has the option upon retirement to cancel or continue any such coverage or join the Public Employees' Benefits Program to the extent that such coverage is not provided to him or a dependent by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.

2. A retired person who joins the Public Employees' Benefits Program upon retirement pursuant to subsection 1 or continues coverage under the Public Employees' Benefits Program shall assume the portion of the premium or contribution costs for the coverage which the governing body or the State does not pay on behalf of retired officers or employees. A dependent of such a retired person has the option, which may be exercised to the same extent and in the same manner as the retired person, to cancel or continue coverage in effect on the date the retired person dies. The dependent is not required to continue to receive retirement payments from the Public Employees' Retirement System to continue coverage.

3. Notice of the selection of the option must be given in writing to the last public employer of the officer or employee within 60 days after the date of retirement or death, as the case may be. If no notice is given by that date, the retired officer or employee and his dependents shall be deemed to have selected the option to cancel the coverage for the group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or not to join the Public Employees' Benefits Program, as the case may be.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State:

(a) May pay the cost, or any part of the cost, of coverage established pursuant to NRS 287.010, 287.015 or 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 for persons who continue that coverage

pursuant to subsection 1, but it must not pay a greater portion than it does for its current officers and employees.

(b) Shall pay the same portion of the cost of coverage under the Public Employees' Benefits Program for persons who join the Program upon retirement pursuant to subsection 1 as the State pays pursuant to subsection 2 of NRS 287.046 for persons retired from state service who have continued to participate in the Program.

5. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall, for the purpose of establishing actuarial data to determine rates and coverage for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1, commingle the claims experience of those persons with the claims experience of active officers and employees and their dependents who participate in the group insurance, a plan of benefits or medical and hospital service.

6. *The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall ensure that the rates for coverage established for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1 and for whom their primary health insurance coverage is provided by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., are less than the rates for persons for whom primary health insurance coverage is provided under the group insurance, plan of benefits or medical and hospital service by an amount which approximates the difference between:*

(a) The average percentage of a claim that is paid by the governing body for persons for whom primary health insurance coverage is provided by the group insurance, plan of benefits or medical and hospital service of the governing body; and

(b) The average percentage of a claim that is paid by the governing body for persons for whom secondary health insurance coverage is provided by the group insurance, plan of benefits or medical and hospital service of the governing body.

Sec. 3. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.0406, inclusive, have the meanings ascribed to them in those sections.”.

Amend section 1, page 3, line 34, after “3.” by inserting: “*The Board shall ensure that the rates for coverage established for participants in the Program for whom their primary health insurance coverage is provided by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., are less than the rate for persons for whom primary health insurance coverage is*

provided under the Program by an amount which approximates the difference between:

(a) The average percentage of a claim that is paid by the Program for persons for whom primary health insurance coverage is provided by the Program; and

(b) The average percentage of a claim that is paid by the Program for persons for whom secondary health insurance coverage is provided by the Program.

4.”.

Amend section 1, page 4, line 1, by deleting “4.” and inserting “[4.] 5.”.

Amend section 1, page 4, line 5, by deleting “5.” and inserting “[5.] 6.”.

Amend section 1, page 4, line 8, by deleting “6.” and inserting “[6.] 7.”.

Amend section 1, page 4, line 12, by deleting “7.” and inserting “[7.] 8.”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 6 through 8 and adding a new section designated sec. 5, following section 1, to read as follows:

“Sec. 5. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of title 57 of NRS ~~[689B.255, 695G.150, 695G.160, 695G.164, 695G.170, 695G.173, 695G.200 to 695G.230, inclusive, and 695G.241 to 695G.310, inclusive,]~~ , except the provisions of chapter 680B of NRS, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.”.

Amend sec. 3, page 5, by deleting lines 14 and 15 and inserting:

“287.0475 1. A public officer or employee who has retired pursuant to”.

Amend sec. 4, page 6, by deleting lines 14 and 15 and inserting: “employees ~~for~~ and all retired state officers and employees ~~[or any combination thereof,]~~ who served in the same positions as the active state officers and employees who are members of the group that participate in the Program may leave the Program and”.

Amend sec. 4, page 6, lines 21 and 28, by deleting “may” and inserting “[may] shall”.

Amend sec. 4, page 6, by deleting lines 36 and 37 and inserting:

“Program. ~~[Except as otherwise provided in this section, the Board has discretion in determining whether to approve a contract.]~~ If the”.

Amend sec. 4, page 7, by deleting lines 5 through 7 and inserting:

“4. If a group leaves the Program pursuant to this section:

(a) The group is eligible to reinstate coverage with the Program if the insurer or employee benefit plan with which the group contracted becomes insolvent or can no longer provide coverage based on other unforeseen circumstances.

(b) A member of the group is eligible to reinstate coverage with the Program if, as a result of a change in employment, the member is no longer

eligible to participate in the insurance provided by the insurer or employee benefit plan with which the group contracted.

5. A decision by the Board on the approval or disapproval of a proposed contract pursuant to this section is a final decision for the purpose of judicial review.”.

Amend sec. 4, page 7, line 8, by deleting “5.” and inserting “6.”.

Amend the bill as a whole by renumbering sec. 5 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 4, to read as follows:

“Sec. 9. NRS 679A.100 is hereby amended to read as follows:

679A.100 “Insurer” includes ~~every~~ :

1. Every person engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance.

2. *Except as otherwise provided in NRS 287.04335, the Board of the Public Employees’ Benefits Program if the Board provides health insurance through a plan of self-insurance.*

Sec. 10. NRS 679B.130 is hereby amended to read as follows:

679B.130 1. The Commissioner may adopt reasonable regulations:

(a) For the administration of any provision of this Code ~~[, NRS 287.04335]~~ or chapters 616A to 617, inclusive, of NRS; or

(b) As required to ensure compliance by the Commissioner with any federal law or regulation relating to insurance.

2. A person who willfully violates any regulation of the Commissioner is subject to such suspension or revocation of a certificate of authority or license, or administrative fine in lieu of such suspension or revocation, as may be applicable under this Code or chapter 616A, 616B, 616C, 616D or 617 of NRS for violation of the provision to which the regulation relates. No penalty applies to any act done or omitted in good faith in conformity with any such regulation, notwithstanding that the regulation may, after the act or omission, be amended, rescinded or determined by a judicial or other authority to be invalid for any reason.”.

Amend sec. 5, page 7, line 15, by deleting “2” and inserting “6”.

Amend sec. 5, page 7, line 17, by deleting: “1, 3 and 4” and inserting: “1 to 5, inclusive, and 7 to 10, inclusive,”.

Amend the title of the bill to read as follows:

“AN ACT relating to public personnel; creating a special account in the Fund to Stabilize the Operation of the State Government for certain excess money of the Public Employees’ Benefits Program; providing requirements concerning the rates of coverage for certain retired public officers and employees under the Public Employees’ Benefits Program or under the group insurance, a plan of benefits or medical and hospital service of a local government; requiring the Public Employees’ Benefits Program to comply with certain provisions governing insurers if health insurance is provided through a plan of self-insurance; revising the date after employment or taking office on which the eligibility of certain state officers and employees to

participate in the Public Employees' Benefits Program commences; revising the provisions governing the reinstatement of insurance by a retired public officer or employee or his spouse; revising provisions governing groups that leave the Program; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing health insurance coverage for public personnel. (BDR 23-609)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Assemblyman Parks moved that upon return from the printer Senate Bill No. 479 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and the Committee on Ways and Means.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 70; Senate Bills Nos. 15, 19, 81, 131, 135, 138, 169, 180, 184, 395, 424, 443, and 483; Senate Joint Resolution No. 12; Senate Concurrent Resolution No. 43.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Carl Fettig and Donna Fettig.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Carolann Kahler, Mrs. Gutierrez, Mrs. Koepnick, Angie White, Tanish Bravo, Sandra Hernandez, Robbie Vowinkel, Kashawn Amjad, Anahi Arenas, Karina Arenas, Chelsea Bosco, Jasmine Bravo, Roxana Carranco, Karen Carranza, Alex Chavez, Timothy Cook, Daniel Dixon, Raven Durr, Felix Garcia Huipe, Lucas Jones, Timothy Keelin, Timothy Klotz, Shawn Koepnick, Jennifer Lopez Lugo, Bilal Maqsood, Jeremy Osburn, Juan Pinedo-Hernandez, Alejandra Rodriguez-Avila, Melissa Rojo, Aspen Scott, Cierra Stevenson, Brandon Taylor, Chelsea Taylor, Georgie Vowinkel, Katelyn Wolf, Mrs. Roseborough, Silvia Garcia, Maria Hernandez, Stacey Bosco, Maria Gutierrez, Cassidy Bosco, Alvaro Briceno, Alan Brown, Marianna Carter, Elizabeth Garcia, Kevin Garcia, Abril Gutierrez, Mackenzie Hardin, Gregory Harnandez-Castorena, Julio Landeros, Maggie Lutes, Crystal Martinez, Allana Montoya, Marielle Regis, Jorge Rodriguez, Taran Romero, Emanuel Sanchez, Aaina Sharma, Julio Soto, Bettie Lu Stoddart, Luis Valle, Paul Zavadiil, Oshay Bazile, Andrew Ortiz, David Ramerez, Alfredo Perez, Mrs. Overpeck,

Mrs. Stocking, Mrs. Carroll, Mrs. Chanez, Mrs. Humphreys, Maria Flores, Creed Armendariz, Michael-Thomas Brown, Katherine Calkins, Miguel Camacho-Villa, Sativa Carroll, Bryan Chanez, Amanda Davis, Asly Flores, Eduardo Flores Esparza, Tori Huey, Tara Humphreys, Madison Kell, Laura Lopez-Perez, Luis Lopez-Rangel, Kayle Matzen, Brittanie Morales, Vanessa Navarro, Bailey Newell, Fatasia Nielsen, Eric Onisile, Michael Onyeagbako, Alejandra Perez, Gagan Riar, Jordan Rose, Matthew Aulsgiver, Kristina Stocking, Cindy Torres-Murillo, and Josue Virgen.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Whipple and Jelaine M. Whipple.

On request of Assemblywoman McClain, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Wenger.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Magner, Jeanne Abercrombie, Laurie Johns, Joee Torres, Brandon Murray, Alejandro Rios, Christopher Spencer, Dakota Cave, Katarina Pancho, Alexander Pray, Anita Swearingen, Mona Scouller, Vickie Roberts, Noelle Conover, Ian Devine, Andrew Gutierrez, Rachel Lackey, Marissa Mills, Taylor Negrete, Archie Redmond, Matthew Roberts, Michaela Roth, Nick Walker, Justin Wall, Ryan West, Alec Donner, Colton Harnar, Michael Alan Lake, Joseph Massett, Dennise Mena, Sam Merritt, Stacey Nieri, Jacob Rodriguez, Hannah Rutherford, Matthew Sisco, Jordan Van Worth, and Aaron Wiley.

Assemblyman Ocegüera moved that the Assembly adjourn until Friday, May 27, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:17 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

**The
Journal of the
Assembly**

**OF THE
SEVENTY-THIRD SESSION**

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

2005



**BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND
ENDED ON MONDAY, THE SIXTH DAY OF JUNE**

VOLUME 3

**THE ONE HUNDRED AND TENTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY**

SEE VOLUME 1 FOR TABLE OF CONTENTS

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THE ONE-HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 27, 2005

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we give thanks for all whose labor contributes to the work done in this place: for Republicans and Democrats, who together express the will of the people; for those who argue for special cause and for those who seek to decide for the common good; for standing committees and for the Committee on Anatomical Dissection; for those who maneuver, those who stonewall and for those who break through; for those who jerk chains and those who rattle cages; for those who soothe ruffled feathers and pour out balm; for those who photograph, those who photocopy, and those who photo-journal; for those who pour water and later wipe up spills; for those who schlep paper, and for printers and for document distributors; for those who brew beefier coffee, and for clerks and cleaners and calendar keepers; for those who wax floors and those who wax eloquently; for the slow of speech and for the Chief Clerk; for those who feed, those who weed, and those who plant seeds; for those who guard the doors and those who guard the morals; for those who send flowers, those who deliver them, and those who delight in them; and we give thanks for You, O God—You who take great delight in us and who ceaselessly provide us with those who love and cherish us. For all these and more we give thanks. Bless them and us, today and always.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bills Nos. 36, 189 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 83, 125, 158, 202, 248, 426, 471, 475, 477, 483, 509, 510, 519, 542; Assembly Joint Resolution No. 11 of the 72nd Session; Senate Bills Nos. 512, 514.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 63, Amendment No. 919; Assembly Bill No. 143, Amendment No. 846; Assembly Bill No. 186, Amendment No. 861; Assembly Bill No. 190, Amendment No. 740; Assembly Bill No. 340, Amendment No. 927; Assembly Bill No. 343, Amendment No. 673; Assembly Bill No. 427, Amendment No. 674; Assembly Bill No. 437, Amendment No. 707; Assembly Bill No. 454, Amendment No. 736; Assembly Bill No. 458, Amendment No. 766; Assembly Bill No. 528, Amendment No. 802; Assembly Bill No. 531, Amendment No. 804, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 737 to Senate Bill No. 36; Assembly Amendment No. 695 to Senate Bill No. 93; Assembly Amendment No. 738 to Senate Bill No. 193; Assembly Amendment No. 734 to Senate Bill No. 331.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 752 to Senate Bill No. 70.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 27, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 479.

MARK STEVENS
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 568—AN ACT relating to local government employee organizations; providing that the National Labor Relations Board Standards govern questions related to representational disputes unless inconsistent with the standards set forth in chapter 288 of NRS; revising the provisions relating to elections conducted to determine which, if any, employee organization represents a majority of the local government employees in a particular bargaining unit; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 512.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 514.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that for the balance of session, all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblywoman Buckley moved that all rules be suspended and that all bills and resolutions returned from the printer be placed on the appropriate reading file.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 438.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 978.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. 1. There is hereby appropriated from the State General Fund to the following divisions of the Department of Human Resources to carry out the provisions of this bill:

Division of Health Care Financing and Policy

For the Fiscal Year 2005-2006.....\$91,616

For the Fiscal Year 2006-2007.....\$285,761

Welfare Division

For the Fiscal Year 2005-2006.....\$86,890

For the Fiscal Year 2006-2007.....\$32,711

Division of Child and Family Services

For the Fiscal Year 2005-2006.....\$35,727

For the Fiscal Year 2006-2007.....\$4,722

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 4. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized during the fiscal years beginning July 1, 2005, and ending June 30, 2006, and beginning July 1, 2006, and ending June 30, 2007, by the following divisions of the Department of Human Resources:

	2005-2006	2006-2007
Division of Health Care Financing and Policy.....	\$112,202	\$338,989
Welfare Division.....	\$86,890	\$32,711
Division of Child and Family Services.....	\$31,153	\$4,722”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 189.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 967.

Amend the bill as a whole by renumbering sections 1 through 14 as sections 3 through 16 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Commission shall not contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.*

2. *As used in this section:*

(a) *“Certified agency” has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.*

(b) *“Memorandum of understanding” means the memorandum of understanding described in 24 C.F.R. § 115.210.”*

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

“Sec. 3. 1. *During the period from the filing of a complaint alleging”.*

Amend sec. 6, page 6, line 18, by deleting “1” and inserting “3”.

Amend sec. 10, page 9, line 26, by deleting “1” and inserting “3”.

Amend sec. 10, page 10, line 13, by deleting “1” and inserting “3”.

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 18 as sections 17 through 19.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1016.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Administration for expenses related to carrying out the provisions of this act:

For the Fiscal Year 2005-2006.....\$20,351

For the Fiscal Year 2006-2007.....\$14,851

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State

General Fund on or before September 15, 2006, and September 21, 2007, respectively.”.

Amend the title of the bill, third line, after “finances;” by inserting: “making an appropriation;”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 524.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1015.

Amend section 1, page 2, line 40, by deleting “and” and inserting “~~and~~”.

Amend section 1, page 2, line 41, by deleting “5” and inserting “2.025”.

Amend section 1, page 2, by deleting line 45 and inserting: “in NRS 439.625 ~~to 439.690, inclusive,~~ and 439.630; and

(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive.”.

Amend the bill as a whole by deleting sections 6 through 8, renumbering sec. 9 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. 1. The Department of Human Resources shall:

(a) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit so that each Medicare beneficiary who is eligible for or enrolled in such a state program maintains his present coverage for prescription drugs and pharmaceutical services to the extent allowed by federal law; and

(b) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit in a manner that:

(1) Maximizes coverage for prescription drugs and pharmaceutical services for persons in this State;

(2) Minimizes disruptions in the enrollment of persons in this State in state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(3) Minimizes disruptions in the eligibility of persons in this State for state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(4) Minimizes out-of-pocket expenses for prescription drugs and pharmaceutical services for Medicare beneficiaries in this State; and

(5) Maximizes federal funding for coverage of prescription drugs and pharmaceutical services for persons in this State.

2. The Department of Human Resources shall submit a plan for coordinating the state programs with the Medicare Part D benefit as required by subsection 1 to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.

3. The Department of Human Resources may adopt such regulations as may be required to carry out the provisions of this section.”.

Amend sec. 9, page 10, line 15, before “This” by inserting “1.”.

Amend sec. 9, page 10, after line 15, by inserting:

“2. Section 6 of this act expires by limitation on July 1, 2007.”.

Amend the title of the bill, first line, by deleting “increasing” and inserting “changing”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 37.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 878.

Amend section 1, page 2, line 2, by deleting “8,” and inserting “12,”.

Amend sec. 2, page 3, line 9, after “report.” by inserting:

“The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to section 2 of this act and all other information related to an application for a license to engage in wholesale distribution to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.”.

Amend sec. 3, page 3, line 27, by deleting “a monthly” and inserting “an annual”.

Amend sec. 3, page 3, line 33, after “wholesaler.” by inserting:
“Any changes to the list must be submitted to the Board not later than 30 days after the change is made.”.

Amend sec. 3, page 4, line 2, after “report.” by inserting:
“The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.”.

Amend sec. 4, page 4, line 17, by deleting: “the amount of \$100,000” and inserting: “an amount not less than \$25,000 and not more than \$100,000, as determined by the Board,”.

Amend sec. 5, page 5, by deleting lines 24 and 25 and inserting: “by a wholesaler, if required; and”.

Amend sec. 6, page 5, by deleting lines 29 through 34 and inserting:
“Sec. 6. 1. The Board shall ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving the purchase and sale of prescription drugs by wholesalers, including, without limitation, ensuring:”.

Amend sec. 6, page 5, line 43, by deleting:

“3. In determining” and inserting:

“2. In ensuring”.

Amend sec. 6, page 6, line 18, by deleting “4.” and inserting “3.”.

Amend sec. 6, page 6, line 24, by deleting “5,” and inserting “4,”.

Amend sec. 6, page 6, line 29, by deleting “5.” and inserting “4.”.

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. If a statement of prior sales indicates that more than 3 prior sales of a prescription drug have occurred, including, without limitation, a sale involving an authorized distributor of record, a person who is licensed to engage in wholesale distribution pursuant to this chapter shall not sell that prescription drug to another wholesaler.”.

Amend the bill as a whole by renumbering sections 9 through 11 as sections 14 through 16 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

“Sec. 9. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following information, updated annually, concerning each wholesaler from whom the licensee purchases a prescription drug or to whom the licensee sells a prescription drug:

1. A list that identifies each state in which the wholesaler is domiciled and each state into which the wholesaler ships prescription drugs.

2. Copies of each state and federal regulatory license and registration held by the wholesaler, including, without limitation, the numbers accompanying each license and registration.

3. Copies of formation documents, business licenses and other documents related to the company of the wholesaler and its operations.

4. Copies of the wholesaler's most recent site inspection report by state or federal agencies.

5. If the licensee receives a prescription drug from the wholesaler, a copy of the wholesaler's product liability insurance policy that includes the licensee as an additional insured for at least \$1,000,000.

6. A list that includes the name and address of:

(a) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, the partners or shareholders, as applicable.

(b) If the wholesaler is a private corporation, the officers, directors and shareholders.

(c) If the wholesaler is a public corporation, the officers and directors.

7. Evidence of due diligence in accordance with section 10 of this act.

8. A copy of the wholesaler's policy or procedure for internal operations, including, without limitation, the procedures related to handling counterfeit, misbranded or adulterated prescription drugs.

9. A listing of all manufacturers with whom the wholesaler claims status as an authorized distributor of record and the applicable account numbers.

Sec. 10. 1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following evidence regarding due diligence concerning each wholesaler with whom the licensee does business in accordance with any applicable requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.:

(a) A copy of the driver's license of:

(1) If the wholesaler is a sole proprietor, the owner.

(2) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, each partner or shareholder, as applicable.

(3) If the wholesaler is a private corporation, each officer and director.

(b) Proof that the licensee has checked to determine if civil or criminal litigation or both exists against the company, its owners, partners, officers or directors and whether any disciplinary action has been taken or is pending against the company, its owners, partners, officers or directors by a state or federal agency.

2. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall not maintain a business relationship with any company if any of the owners, partners, officers or directors have been convicted of a felony related to the wholesale distribution of prescription drugs.

Sec. 11. 1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall, within 30 days after beginning a

business relationship with another wholesaler, conduct an on-site inspection of each facility of the wholesaler to verify that the wholesaler complies with federal requirements for the storage of prescription drugs and the operation of the facilities where prescription drugs are stored.

2. After the date of the inspection pursuant to subsection 1, the licensee shall conduct an on-site inspection biannually.

3. Each on-site inspection conducted pursuant to this section must include:

(a) An assessment of the authority, training and experience of persons who are responsible for receiving, inspecting, storing, handling and shipping prescription drugs at the facility;

(b) An assessment of the operational conditions of each facility of the wholesaler, including, without limitation, security, climate control and cleanliness;

(c) An assessment of compliance with:

(1) The Federal Prescription Drug Marketing Act;

(2) Appropriate recordkeeping measures;

(3) The Drug Enforcement Administration recordkeeping requirements if the wholesaler maintains a federal controlled substance registration; and

(4) Temperature monitoring and documentation requirements; and

(d) An assessment of the procedures of the wholesaler for detecting adulterated, misbranded or counterfeit prescription drugs.

4. For each inspection pursuant to this section, the licensee shall obtain and maintain the signature of the appropriate representative of the wholesaler verifying the accuracy of the inspection.

5. Each licensee shall enter into an agreement with each wholesaler with whom the licensee enters into a business relationship providing that the wholesaler will comply with all applicable federal and state laws and regulations relating to the purchase and sale of prescription drugs and requiring the wholesaler to notify the licensee of any material change regarding the integrity or legal status of prescription drugs received by the licensee or any other material change regarding the legal status of the wholesaler.

Sec. 12. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall certify a claim by another wholesaler that the wholesaler is an authorized distributor of record from whom the licensee purchases a prescription drug. Such certification includes a statement signed by a representative of the wholesaler certifying the claim that the wholesaler is an authorized distributor of record for a specified manufacturer and:

1. A copy of the written agreement currently in effect with the manufacturer;

2. A copy of a letter from the manufacturer endorsing the wholesaler as an authorized distributor of record;

3. Copies of applicable invoices from the manufacturer demonstrating the purchase by the wholesaler of at least 1,000 sales units of prescription

drugs from the manufacturer within the 12 months immediately preceding the current month;

4. Copies of applicable invoices from the manufacturer from each of the previous 12 months;

5. Copies of applicable invoices from the manufacturer specific to the given transaction; or

6. Verification from the manufacturer's website that the wholesaler is an authorized distributor of record.

Sec. 13. NRS 639.040 is hereby amended to read as follows:

639.040 1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who ~~[must not be]~~ is not a member of the Board. *The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements.* The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services he is entitled to receive a salary to be determined by the Board.”.

Amend the bill as a whole by renumbering sections 12 and 13 as sections 19 and 20 and adding new sections designated sections 17 and 18, following sec. 11, to read as follows:

“Sec. 17. NRS 639.2615 is hereby amended to read as follows:

639.2615 1. A wholesaler may sell a prescription drug only ~~to:~~

~~(a) A pharmacy or practitioner; or~~

~~(b) Another wholesaler if:~~

~~(1) The wholesaler who purchases the drug is licensed by the Board or the board or other relevant authority of another state; and~~

~~(2) The sale is a bona fide transaction.~~

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer; ~~for~~

(b) *A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or*

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. *A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:*

(a) The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or

(b) The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.

If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in section 5 of this act.

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

~~{4.}~~ 5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if ~~{there is a reasonable assurance by the wholesaler that purchases the drug that the wholesaler will sell the drug directly and}~~ *the wholesaler sells the prescription drug only to {a} :*

(1) A pharmacy or practitioner ~~{-}~~ *if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.*

(2) *Another wholesaler who maintains a valid license in the state in which he is domiciled if the wholesaler who sells the prescription drug has complied with sections 9, 10 and 11 of this act.*

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision

of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

Sec. 18. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.
2. The name, address and prescription serial number of the practitioner who filled the prescription.
3. The names of the prescribing practitioner and of the person for whom prescribed.
4. The number of dosage units.
5. Specific directions for use given by the prescribing practitioner.
6. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is ~~required to be~~ included on the original label of the manufacturer of ~~the~~ that drug or medicine. ~~{The practitioner shall not specify on the label or other device for the drug or medicine an expiration date that is earlier than}~~ *If the expiration date specified by the manufacturer ~~{on the original label}~~ is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.*
7. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.
8. The strength of the drug or medicine.

The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.”.

Amend sec. 13, page 10, by deleting lines 34 and 35 and inserting:

“Sec. 20. 1. This section and sections 1 to 14, inclusive, and 16 to 19, inclusive, of this act become effective on October 1, 2005.”.

Amend sec. 13, page 10, line 36, by deleting “9” and inserting “14”.

Amend sec. 13, page 11, line 4, by deleting “10” and inserting “15”.

Amend the title of the bill by deleting the eleventh through fifteenth lines and inserting:

“with the laws relating to wholesalers; requiring the State Board of Pharmacy to ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving wholesalers; revising provisions governing the sale and purchase of prescription drugs by wholesalers;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 155.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 873.

Amend section 1, page 2, between lines 15 and 16, by inserting:

“4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or his legal representative a written disclosure approved by the director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

As used in this subsection, “major hospital” has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

- (2) *Instructions for arranging to make payment;*
(b) *Be written in language that is easy to understand; and*
(c) *Be written in English and Spanish.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public health; requiring hospitals to provide patients with certain information regarding the Bureau for Hospital Patients; requiring hospitals to provide patients with certain information regarding the reduction and discounting of charges; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires hospitals to provide patients with certain information. (BDR 40-1254)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Leslie.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1034.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :
(a) *Designate the area at the building for the gathering of signatures; and*
(b) *On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.*

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~{A}~~ *Not later than 3 days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~{designated a reasonable area as required by}~~ violated subsection 1 ~~{~~*

~~4. ~~The~~ or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State may order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.~~

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State ~~{on}~~ :

1. On or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 ; or

2. *On or after the date the person has completed an application to register to vote which is to be mailed to the county clerk, if the person is deemed to be registered pursuant to subsection 5 of NRS 293.5235 ~~{~~ not more than 3 working days after the date the person signs the petition.*

Amend section 1, page 2, by deleting lines 2 through 13 and inserting: "adding thereto the provisions set forth as sections 4 through 13 of this act."

Amend the bill as a whole by renumbering sec. 2 as sec. 14 and adding new sections designated sections 4 through 13, following section 1, to read as follows:

“Sec. 4. 1. “Committee for a statewide ballot measure” means every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum, including, without limitation:

(a) Circulating a petition for an initiative or a referendum to obtain signatures;

(b) Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum; or

(c) Making an expenditure designed to advocate the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum.

2. “Committee for a statewide ballot measure” does not include:

(a) A committee for political action.

(b) A committee for the recall of a public officer.

Sec. 5. 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures, designed to affect the outcome of any primary, general or special election or question on the ballot.

2. The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.

Sec. 6. 1. Each committee for a statewide ballot measure shall, before engaging in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name, address and telephone number of the committee;

(b) The purpose for which the committee organized;

(c) The names, addresses and telephone numbers of the officers of the committee;

(d) If the committee is affiliated with any other organizations, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of the resident agent of the committee; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for a statewide ballot measure shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 2.*

Sec. 7. *Each committee for a statewide ballot measure shall appoint and keep in this State a resident agent who must be a natural person who resides in this State.*

Sec. 8. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) *April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

(b) *August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;*

(c) *October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and*

(d) *January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,*

report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to section 10 of this act. The form must be signed by a representative of the committee for a statewide ballot measure under penalty of perjury.

2. *The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.*

3. *The reports required pursuant to this section must be filed with the Secretary of State.*

4. *A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

- (a) *On the date that it was mailed if it was sent by certified mail; or*
- (b) *On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*

5. *If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.*

Sec. 9. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) *April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

(b) *August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;*

(c) *October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and*

(d) *January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,*

report each expenditure made during the period on behalf of or against the constitutional amendment or a statewide measure proposed by an initiative or a referendum in excess of \$100 on the form designed and provided by the Secretary of State pursuant to section 10 of this act and signed by the person or a representative of the group under penalty of perjury.

2. *Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.*

3. *The reports required pursuant to this section must be filed with the Secretary of State.*

4. *A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

- (a) *On the date that it was mailed if it was sent by certified mail; or*

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 10. 1. The Secretary of State shall design a single form to be used for reports of campaign contributions and expenses or expenditures that are required to be filed by a committee for a statewide ballot measure pursuant to sections 8 and 9 of this act.

2. The form designed by the Secretary of State pursuant to this section:

(a) Must request information specifically required by statute; and

(b) Must include a space to list:

(1) The amount of cash on hand at the beginning of the reporting period;

(2) The amount of cash on hand at the beginning of the reporting year;

(3) The amount of cash on hand at the end of the reporting period; and

(4) The amount of cash on hand at the end of the reporting year.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each committee for a statewide ballot measure. An explanation of the applicable provisions of sections 8 and 9 of this act relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.420 must be developed by the Secretary of State and provided upon request. The committee for a statewide ballot measure shall acknowledge receipt of the material.

Sec. 11. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, and section 4 of this act have the meanings ascribed to them in those sections.

Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 Except as otherwise provided in section 8 of this act:

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after

July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

- (a) If the question is submitted to the voters of one county, the county clerk of that county;
- (b) If the question is submitted to the voters of one city, the city clerk of that city; or
- (c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

- (a) On the date that it was mailed if it was sent by certified mail; or
- (b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

- (a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and
- (b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the

question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the

appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

- (a) On the date that it was mailed if it was sent by certified mail; or
- (b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 20 and adding new sections designated section 15 through 19, following sec. 2, to read as follows:

“Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 *and section 9 of this act* must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ~~{-}~~ *and committees for a statewide ballot measure:*

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, disregard any action taken by a group or entity that would otherwise constitute a committee for political action *or a committee for a statewide ballot measure* if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 1. The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) *Committee for a statewide ballot measure.*

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

(d) A committee for a statewide ballot measure.

Sec. 19. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 or *section 8 or 9 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 or *section 8 or 9 of this act* is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”.

Amend sec. 3, page 3, line 9, by deleting: “4 and 5” and inserting: “21 and 22”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 21.

Amend sec. 5, page 3, by deleting line 24 and inserting:

“Sec. 21. 1. *Each petition for initiative must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 29 and 30, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*”.

Amend sec. 5, page 3, by deleting line 30 and inserting:

“2. *Each petition for referendum must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the referendum if it is approved by the voters. The description must appear at the top of each signature page of the petition.*

3. *For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.*”.

Amend the bill as a whole by renumbering sec. 6 as sec. 25 and adding new sections designated sections 22 through 24, following sec. 5, to read as follows:

“Sec. 22. 1. *After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.*

2. *The Chairman of the Legislative Commission shall schedule a meeting of the Legislative Commission to conduct a public hearing on the proposed initiative or referendum.*

3. *The Secretary of State may use the results of the public hearing on an initiative or referendum to assist him in preparing the condensation and explanation of the initiative or referendum pursuant to subsection 5 of NRS 293.250.*

Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 1. A copy of a petition for initiative or referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.

2. Upon receipt of a copy of a petition for initiative or referendum pursuant to subsection 1, the Secretary of State shall:

(a) Determine the number of signatures of registered voters required to file the petition;

(b) Inform the person placing the copy of the petition on file of the number of signatures of registered voters required to file the petition;

(c) Review the title of the petition to determine if the title satisfies the requirements of section 21 of this act and shall reject each title that does not satisfy the requirements of section 21 of this act;

(d) Review the description of the effect of the initiative or referendum to determine if the description satisfies the requirements of section 21 of this act and shall reject each description that does not satisfy the requirements of section 21 of this act;

(e) Consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters and if the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect; and

(f) Not later than 10 business days after the Secretary of State receives the petition filed pursuant to subsection 1, post a copy of the petition, including the description required pursuant to section 21 of this act and any fiscal note prepared pursuant to paragraph (e), on his Internet website.

3. The decision of the Secretary of State to reject a title or a description pursuant to subsection 2 is a final decision for the purposes of judicial review. Not later than 10 days after the Secretary of State rejects the title or the description pursuant to subsection 2, the person filing the copy of the petition for initiative or referendum pursuant to subsection 1 may appeal that rejection to the First Judicial District Court. The Court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the Court, except for criminal proceedings.

Sec. 24. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~{A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.~~

~~2.}~~ A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

~~{3.}~~ 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law

requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

~~{4.}~~ 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

~~{5.}~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~{6.}~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed."

Amend sec. 6, page 3, by deleting lines 37 through 40 and inserting:

"295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 21 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.*

2. The legal sufficiency of a petition ~~{filed pursuant to NRS 295.015 to 295.061, inclusive,}~~ for initiative or referendum may be challenged by filing a complaint in ~~{district court}~~ the First Judicial District Court not later than ~~{5}~~ 30 days, Saturdays, Sundays and holidays excluded, after a copy of the".

Amend sec. 6, page 3, line 41, by deleting "filed" and inserting: "~~{filed}~~ initially placed on file".

Amend the bill as a whole by adding new sections designated sections 26 through 37, following sec. 6, to read as follows:

"Sec. 26. NRS 295.085 is hereby amended to read as follows:

295.085 The registered voters of a county may:

1. Propose ordinances to the board and, if the board fails to adopt an ordinance so proposed without change in substance, to adopt or reject it at a ~~{primary or}~~ general election.

2. Require reconsideration by the board of any adopted ordinance and, if the board fails to repeal an ordinance so reconsidered, to approve or reject it at a ~~{primary or}~~ general election.

Sec. 27. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any ~~{five}~~ 10 registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ fifty days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and ~~thirty~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 28. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is submitted to the county clerk pursuant to NRS 295.095, the county clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request board review under subsection 3 within the time required, the county clerk shall promptly present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be

reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~primary or~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor

approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee,~~ *in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

- (a) Shall elect a chairman for the committee;
- (b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;
- (c) May seek and consider comments from the general public;
- (d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;
- (e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;
- (f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):
 - (1) The fiscal impact of the initiative, referendum or other question;
 - (2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

- (a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and
- (b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall*

give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~primary or~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

5. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

6. Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.

7. If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

8. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~primary or~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~[primary or]~~ general city election or ~~[primary or]~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~[five]~~ 10 registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~[eighty]~~ fifty days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~[thirty]~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 35. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is submitted to the city clerk pursuant to NRS 295.205, the city clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request council review under subsection 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the council's determination is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general city election ~~[or primary]~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~appoint the committee,~~ *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. *If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of

State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections. (BDR 24-698)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Gansert.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 293.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 717.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 555.205 is hereby amended to read as follows:

555.205 1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three *or five* persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.”.

Amend the title of the bill, fourth line, after “weeds;” by inserting: “authorizing the appointment of a larger board of directors of a weed control district;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to control of weeds. (BDR 51-431)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 830.

Amend section 1, page 1, line 2, by deleting:

“2 to 9, inclusive,” and inserting:

“2, 3 and 4”.

Amend the bill as a whole by deleting sections 2 through 6 and renumbering sections 7 through 20 as sections 2 through 15.

Amend sec. 8, page 4, line 14, after “by” by inserting “certified”.

Amend sec. 15, page 8, by deleting lines 24 through 33 and inserting:

“502.120 1. ~~Every~~ Each person required to have a license or permit as”.

Amend sec. 15, page 8, by deleting lines 42 and 43 and inserting:

“2. ~~Every~~ Each person required to have a license or permit as”.

Amend sec. 16, page 9, line 22, by deleting “48” and inserting “24”.

Amend the bill as a whole by deleting sec. 21 and renumbering sec. 22 as sec. 16.

Amend sec. 22, page 14, by deleting lines 15 and 16 and inserting:

“Sec. 16. This section and sections 1 to 14, inclusive, of this act become effective on October 1, 2005.”.

Amend sec. 22, page 14, line 17, by deleting “19” and inserting “14”.

Amend sec. 22, page 14, line 28, by deleting “20” and inserting “15”.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to wildlife; increasing the number of demerit points a person is allowed to accumulate before the Department of Wildlife is required to notify the person; increasing the”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 509.

Bill read third time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 1003.

Amend section 1, page 1, line 2, by deleting “5,” and inserting “22,”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 19 through 22 and adding new sections designated sections 2 through 18, following section 1, to read as follows:

“Sec. 2. *As used in sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. “*Abatement percentage*” means, with regard to any property for which the owner thereof is entitled to a partial abatement from taxation pursuant to:

1. *Section 3 or 3.5 of chapter 20, Statutes of Nevada 2005, 3 percent;*
2. *Subsection 1 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection; or*
3. *Subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection.*

Sec. 4. “*Ad valorem taxes levied in a county*” means any ad valorem taxes levied by the State or any other taxing entity in a county.

Sec. 5. “*Base-year assessed value*” means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment taxing entities in accordance with paragraph (a) of subsection 1 of NRS 279.676.

Sec. 6. “Base-year assessed value percentage” means the percentage that results from dividing the base-year assessed value for a redevelopment area by the sum obtained by adding:

1. The base-year assessed value for the redevelopment area; and
2. Any incremental assessed value for the redevelopment area for the current year.

Sec. 7. “Combined overlapping tax rate” means the total ad valorem tax rate levied on a parcel or other taxable unit of property, excluding any portion thereof which is:

1. Exempt pursuant to section 5.5 or subsection 3 of section 6 of chapter 20, Statutes of Nevada 2005, from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005; or

2. Approved and levied pursuant to section 7 of chapter 20, Statutes of Nevada 2005, and exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005.

Sec. 8. “Incremental assessed value” means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment agency in accordance with paragraph (b) of subsection 1 of NRS 279.676.

Sec. 9. “Parcel-proportionate share of the base value” means the product of:

1. The assessed value of a parcel or other taxable unit of property for the current year; and
2. The base-year assessed value percentage for the current year for the redevelopment area in which the parcel or other taxable unit of property is located.

Sec. 10. “Redevelopment agency” means a redevelopment agency created pursuant to chapter 279 of NRS to which any of the proceeds of the ad valorem taxes levied in the redevelopment area are distributed in accordance with paragraph (b) of subsection 1 of NRS 279.676.

Sec. 11. “Redevelopment area” means a redevelopment area created pursuant to chapter 279 of NRS regarding which the redevelopment plan contains the provision authorized by NRS 279.676.

Sec. 12. “Redevelopment taxing entity” means a taxing entity to which any of the proceeds of the ad valorem taxes levied in a redevelopment area are distributed in accordance with paragraph (a) of subsection 1 of NRS 279.676.

Sec. 13. “Taxing entity” means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.

Sec. 14. 1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is

any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year,

is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to:

(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and

(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.

Sec. 15. 1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or section 14 of this act applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(b) *The product of the assessed value of the property for the current fiscal year and the difference between:*

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

2. *On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which section 14 of this act applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:*

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

3. *That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.*

Sec. 16. *Notwithstanding any other provision of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:*

1. *The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of section 3, paragraph (a) of subsection 1 of section 3.5, paragraph (a) of subsection 1 of section 4 or paragraph (a) of subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the*

property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 17. 1. The Committee on Local Government Finance may adopt:

(a) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of sections 14, 15 and 16 of this act; and

(b) Regulations which provide, in a manner that is consistent with the provisions of sections 14, 15 and 16 of this act, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after the effective date of this act.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 18. 1. On or before March 5 of each year, the county assessor of each county shall provide to the Department, in addition to the information provided pursuant to NRS 361.390, such information regarding each parcel or other taxable unit of property in the county as the Department determines to be necessary to carry out subsection 2.

2. On or before March 25 of each year, the Department shall provide to each local government in this State a projection of the revenue the local government may receive for the upcoming fiscal year from ad valorem taxes.”.

Amend sec. 3, page 2, by deleting line 24 and inserting: “failed to claim the partial abatement before the extension of the tax roll for that fiscal year pursuant to NRS 361.465, the tax”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 25 through 28 and adding new sections designated sections 23 and 24, following sec. 5, to read as follows:

“Sec. 23. NRS 361.4545 is hereby amended to read as follows:

361.4545 1. On or before May 5 of each year, ~~for within 5 days after receiving the projections of revenue from the Department, whichever is later,~~ the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;

(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

The notice must be displayed in the format used for news and must be printed on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than 8-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than 8-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each \$100 of assessed valuation by which the highest combined tax rate for property in the county exceeds \$3.64 on each \$100 of assessed valuation.

These notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.

Sec. 24. NRS 361.455 is hereby amended to read as follows:

361.455 1. Unless individual tax rates are reduced pursuant to NRS 361.4547, immediately upon adoption of the final budgets, if the combined tax rate exceeds the limit imposed by NRS 361.453, the chairman

of the board of county commissioners in each county concerned shall call a meeting of the governing boards of each of the local governments within the county for the purpose of establishing a combined tax rate that conforms to the statutory limit. The chairman shall convene the meeting no later than June ~~13~~ 20 of each year.

2. The governing boards of the local governments shall meet in public session and the county clerk shall keep appropriate records, pursuant to regulations of the Department, of all proceedings. The costs of taking and preparing the record of the proceedings, including the costs of transcribing and summarizing tape recordings, must be borne by the county and participating incorporated cities in proportion to the final tax rate as certified by the Department. The chairman of the board of county commissioners or his designee shall preside at the meeting. The governing boards shall explore areas of mutual concern so as to agree upon a combined tax rate that does not exceed the statutory limit.

3. The governing boards shall determine final decisions by a unanimous vote of all entities present and qualified to vote, as defined in this subsection. No ballot may be cast on behalf of any governing board unless a majority of the individual board is present. A majority vote of all members of each governing board is necessary to determine the ballot cast for that entity. All ballots must be cast not later than the day following the day the meeting is convened. The district attorney is the legal adviser for such proceedings.

4. The county clerk shall immediately thereafter advise the Department of the results of the ballots cast and the tax rates set for local governments concerned. If the ballots for the entities present at the meeting in the county are not unanimous, the county clerk shall transmit all records of the proceedings to the Department within 5 days after the meeting.

5. If a unanimous vote is not obtained and the combined rate in any county together with the established state tax rate exceeds the statutory limit, the Department shall examine the record of the discussions and the budgets of all local governments concerned. On June 25 or, if June 25 falls on a Saturday or Sunday, on the Monday next following, the Nevada Tax Commission shall meet to set the tax rates for the next succeeding year for all local governments so examined. In setting the tax rates for the next succeeding year the Nevada Tax Commission shall not reduce that portion of the proposed tax rate of the county school district for the operation and maintenance of public schools.

6. Any local government affected by a rate adjustment, made in accordance with the provisions of this section, which necessitates a budget revision shall file a copy of its revised budget by July 30 next after the approval and certification of the rate by the Nevada Tax Commission.

7. A copy of the certificate of the Nevada Tax Commission sent to the board of county commissioners must be forwarded to the county auditor.”.

Amend sec. 6, page 3, by deleting line 20 and inserting: “sections 5 ~~and~~ to 7 , inclusive, of this act, the owner of a single-family”.

Amend sec. 6, page 4, line 5, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend sec. 7, page 5, by deleting line 45 and inserting: “sections 5 [~~and~~] to 7 , inclusive, of this act, if the amount of rent collected”.

Amend sec. 7, page 6, line 35, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend sec. 8, page 7, by deleting line 20 and inserting: “sections 5 [~~and~~] to 7 , inclusive, of this act, the owner of any parcel or”.

Amend sec. 8, page 8, by deleting line 13 and inserting: “out the provisions of sections 5 [~~and~~] to 7 , inclusive, of this act, the owner”.

Amend sec. 8, page 9, line 21, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend the bill as a whole by renumbering sections 10 through 13 as sections 30 through 33 and adding a new section designated sec. 29, following sec. 9, to read as follows:

“Sec. 29. Chapter 20, Statutes of Nevada 2005, is hereby amended by adding thereto a new section designated sec. 5.5, following sec. 5, to read as follows:

Sec. 5.5. 1. *Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act.*

2. *For the purposes of this section, “taxing entity” does not include the State.”.*

Amend sec. 10, page 12, by deleting lines 7 through 15 and inserting:

“4. For the purposes of this section, “taxing entity” [~~means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~] *does not include the State.”.*

Amend sec. 11, page 13, by deleting lines 13 through 21 and inserting:

“5. For the purposes of this section, “taxing entity” [~~means any political subdivision or other legal entity, other than the State, which has the right to receive money from any ad valorem taxes levied in a county.~~] *does not include the State.”.*

Amend the bill as a whole by deleting sec. 14 and renumbering sec. 15 as sec. 34.

Amend sec. 15, page 15, line 13, by deleting “or 9”.

Amend sec. 15, page 15, by deleting lines 29 through 33 and inserting:

“ *for all purposes, including, without limitation, for the purposes of section 7 of Senate Bill No. 509 of this session, to be approved and levied pursuant to section 7 of this act and to be exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act.*”.

Amend the bill as a whole by renumbering sec. 16 as sec. 37 and adding new sections designated sections 35 and 36, following sec. 15, to read as follows:

“Sec. 35. Section 9 of chapter 20, Statutes of Nevada 2005, is hereby repealed.

Sec. 36. Notwithstanding any provision of section 14 or 15 of this act to the contrary, the tax receiver of each county and the Department of Taxation:

1. Are not required to carry out the provisions of those sections before August 2, 2005; and

2. Shall carry out the provisions of those sections on or before October 1, 2005.”.

Amend sec. 16, page 15, by deleting lines 38 and 39 and inserting:

“Sec. 37. 1. This section and sections 1 to 17, inclusive, 19 to 22, inclusive, and 24 to 36, inclusive, of this act become effective upon passage and approval.

2. Sections 18 and 23 of this act become effective on January 1, 2006.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 16, to read as follows:

“

TEXT OF REPEALED SECTION

Section 9 of chapter 20, Statutes of Nevada 2005:

Sec. 9. Chapter 354 of NRS is hereby amending by adding thereto a new section to read as follows:

1. *A local government may not increase its total ad valorem tax rate for a fiscal year above its total ad valorem tax rate for the immediately preceding fiscal year without the approval of the Nevada Tax Commission, based upon the recommendation of the Committee on Local Government Finance. An application for such approval must be submitted to the Nevada Tax Commission.*

2. *The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out the provisions of this section.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to the taxation of property; making technical corrections to and providing for the administration of the provisions of Assembly Bill No. 489 of this session; providing for the allocation among taxing entities of certain reductions in ad valorem revenue; specifying the procedure for appealing determinations of the applicability of certain partial abatements of taxes; providing for the correction of the tax roll under certain circumstances when certain claims for a partial abatement are filed late; providing a penalty for falsely claiming to be entitled to certain partial

abatements; specifying the order in which certain partial abatements and exemptions must be applied to reduce tax liability; clarifying certain provisions governing the determination of primary residences; exempting certain tax levies from the partial abatements; repealing the requirement for certain approval by the Nevada Tax Commission; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 198 be taken from the Chief Clerk’s desk and placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 172 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 41 be taken from the Chief Clerk’s desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 119 be taken from the Chief Clerk’s desk and placed on the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 296 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills 32, 62, 115, 328, 358, and 394 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 120 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 126, 333, 431, 434, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 198.

Bill read second time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 1041.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 104.3102 is hereby amended to read as follows:

104.3102 1. This article applies to negotiable instruments. It does not apply to money, to payment orders governed by article 4A, or to securities governed by article 8.

2. If there is conflict between this article and article 4 or 9, articles 4 and 9 govern.

3. Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve banks supersede any inconsistent provision of this article to the extent of the inconsistency.

4. *The provisions of this article do not impair or abrogate any remedy that may exist, at law or in equity, under any other law, including the common law or any other state or federal statute.*"

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 431.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1067.

Amend section 1, page 2, line 2, by deleting "7," and inserting "7.5,".

Amend sec. 2, page 2, line 4, by deleting "7," and inserting "7.5,".

Amend sec. 5, page 2, by deleting line 18 and inserting: "*such a financial institution must submit:*

(a) Proof satisfactory to the”.

Amend sec. 5, page 2, line 20, by deleting “(a)” and inserting “(1)”.

Amend sec. 5, page 2, line 24, by deleting “(b)” and inserting “(2)”.

Amend sec. 5, page 2, line 26, by deleting “(c)” and inserting “(3)”.

Amend sec. 5, page 2, line 27, by deleting “(d)” and inserting “(4)”.

Amend sec. 5, page 2, line 30, by deleting “(e)” and inserting “(5)”.

Amend sec. 5, page 2, by deleting lines 33 through 36 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

“Sec. 7.5. 1. For the purpose of discovering violations of this title or of securing information lawfully required under this title, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this title; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this title, whether or not the person claims to be within the authority or beyond the scope of this title.

2. For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this title; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 28.5, page 18, line 8, by deleting: “29 and 29.5” and inserting: “29, 29.5 and 29.7”.

Amend the bill as a whole by adding a new section designated sec. 29.7, following sec. 29.5, to read as follows:

“Sec. 29.7. In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:

1. Is at least 21 years of age; and

2. Is a citizen of the United States or lawfully entitled to remain and work in the United States.”.

Amend sec. 35, page 22, line 8, by deleting “40,” and inserting “40.5,”.

Amend sec. 36, page 22, by deleting line 11 and inserting: "*in this chapter, each applicant must submit:*

(a) *Proof satisfactory to*".

Amend sec. 36, page 22, line 13, by deleting "(a)" and inserting "(1)".

Amend sec. 36, page 22, line 17, by deleting "(b)" and inserting "(2)".

Amend sec. 36, page 22, line 19, by deleting "(c)" and inserting "(3)".

Amend sec. 36, page 22, line 20, by deleting "(d)" and inserting "(4)".

Amend sec. 36, page 22, line 23, by deleting "(e)" and inserting "(5)".

Amend sec. 36, page 22, line 26, by deleting "(f)" and inserting "(6)".

Amend sec. 36, page 22, line 27, by deleting "(1)" and inserting "(I)".

Amend sec. 36, page 22, line 28, by deleting "(2)" and inserting "(II)".

Amend sec. 36, page 22, between lines 29 and 30, by inserting:

"(b) *A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*".

Amend sec. 37.6, page 24, line 32, by deleting "a" and inserting "an administrative".

Amend sec. 40, page 25, line 41, by deleting "\$10,000" and inserting "\$50,000".

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

"Sec. 40.5. *If a person operates a deferred deposit service or check-cashing service without obtaining a license pursuant to NRS 604.130:*

1. *Any contracts entered into by that person for a deferred deposit or the cashing of a check are voidable by the other party to the contract; and*

2. *In addition to any other remedy provided by law, a person who enters into a contract for a deferred deposit or the cashing of a check with the person who is operating a deferred deposit service or a check-cashing service without obtaining a license pursuant to NRS 604.130 may recover in a civil action an amount not to exceed \$1,000 for each such contract.*".

Amend the bill as a whole by deleting sec. 56 and adding:

"Sec. 56. (Deleted by amendment.)".

Amend sec. 60, page 36, line 12, after "3." by inserting: "*In addition to any other requirements, each applicant or member, partner, director, officer or manager of an applicant shall submit to the Commissioner a complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

4."

Amend sec. 60, page 36, line 14, by deleting "4." and inserting "[4.] 5."

Amend sec. 60, page 36, line 21 by deleting "5." and inserting "6."

Amend sec. 68, page 42, line 7, by deleting: “69, 70 and 71” and inserting: “69 to 71.5, inclusive.”.

Amend sec. 69, page 42, by deleting line 9 and inserting: “*in this chapter, each applicant must submit:*

(a) Proof satisfactory to”.

Amend sec. 69, page 42, line 11, by deleting “(a)” and inserting “(1)”.

Amend sec. 69, page 42, line 15, by deleting “(b)” and inserting “(2)”.

Amend sec. 69, page 42, line 17, by deleting “(c)” and inserting “(3)”.

Amend sec. 69, page 42, line 18, by deleting “(d)” and inserting “(4)”.

Amend sec. 69, page 42, line 21, by deleting “(e)” and inserting “(5)”.

Amend sec. 69, page 42, by deleting lines 24 through 27 and inserting:

“(b) *A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.*

Amend the bill as a whole by adding a new section designated sec. 71.5, following sec. 71, to read as follows:

“Sec. 71.5. 1. *For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

(a) Any association;

(b) Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. *For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

3. *The Commissioner may require the attendance of any person and examine him under oath regarding:*

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 82, page 51, by deleting line 29 and inserting: “*in this chapter, each applicant must submit:*

(a) Proof satisfactory to”.

Amend sec. 82, page 51, line 31, by deleting “(a)” and inserting “(1)”.

Amend sec. 82, page 51, line 35, by deleting “(b)” and inserting “(2)”.

Amend sec. 82, page 51, line 37, by deleting “(c)” and inserting “(3)”.

Amend sec. 82, page 51, line 38, by deleting “(d)” and inserting “(4)”.

Amend sec. 82, page 51, line 41, by deleting “(e)” and inserting “(5)”.

Amend sec. 82, page 51, line 44, by deleting “(f)” and inserting “(6)”.

Amend sec. 82, page 51, line 45, by deleting “(1)” and inserting “(I)”.

Amend sec. 82, page 52, line 1, by deleting “(2)” and inserting “(II)”.

Amend sec. 82, page 52, between lines 2 and 3, by inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend sec. 90, page 55, line 5, by deleting “94,” and inserting “94.5.”.

Amend sec. 91, page 55, by deleting line 8 and inserting: *“in this chapter, each applicant must submit:*

(a) Proof satisfactory to”.

Amend sec. 91, page 55, line 10, by deleting “(a)” and inserting “(1)”.

Amend sec. 91, page 55, line 14, by deleting “(b)” and inserting “(2)”.

Amend sec. 91, page 55, line 16, by deleting “(c)” and inserting “(3)”.

Amend sec. 91, page 55, line 17, by deleting “(d)” and inserting “(4)”.

Amend sec. 91, page 55, line 20, by deleting “(e)” and inserting “(5)”.

Amend sec. 91, page 55, line 23, by deleting “(f)” and inserting “(6)”.

Amend sec. 91, page 55, line 24, by deleting “(1)” and inserting “(I)”.

Amend sec. 91, page 55, line 25, by deleting “(2)” and inserting “(II)”.

Amend sec. 91, page 55, between lines 26 and 27, by inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 94.5, following sec. 94, to read as follows:

“Sec. 94.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) A licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 99, page 58, line 24, by deleting “103,” and inserting “103.5,”.

Amend sec. 100, page 58, by deleting line 27 and inserting:

“in this chapter, each applicant must submit:

(a) Proof satisfactory to”.

Amend sec. 100, page 58, line 29, by deleting “(a)” and inserting “(1)”.

Amend sec. 100, page 58, line 33, by deleting “(b)” and inserting “(2)”.

Amend sec. 100, page 58, line 35, by deleting “(c)” and inserting “(3)”.

Amend sec. 100, page 58, line 36, by deleting “(d)” and inserting “(4)”.

Amend sec. 100, page 58, line 39, by deleting “(e)” and inserting “(5)”.

Amend sec. 100, page 58, by deleting lines 42 through 45 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 103.5, following sec. 103, to read as follows:

“Sec. 103.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) A licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 107, page 61, line 18, by deleting “111,” and inserting “111.5.”.

Amend sec. 108, page 61, by deleting line 21 and inserting:
“in this chapter, each applicant must submit:

(a) Proof satisfactory to”.

Amend sec. 108, page 61, line 23, by deleting “(a)” and inserting “(1)”.

Amend sec. 108, page 61, line 27, by deleting “(b)” and inserting “(2)”.

Amend sec. 108, page 61, line 29, by deleting “(c)” and inserting “(3)”.

Amend sec. 108, page 61, line 30, by deleting “(d)” and inserting “(4)”.

Amend sec. 108, page 61, line 33, by deleting “(e)” and inserting “(5)”.

Amend sec. 108, page 61, by deleting lines 36 through 39 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 111.5, following sec. 111, to read as follows:

“Sec. 111.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any credit union;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 115, page 64, line 12, before “If” by inserting “1.”.

Amend sec. 115, page 64, between lines 17 and 18, by inserting:

“2. The amendatory provisions of section 62 of this act shall apply:

(a) On October 1, 2008, to any person who has been issued a licensed pursuant to NRS 649.095 on or before September 30, 2005.

(b) On October 1, 2005, to any person to whom a license is issued pursuant to NRS 649.095 on or after October 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT relating to financial institutions; establishing requirements relating to applications for certain licenses; establishing additional grounds for refusing to issue or for suspending or revoking certain licenses; authorizing the Commissioner of Financial Institutions to conduct certain activities to investigate violations of certain regulated activities; revising the provisions governing the use of business names by financial institutions; increasing the maximum amount of various fees and fines imposed on financial institutions; authorizing the Commissioner of Financial Institutions to establish the amount of certain fees by regulation; revising the provisions governing the licensure of agents involved in the transmission of money and financial instruments; revising the provisions governing liability for nonpayment of certain financial obligations; revising the provisions governing certain interest rates; revising the provisions governing check-cashing services and deferred deposit services; authorizing a person to recover in a civil action compensation against a person who operates a deferred deposit service or check-cashing service without a license; revising the provisions governing collection agencies; increasing the amount of certain required surety bonds; revising the provisions governing examination of credit unions; providing for certain administrative fines and penalties; and providing other matters properly relating thereto.”

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 126.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1075.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

The Administrator shall include on any notice or form that is provided to injured employees and is on the Internet website of the Division, contact information for the Office for Consumer Health Assistance created pursuant to NRS 223.550.

Sec. 3. 1. There is hereby appropriated from the Fund for Workers' Compensation and Safety created by NRS 616A.425 to the Office for

Consumer Health Assistance in the Office of the Governor the sum of \$171,070 for the additional costs required pursuant to the amendatory provisions of section 1 of this act.

2. Any remaining balance of the money appropriated by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for Workers' Compensation and Safety on or before September 21, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to consumer health; requiring the Director of the Office for Consumer Health Assistance in the Office of the Governor to employ persons who have experience in the field of industrial relations; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to include contact information for the Office for Consumer Health Assistance on notices and forms provided to injured workers and on the Internet website of the Division; making an appropriation from the Fund for Workers' Compensation and Safety to the Office for Consumer Health Assistance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to Office for Consumer Health Assistance. (BDR 18-246)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 333.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1043.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 644.0245 is hereby amended to read as follows:

644.0245 “Demonstrator of cosmetics” means a person who ~~[-without charge and without advertising his services,]~~ demonstrates the application of cosmetics in a cosmetological establishment for the sole purpose of selling cosmetics.

Sec. 2. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

(b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for 1 year and submits written verification of his experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$25 nor more than \$40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license ~~[-] or 1 year from the date of issuance, whichever occurs first.~~ The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.”

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety in the amount ~~of \$10,000.~~ *determined by the Board pursuant to this section.*

2. *The amount of the bond required for a school of cosmetology is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

(a) The total amount determined pursuant to subsections 3 to 5, inclusive, must be rounded down to the nearest \$5,000; and

(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than one year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:*

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~{3-}~~ 7. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.”.

Amend sec. 3, page 3, between lines 40 and 41, by inserting:

“5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.”.

Amend the title of the bill to read as follows:

“AN ACT relating to professions; revising provisions governing demonstrators of cosmetics; revising provisions governing licensure of certain instructors regulated by the Board; revising and repealing various provisions governing the regulation of cosmetological establishments and schools of cosmetology; authorizing operators of cosmetological establishments to lease space to other professionals; revising the requirements for a surety bond for certain schools of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy and providing for the regulation of such courses or programs by the Board; revising the number of classroom hours required of certain cosmetological students; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 434.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1086.

Amend sec. 7, page 7, line 2, by deleting “project.” and inserting: “project ~~[-]~~ or if the contractor builds a residential pool or spa as part of the original building plan pursuant to which the contractor builds a single-family residence on the premises.”.

Amend sec. 13, page 12, by deleting line 11 and inserting:

“7. If a”.

Amend sec. 13, page 12, by deleting lines 15 through 17 and inserting:

“(a) ~~[-]~~ ~~Becomes licensed pursuant to this chapter on or after July 1, 2001;~~
~~(b) [-]~~ Is determined by the Board to have violated one or more of”.

Amend sec. 13, page 12, line 19, by deleting “(c)” and inserting “~~[(c)]~~ (b)”.

Amend sec. 13, page 12, line 25, by deleting “(d)” and inserting “~~[(d)]~~ (c)”.

Amend sec. 13, page 12, line 27, by deleting “contractor shall” and inserting: “Board may require the contractor ~~[-]~~ to”.

Amend sec. 13, page 12, by deleting lines 28 and 29 and inserting:

“8. ~~[-]~~ If the Board requires a contractor described in subsection 7 to comply with the provisions of this subsection, the contractor shall, before commencing work”.

Amend sec. 13, page 12, line 38, by deleting “A” and inserting:

“~~[-]~~ Except as otherwise provided in this paragraph, a”.

Amend sec. 13, page 13, by deleting lines 4 through 24 and inserting:

“bond. In lieu of a performance or payment bond, the contractor may obtain an equivalent form of security approved by the Board.

9. As used in this section, “substantiated claim for wages” has”.

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. NRS 624.275 is hereby amended to read as follows:

624.275 1. With respect to a surety bond that a licensed contractor maintains in accordance with NRS 624.270 ~~[-]~~ or 624.276:

(a) The surety shall give prompt notice to the Board of any claims paid against the bond of the licensed contractor.

(b) The surety may cancel the bond upon giving 60 days’ notice to the Board and to the contractor by certified mail.

2. Upon receipt by the Board of the notice described in paragraph (a) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he

furnishes an equivalent bond or establishes an equivalent cash deposit before a date set by the Board.

3. Upon receipt by the Board of the notice described in paragraph (b) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before the effective date of the cancellation.

4. The notice mailed to the contractor by the Board pursuant to subsection 2 or 3 must be addressed to his latest address of record in the office of the Board.

5. If the contractor does not comply with the requirements of the notice from the Board, his license must be suspended or revoked on the date:

(a) Set by the Board, if the notice was provided to the contractor pursuant to subsection 2; or

(b) The bond is cancelled, if the notice was provided to the contractor pursuant to subsection 3.”

Amend sec. 14, page 13, line 31, by deleting “may,” and inserting “[~~may,~~] shall,”.

Amend sec. 14, page 13, by deleting lines 32 through 34 and inserting: “or renewal of a license, require the applicant to [~~file~~] :

(a) *File with the Board a bond solely for the protection of consumers in an amount fixed by the Board [~~;~~] ; or*

(b) *In lieu of filing a bond, establish with the Board a cash deposit as provided in this section.”.*

Amend sec. 14, page 13, line 39, by deleting “2” and inserting “[~~2~~] 5”.

Amend sec. 14, page 13, by deleting lines 40 through 42 and inserting:

“3. After a contractor who performs work concerning a residential pool or spa has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the Board may relieve the contractor of the requirements of subsection 1 if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the contractor to comply with subsection 1 if evidence is presented to the Board supporting this requirement.

4. If a licensee is relieved of the requirement of establishing a cash deposit pursuant to this section, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.

5. Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license.

6. The amount of each bond or cash deposit required by this section must be fixed by the Board with reference to the contractor’s financial and professional responsibility and the magnitude of his operations, but must be not less than \$10,000 or more than \$400,000. The bond must be continuous in form and must be conditioned that the total aggregate liability of the

surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force.

7. A bond required pursuant to subsection 1 must be provided by a person whose long-term debt obligations are rated “A” or better by a nationally recognized rating agency. *The Board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the Board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.2545 or 624.291.*

8. *Unless released earlier pursuant to subsection 3, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established or 2 years after completion of all work authorized by the Board after termination of the license, whichever occurs later, if there is no outstanding claim against it.*

9. *Each bond or deposit required pursuant to this section must be in favor of the State of Nevada solely for the benefit of any consumer who entered into a contract with the contractor to perform work concerning a residential pool or spa and:*

(a) Is damaged by failure of the contractor to perform the contract or to remove liens filed against the property; or

(b) Is injured by any unlawful act or omission of the contractor in the performance of a contract.

10. *Any consumer claiming against the bond or deposit may bring an action in a court of competent jurisdiction on the bond or against the Board on the deposit for the amount of damage he has suffered to the extent covered by the bond or deposit.*

11. *If an action is commenced on the bond, the surety that executed the bond shall notify the Board of the action within 30 days after the date that:*

(a) The surety is served with a complaint and summons; or

*(b) The action is commenced,
whichever occurs first.*

12. *A claim or action pursuant to this section must proceed and be administered in the manner provided pursuant to NRS 624.273 for a claim or action.*

13. *The Board shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations concerning:*

(a) The determination of the amount of a bond pursuant to this section;

(b) The form of bond required pursuant to this section;

(c) The time within which an applicant or licensee must comply with the provisions of this section; and

(d) Procedures to contest the amount of a bond required pursuant to this section.

14. *The Board shall immediately suspend the license of a contractor who fails to post the bond or provide the deposit required pursuant to this section.*

Failure by a licensee for 6 months to post the bond or provide the deposit required pursuant to this section constitutes grounds for disciplinary action.

15. *As used in this section:*

(a) *“Consumer” means a natural person who:*

(1) *Owns a single-family residence; and*

(2) *Enters into a contract with a licensee to perform work concerning a residential pool or spa.*

(b) *“Work concerning a residential pool or spa” has the meaning ascribed to it in NRS 597.713.”.*

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2005, for all other purposes.”.

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting: “spas; requiring contractors who perform work on residential pools and spas to provide a bond or cash deposit for the protection of consumers under certain circumstances; providing procedures for administering such bonds and cash deposits; revising provisions governing performance, payment and consumer protection bonds; providing penalties; and”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 457.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1087.

Amend sec. 3, page 3, line 10, after “2.” by inserting: “A wholesale dealer, supplier, retailer or retail liquor dealer may bring an action in a court of competent jurisdiction against any person who knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 and is entitled to an award of \$1,000 for each violation and may recover the damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110. For the purposes of this subsection, each sale or transaction in violation of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 constitutes a separate violation, regardless of the number of sales or transactions.

3. A director, officer, agent or employee or a person engaged in the sale or importation of liquor in this State who knowingly assists or aids in a

violation of this chapter for which an action is authorized pursuant to this section is liable in such an action.

4.”.

Amend sec. 3, page 3, lines 11 and 12, by deleting: “*the wholesale dealer*” and inserting “*a person*”.

Amend the title of the bill, third line, after “stores;” by inserting: “authorizing a wholesale dealer, supplier, retailer or retail liquor dealer to bring a civil action for certain violations relating to intoxicating liquor;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to intoxicating liquor. (BDR 32-1408)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 32.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 1073.

Amend section 1, page 3, line 13, by deleting “*System;*” and inserting: “*System who take classes other than during their regular working hours; and*”.

Amend section 1, page 3, line 14, by deleting “*States; and*” and inserting “*States.*”.

Amend section 1, page 3, by deleting lines 15 through 17.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 62.

Bill read third time.

The following amendment was proposed by Assemblymen Leslie, Arberry, Giunchigliani, and Hettrick:

Amendment No. 1079.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 5 and 6 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State Treasury a fund to be designated as the Water Rights Protection Fund to be administered by the Board for Financing Water Projects.*

2. *The Water Rights Protection Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is*

invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. *The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Protection Fund.*

4. *Money in the Water Rights Protection Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:*

(a) Obtain and provide expert and technical assistance to protect its existing water rights; or

(b) Fund projects to enhance or protect its existing water rights.

Sec. 4. There is hereby appropriated from the State General Fund to the Water Rights Protection Fund, created by section 3 of this act, the sum of \$1,000,000.”.

Amend sec. 4, page 4, line 9, by deleting: “This act becomes” and inserting:

“1. This section and sections 1, 2, 5 and 6 of this act become”.

Amend sec. 4, page 4, by deleting line 10 and inserting: “and apply retroactively.

2. Sections 3 and 4 of this act become effective on July 1, 2005.”.

Amend the title of the bill, second line, after “rights;” by inserting: “creating a fund to be used to protect existing water rights; making an appropriation;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provisions governing water rights. (BDR 48-681)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 115.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 1052.

Amend section 1, page 2, line 3, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 2, the*”.

Amend section 1, page 2, line 7, after “*Discuss*” by inserting “*tactical*”.

Amend section 1, page 2, line 16, after “2.” by inserting: “*The governing body of a local government or an advisory body to such governing body shall not discuss issues of public policy relating to acts of terrorism or the payment of the costs of securing against or responding to acts of terrorism in a closed meeting.*

3.”.

Amend section 1, page 2, by deleting line 21, and inserting:

“4. *Except as otherwise provided in subsection 5, all pertinent*”.

Amend section 1, page 2, line 30, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 31, by deleting “3” and inserting “4”.

Amend section 1, page 2, line 34, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, line 5, by deleting “6.” and inserting “7.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 328 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 358.

Bill read third time.

The following amendment was proposed by Assemblymen Perkins:

Amendment No. 990.

Amend sec. 2, page 2, line 27, by deleting “2005.” and inserting “2006.”.

Amend sec. 2, page 3, line 10, by deleting “2005.” and inserting “2006.”.

Amend the bill as a whole by deleting sec. 5.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 394.

Bill read third time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 1077.

Amend the bill as a whole by renumbering sections 23 through 27 as sections 24 through 28 and adding a new section designated sec. 23, following sec. 22, to read as follows:

“Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~[1. Except as otherwise provided in this section, on]~~ On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ 6 percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and~~

~~improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]”.~~

Amend the bill as a whole by renumbering sections 28 through 39 as sections 42 through 53 and adding new sections designated sections 29 through 41, following sec. 27, to read as follows:

“Sec. 29. The Legislature hereby finds and declares that because of the shortage of real property available to the urban and rural communities in Nevada, it is in the best interests of the people of the State of Nevada to encourage the development of property as golf courses so as to preserve open space in both residential and commercial areas of development.

Sec. 30. Chapter 361A of NRS is hereby amended by adding thereto the provisions set forth as sections 31 and 32 of this act.

Sec. 31. 1. “Golf course” means:

(a) Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and

(b) Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.

2. The term does not include:

(a) A commercial golf driving range that is not operated in conjunction with a golf course.

(b) A clubhouse, pro shop, restaurant or other building that is associated with a golf course.

Sec. 32. 1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) An amount equal to \$2,860 per acre of real property used as the golf course multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004; and

(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence.

2. The Nevada Tax Commission shall establish a manual for the assessment of improvements made to real property used as a golf course. The manual must require:

(a) The use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable; and

(b) For the purpose of determining obsolescence, the consideration of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.

Sec. 33. NRS 361A.010 is hereby amended to read as follows:

361A.010 As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections except where the context otherwise requires.

Sec. 34. NRS 361A.040 is hereby amended to read as follows:

361A.040 “Open-space real property” means:

1. Land:

(a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and

(b) Devoted exclusively to open-space use.

2. The improvements on the land *described in subsection 1 that is used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.*

3. *Land that is used as a golf course.*

Sec. 35. NRS 361A.050 is hereby amended to read as follows:

361A.050 “Open-space use” means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the Department of Cultural Affairs. *The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.*

Sec. 36. NRS 361A.090 is hereby amended to read as follows:

361A.090 1. It is the intent of the Legislature to:

(a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and

(b) Provide a separate plan for:

(1) Appraisal and valuation of such property for assessment purposes; and

(2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.

2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.

3. *The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.*

Sec. 37. NRS 361A.170 is hereby amended to read as follows:

361A.170 1. *Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.*

2. ~~{The}~~ *In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of each city or county shall, from time to time, specify by resolution ~~{the}~~ additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.*

~~{2-}~~ 3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment ~~{-}~~ *based on a designation or classification adopted pursuant to subsection 2.* The criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 38. NRS 361A.180 is hereby amended to read as follows:

361A.180 Any owner of real property may apply to the county assessor for open-space use assessment *based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170* and the payment of taxes on such property as provided in this chapter.

Sec. 39. NRS 361A.220 is hereby amended to read as follows:

361A.220 1. If ~~{the}~~ property is ~~{found by the board of county commissioners}~~ to be assessed as open-space real property, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.

Sec. 40. NRS 361A.230 is hereby amended to read as follows:

361A.230 1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) ~~{Notification by the applicant to the assessor to remove the open space use assessment;~~

~~{b)}~~ Sale or transfer to an owner making it exempt from ad valorem property taxation;

~~{c)}~~ (b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the ~~{approved}~~ open-space use; or

~~{d)}~~ (c) *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:*

(1) Notification by the applicant to the assessor to remove the open-space use assessment; or

(2) Failure to file a new application as provided in NRS 361A.190.

2. Except as otherwise provided in paragraph ~~(b)~~ (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an ~~approved~~ open-space use . ~~[-if]~~ *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the new owner ~~applies~~ must apply for open-space use assessment in the manner provided in NRS 361A.190.*

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

Sec. 41. NRS 361A.240 is hereby amended to read as follows:

361A.240 1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. ~~[The]~~ *If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the applicant for the open-space assessment is entitled to:*

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.”.

Amend sec. 28, page 20, line 31, after “must” by inserting:
“, unless the property is sold or transferred to the Nevada System of Higher Education, a school district or another local governmental entity,”.

Amend sec. 33, page 21, by deleting lines 43 and 44 and inserting:

“2. The money in the Account ~~must~~ :

(a) *Must be accounted for separately and not as a part of any other account* ~~[-]~~ ; and

(b) *Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.”.*

Amend sec. 39, page 25, line 24, by deleting “37” and inserting “51”.

Amend the bill as a whole by renumbering sections 40 and 41 as sections 56 and 57 and adding new sections designated sections 54 and 55, following sec. 39, to read as follows:

“Sec. 54. The Nevada Tax Commission shall establish the manual required by section 32 of this act not later than July 1, 2006.

Sec. 55. On or before July 1, 2006, and July 1, 2007, the county assessor of each county shall submit to the board of county commissioners of the county and the Legislative Commission a report of:

1. Any technology acquired and any improvements in the technology used in the office of the county assessor as a result of the money accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor pursuant to NRS 361.530 and 362.170, as amended by this act; and

2. The means by and extent to which that money has assisted the county assessor in the collection of taxes.”.

Amend sec. 41, page 25, by deleting line 29 and inserting:

“Sec. 57. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, and 42 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, 2007.

5. Section 43 of this act expires by limitation on June 30, 2007.”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 120.

Bill read third time.

The following amendment was proposed by Assemblywoman Leslie:

Amendment No. 1054.

Amend section 1, page 2, by deleting lines 17 and 18 and inserting:
“trauma unless the hospital meets the standards ~~[-~~
~~3-]~~ established pursuant to this subsection.

3. *Each county or district board of health in a county whose population is 400,000 or more shall adopt regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2. A county or district board of health shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless the hospital meets the standards established pursuant to this subsection.*

4. *A proposal to designate a hospital located in a county whose population is 400,000 or more as a center for the treatment of trauma:*

(a) *Must be approved by the Administrator of the Health Division and by the county or district board of health of the county in which the hospital is located; and*

(b) *May not be approved unless the county or district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.*

5. Upon approval by the Administrator of the Health Division *and, if the hospital is located in a county whose population is 400,000 or more, the county or district board of health of the county in which the hospital is located,*”.

Amend section 1, page 2, line 20, by deleting “he” and inserting: “[~~he~~] the Administrator of the Health Division”.

Amend section 1, page 2, line 28, by deleting “subsection 2.” and inserting: “[~~subsection 2.~~] subsections 2 and 3.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. The amendatory provisions of this act do not affect any hospital that has been designated as a center for the treatment of trauma before October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to emergency medical services; making various changes concerning programs for the treatment of trauma and the designation of hospitals as centers for the treatment of trauma in larger counties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning treatment of trauma and centers for treatment of trauma. (BDR 40-885)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 296.

Bill read third time.

The following amendment was proposed by Assemblywoman Leslie:

Amendment No. 1042.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 through 10 as sections 1 through 5.

Amend sec. 10, page 9, line 11, by deleting “[~~expunge~~] delete” and inserting “expunge”.

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 and 14 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 15.

Amend the title of the bill by deleting the first through seventh lines and inserting:

“AN ACT relating to children; requiring certain persons to notify an agency which”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure. (BDR 38-372)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 172.

Bill read third time.

Roll call on Senate Bill No. 172:

YEAS—40.

NAYS—None.

NOT VOTING—Sibley.

EXCUSED—Ohrenschall.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Remarks by Assemblymen Allen, Atkinson, Anderson, Ocegüera, and Buckley.

Roll call on Senate Bill No. 234:

YEAS—23.

NAYS—Allen, Angle, Atkinson, Christensen, Claborn, Gansert, Goicoechea, Grady, Hardy, Holcomb, Koivisto, McCleary, Munford, Ocegüera, Seale, Sherer, Sibley, Weber—18.

EXCUSED—Ohrenschall.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 172:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 175:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 222:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274.

Bill read third time.

Roll call on Assembly Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 289:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Roll call on Assembly Bill No. 376:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblymen Atkinson, Angle, Christensen, and Anderson.

Roll call on Assembly Bill No. 411:

YEAS—36.

NAYS—Angle, Hettrick, Marvel, Seale, Sherer—5.

EXCUSED—Ohrenschall.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 499 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 500 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 87 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 17 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 267 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

The following amendment was proposed by the Assemblyman Parks:

Amendment No. 1051.

Amend sec. 3, page 4, by deleting lines 41 through 45 and inserting: "applies to R147-04 and R159-04 for which filing was suspended by the Legislative Commission or the Committee to Review Regulations appointed

pursuant to NRS 233B.067. Within 60 days after the effective date of this act, the”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 560.

Bill read third time.

Roll call on Assembly Bill No. 560:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 22, 44, 45, 64, 214, 221, 235, 325, 332, 347, 426, 428, 467, and 477 be taken from their position on the General File and placed at the top of the General File for the current legislative day.

Motion carried.

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

Assembly in recess at 1:24 p.m.

ASSEMBLY IN SESSION

At 1:38 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 87.

Bill read second time and ordered to third reading.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1066.

Amend sec. 2, page 3, line 33, by deleting “*provided*” and inserting: “*made available at the meeting*”.

Amend sec. 3, page 4, by deleting lines 15 through 18 and inserting: “to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body”.

Amend sec. 3, page 4, by deleting lines 24 and 25 and inserting: “consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the”.

Amend sec. 4, page 5, line 11, by deleting “officer.” and inserting: “officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university or community college within the University and Community College System of Nevada, a superintendent of a county school district, a county manager and a city manager.”.

Amend sec. 4, page 5, line 16, by deleting “officer,” and inserting: “officer or other officer described in paragraph (b) of subsection 1,”.

Amend sec. 5, page 5, by deleting lines 19 and 20 and inserting: “consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it”.

Amend sec. 5, page 5, by deleting lines 38 and 39 and inserting: “considering the character, alleged misconduct, professional competence, or physical or mental health of the person.”.

Amend sec. 5, page 6, by deleting lines 2 through 11 and inserting: “portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, each person to whom notice is required to be given pursuant to paragraph (a) of subsection 1 must be allowed to:

(a) Attend the closed meeting or that portion of the closed meeting during which his character, alleged misconduct, professional competence, or physical or mental health is considered;

(b) Have an attorney or other representative of his choosing present with him during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, or physical or mental health is considered, the chairman of the public body may at any time before or during a closed meeting:”.

Amend sec. 5, page 6, line 17, by deleting “5.” and inserting “6.”.

Amend sec. 5, page 6, by deleting lines 19 and 20 and inserting: “*person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the*”.

Amend sec. 5, page 6, line 22, by deleting “6.” and inserting “7.”.

Amend sec. 5, page 6, by deleting line 25 and inserting: “*misconduct, professional competence, or physical or mental health of the person.*”.

Amend sec. 6, page 7, by deleting line 5 and inserting: “*character, alleged misconduct, professional competence, or physical or mental health; and*”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 20 and 262 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1006.

Amend sec. 3, page 5, line 7, by deleting: “or 201.450” and inserting: “~~for~~ , 201.450 or 201.540”.

Amend sec. 3, page 5, line 9, by deleting “201.560;” and inserting: “201.560 ~~for~~ , NRS 212.187 or 433.554;”.

Amend sec. 20, page 14, between lines 37 and 38, by inserting:

“(8) *The tier level of notification assigned to the offender.*”.

Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:

“Sec. 22.5. NRS 179D.035 is hereby amended to read as follows:

179D.035 “Convicted” includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles

if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:

1. A crime against a child that is listed in subsection 6 of NRS 179D.210.
2. A sexual offense that is listed in subsection ~~{19}~~ 22 of NRS 179D.410.
3. A sexual offense that is listed in paragraph (b) of subsection 2 of NRS 62F.260.”.

Amend sec. 23, page 16, line 23, by deleting “An” and inserting: “~~An~~”

1. *Except as otherwise provided in subsection 2, an*”.

Amend sec. 23, page 16, line 25, by deleting “1.” and inserting “~~{1.}~~ (a)”.

Amend sec. 23, page 16, line 26, by deleting “2.” and inserting “~~{2.}~~ (b)”.

Amend sec. 23, page 16, line 28, by deleting “3.” and inserting “~~{3.}~~ (c)”.

Amend sec. 23, page 16, line 30, by deleting “4.” and inserting “~~{4.}~~ (d)”.

Amend sec. 23, page 16, line 32, by deleting “~~{D}~~ C” and inserting “D”.

Amend sec. 23, page 16, between lines 33 and 34, by inserting:

“2. An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend the bill as a whole by adding new sections designated sections 23.3 and 23.7, following sec. 23, to read as follows:

“Sec. 23.3. NRS 179D.400 is hereby amended to read as follows:

179D.400 1. “Sex offender” means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.410; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~{19}~~ 22 of NRS 179D.410.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

(b) A nonresident sex offender who is a student or worker within this State.

Sec. 23.7. NRS 179D.410 is hereby amended to read as follows:

179D.410 “Sexual offense” means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

11. Open or gross lewdness pursuant to NRS 201.210.

12. Indecent or obscene exposure pursuant to NRS 201.220.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~{16.}~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~{15, inclusive. 17.}~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~{18.}~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~{19.}~~ 22. An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.”.

Amend sec. 24, page 16, line 35, after “179D.550” by deleting “A” and inserting:

“{A}

1. *Except as otherwise provided in subsection 2, a”.*

Amend sec. 24, page 16, line 36, by deleting “1.” and inserting “[~~1.~~] (a)”.

Amend sec. 24, page 16, line 37, by deleting “2.” and inserting “[~~2.~~] (b)”.

Amend sec. 24, page 16, line 39, by deleting “3.” and inserting “[~~3.~~] (c)”.

Amend sec. 24, page 16, line 41, by deleting “4.” and inserting “[~~4.~~] (d)”.

Amend sec. 24, page 16, line 43, by deleting “[~~D~~] C” and inserting “D”.

Amend sec. 24, page 16, after line 44, after, by inserting:

“2. An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend the bill as a whole by adding new sections designated sections 24.3 and 24.7, following sec. 24, to read as follows:

“Sec. 24.3. NRS 179D.610 is hereby amended to read as follows:

179D.610 1. “Sex offender” means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.620; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection [~~19~~] 22 of NRS 179D.620.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

(b) A nonresident sex offender who is a student or worker within this State.

Sec. 24.7. NRS 179D.620 is hereby amended to read as follows:

179D.620 “Sexual offense” means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony.

11. Open or gross lewdness pursuant to NRS 201.210, if punished as a felony.

12. Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~16.~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~15, inclusive.~~ ~~17.~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~18.~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~19.~~ 22. An offense of a sexual nature committed in another jurisdiction and punished as a felony, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.”.

Amend sec. 27, page 21, line 18, by deleting “or” and inserting “~~for~~”.

Amend sec. 27, page 21, line 19, after “(d)” by inserting: “*Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540;*

(e)”.

Amend sec. 27, page 21, line 20, by deleting “felony.” and inserting: “felony ~~or~~; or

(f) *Abuse of a client in a mental health facility pursuant to NRS 433.554.”.*

Amend sec. 34.5, page 25, line 39, after “(l)” by inserting:

“Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.

(m)”.

Amend sec. 34.5, page 25, line 41, by deleting “(m)” and inserting: “~~{(m)}~~ (n) *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

(o) Abuse of a client in a mental health facility pursuant to NRS 433.554.

(p)”.

Amend sec. 34.5, page 25, lines 42 and 43, by deleting: “(l), inclusive.

(n)” and inserting: “~~{(l), inclusive.~~

~~(n)}~~ (m), inclusive.

(q)”.

Amend sec. 34.5, page 26, line 1, by deleting “(o)” and inserting “(r)”.

Amend the title of the bill, twentieth line, after “offender” by inserting: “expanding the crimes that constitute a sexual offense for purposes of registration, community notification and determining certain penalties; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child and of sex offenders;”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1017.

Amend sec. 3, page 2, line 32, by deleting “388.380,” and inserting: “388.380 and to the extent that money is available from this State or the Federal Government,”.

Amend sec. 10, page 5, line 39, by deleting “2,” and inserting “~~{2,}~~ 3,”.

Amend sec. 10, page 6, line 6, after “2.” by inserting: “A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his diploma, if applicable.

3.”.

Amend sec. 10, page 6, between lines 10 and 11, by inserting:

“4. The State Board for Career and Technical Education shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.”.

Amend sec. 22, page 12, by deleting lines 10 through 26 and inserting:

“Sec. 22. 1. To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to school districts and charter schools to establish advisory technical skills committees and to establish, maintain and expand programs of career and technical education. If the Department provides grants of money pursuant to this section, the Department shall:

(a) Establish criteria for grants of money to school districts and charter schools pursuant to this section;

(b) Make determinations regarding the grants of money based upon recommendations of the advisory technical skills committee established by the school district or charter school, if applicable; and

(c) Allocate available money to school districts and charter schools based upon the total unduplicated enrollment of pupils in all career and technical education classes in that school district or charter school during the immediately preceding school year. Notwithstanding the provisions of this paragraph, the Department may establish a minimum allocation for a school district located in a county whose population is less than 50,000.

2. To the extent that money is available for grants of money pursuant to this section, the board of trustees of a school district or the governing body of a charter school may submit an application to the Department of Education on a form provided by the Department.”.

Amend sec. 22, page 12, line 27, by deleting “4.” and inserting “3.”.

Amend sec. 22, page 12, line 30, by deleting: “(b) of subsection 2” and inserting: “(a) of subsection 1”.

Amend sec. 22, page 12, by deleting lines 33 through 39 and inserting:

“4. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to this section shall:

(a) Use the money to establish an advisory technical skills committee and to establish, maintain and expand programs of career and technical education;

(b) Use the money to supplement and not replace the money that the school district or charter school would otherwise expend for the establishment of an advisory technical skills committee and for the establishment, maintenance and expansion of programs of career and technical education.

(c) Evaluate the effectiveness of the advisory technical skills”.

Amend sec. 22, page 12, line 43, by deleting “6.” and inserting “5.”.

Amend sec. 22, page 12, line 44, by deleting: “(b) of subsection 5” and inserting: “(c) of subsection 4”.

Amend sec. 22, page 13, by deleting lines 3 through 6.

Amend the title of the bill by deleting the fifth through thirteenth lines and inserting: “education”; requiring under certain circumstances that an advisory technical skills committee be appointed for a program of career and technical education in a school district; authorizing the Department of Education to

provide grants, to the extent money is available, for distribution to school districts and charter schools for career and technical education; requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; and providing other matters”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 20.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 1093.

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding new sections designated sections 2 through 6, following section 1, to read as follows:

“Sec. 2. Section 1.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~Four Councilmen.~~ *One Councilman from each ward.*

(c) One or more Municipal Judges, as determined pursuant to section 4.005 of this Charter.

2. Such officers must be elected as provided by this Charter.

Sec. 3. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this Charter will not

affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. ~~[All Councilmen, including the Mayor,]~~ *Each Councilman* must be voted upon *only* by the registered voters of the ~~[City at large, and their terms]~~ *ward that he seeks to represent, and his term of office [are] is 4 years.*

6. *The Mayor must be voted upon by the registered voters of the City at large, and his term of office is 4 years.*

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 4. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. *In such a general election:*

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 5. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the Tuesday following the first Monday in April preceding the general election.

In the primary election:

(a) *A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be voted upon by the registered voters of the City at large.*

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he shall be declared elected to office and his name must not appear on the ballot for the general election.

Sec. 6. The two City Councilmen for the City of North Las Vegas elected from Wards 1 and 3 whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 3, respectively, commencing on July 1, 2007.”

Amend sec. 2, page 3, by deleting line 34 and inserting

“Sec. 7. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval”.

Amend sec. 2, page 3, after line 38, by inserting:

“3. Sections 2 to 6, inclusive, of this act become effective on January 27, 2007, for the purposes related to the filing of a declaration of candidacy for the Office of City Councilman for the City of North Las Vegas and on July 1, 2007, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local government; increasing the membership of certain county fair and recreation boards; revising the procedure for appointing certain members of such county fair and recreation boards; requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to governing bodies of certain local governments. (BDR 20-682)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1090.

Amend section 1, page 2, line 30, after “2.” by inserting: “*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.*”

3.”.

Amend section 1, page 2, line 33, by deleting “3.” and inserting “4.”.

Amend section 1, page 2, line 36, by deleting “4.” and inserting “5.”.

Amend section 1, page 3, line 6, by deleting “5.” and inserting “6.”.

Amend sec. 3, page 4, line 17, after “2.” by inserting: “*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.*”

3.”.

Amend sec. 3, page 4, line 20, by deleting “3.” and inserting “4.”.

Amend sec. 3, page 4, line 34, by deleting “4.” and inserting “5.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that upon return from the printer Senate Bill No. 341 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Roll call on Senate Bill No. 22:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:51 p.m.

ASSEMBLY IN SESSION

At 1:59 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 328 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1097.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. 1. The Administrative Office of the Courts, in cooperation with the Public Employees’ Retirement System, the Commission to Review Compensation of Constitutional Officers, Legislators, Supreme Court Justices, District Judges and Elected County Officers and any other board or commission that examines the salaries and compensation of justices, judges and judicial officers shall conduct a study of the salaries paid to all justices, judges, and judicial officers and the contributions paid to the Judicial Retirement Fund.

2. The study must include, without limitation:

(a) An evaluation of the salaries paid to justices, judges and judicial officers.

(b) An evaluation of the financial impact on justices, judges and judicial officers if such justices, judges and judicial officers are required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees’ Retirement Board for contributions

paid by regular members to the Public Employees' Retirement System and the Judicial Retirement System.

(c) An evaluation of the fiscal impact on the Judicial Branch of this State if the Court Administrator is required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees' Retirement Board for contributions paid for regular members by employers to the Public Employees' Retirement System and the Judicial Retirement System.

3. On or before November 1, 2006, the Administrative Office of the Courts shall prepare a report that contains the findings of the study and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill, fifteenth line, after “writing;” by inserting: “directing the Administrative Office of the Courts to conduct an interim study concerning the salaries paid to justices, judges and judicial officers and the contributions paid to the Judicial Retirement Fund;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 245.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1065.

Amend the bill as a whole by deleting sections 1 through 14 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 350.105.*

Sec. 4. *“Intrastate driver” means a driver who operates a commercial motor vehicle exclusively within this State for a period of 7 or more consecutive days.*

Sec. 5. 1. *Except as otherwise provided in section 6 of this act, a motor carrier shall not allow or require an intrastate driver to drive, and an intrastate driver shall not drive:*

(a) *Within any 24-hour period:*

(1) *More than 12 hours following 10 consecutive hours off duty; or*

(2) For any number of hours after having accrued more than 15 consecutive hours of on-duty time; or

(b) Within any period of 7 consecutive days, after having accrued 70 hours of on-duty time.

2. As used in this section:

(a) "Motor carrier" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "On-duty time" has the meaning ascribed to it in 49 C.F.R. § 395.2.

Sec. 6. 1. Except as otherwise provided in this section, hours-of-service limitations do not apply to an intrastate driver if each of the following conditions is satisfied:

(a) The intrastate driver is transporting property or passengers during:

(1) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or

(2) An emergency declared by an elected local governmental official who is authorized by law to make such a declaration.

(b) The employer of the intrastate driver is a public utility.

(c) The employer of the intrastate driver, within 1 working day after discovering or otherwise becoming aware of the existence of a public utility emergency, notifies the Department of Public Safety or appropriate local governmental officials of:

(1) The fact that a public utility emergency exists; and

(2) The date on which and time at which the public utility emergency commenced.

The notification required pursuant to this paragraph may be made by telephone, facsimile, electronic communication or hand delivery of a written communication.

(d) Within 10 working days after receiving a notification described in paragraph (c), an elected state or local governmental official, or his designee, determines and declares that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public. After making a declaration as described in this paragraph, the elected state or local governmental official, or his designee, as applicable, shall ensure that the declaration is communicated forthwith and without delay to the public utility which made the notification pursuant to paragraph (c).

2. For the purposes of paragraph (d) of subsection 1:

(a) A declaration by an elected state or local governmental official, or his designee, as applicable, is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility, unless the elected state or local governmental official, or his designee, as applicable, determines that the public utility emergency commenced on a different date or at a different time.

(b) If, after receiving a notification described in paragraph (c) of subsection 1, an elected state or local governmental official, or his designee, as applicable, fails to make a determination and declaration within 10 working days:

(1) The elected state or local governmental official, or his designee, as applicable, shall be deemed to have determined and declared that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public; and

(2) The deemed determination and declaration is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility.

3. An employer who notifies a public official of the existence of a public utility emergency as described in subsection 1 shall maintain documentation of the public utility emergency for 6 months and shall make such documentation available to a law enforcement officer upon request.

4. The provisions of this section do not apply to the extent that those provisions:

(a) Are preempted or prohibited by federal law; or

(b) Violate a condition to the receipt of federal money by this State or a political subdivision of this State.

5. As used in this section:

(a) "Hours-of-service limitations" means:

(1) The limitations set forth in section 5 of this act; and

(2) Any limitations set forth in federal law as to the number of hours that an interstate driver may drive, which limitations would otherwise be imposed upon intrastate drivers pursuant to regulations adopted by reference by the Authority, Department of Motor Vehicles or Department of Public Safety.

(b) "Public utility" has the meaning ascribed to it in NRS 704.020.

(c) "Public utility emergency" means a natural or man-made emergency that affects the facilities of a public utility and:

(1) Interrupts delivery of essential services, including, without limitation, electricity, natural gas, medical care, sewer service, water service or telecommunications service;

(2) Interrupts delivery of essential supplies, including, without limitation, food and fuel; or

(3) Otherwise threatens human life or public welfare.

The term includes, without limitation, a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion or power outage.

Sec. 7. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and

terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.776 is hereby amended to read as follows:

706.776 1. ~~[The]~~ *Except as otherwise provided in sections 2 to 6, inclusive, of this act, the owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, and sections 2 to 6, inclusive, of this act apply*, carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the Authority or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 9. This act becomes effective on July 1, 2005.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 343.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1080.

Amend the bill as a whole by deleting sec. 2 and adding:

“Sec. 2. (Deleted by amendment.)”.

Amend sec. 4, page 2, line 14, by deleting “2,” and inserting “4,”.

Amend sec. 4, page 2, line 30, by deleting: “*subparagraph (1) or (2) of*”.

Amend sec. 4, page 2, line 31, by deleting “3;” and inserting “2;”.

Amend sec. 4, page 2, by deleting lines 35 and 36 and inserting: *recording of the surety bond as provided in paragraph (f) of subsection 2.”.*

Amend sec. 4, pages 2 and 3, by deleting lines 37 through 41 on page 2 and lines 1 through 29 on page 3.

Amend sec. 4, page 3, line 30, by deleting “3.” and inserting “2.”.

Amend sec. 4, page 3, line 31, by deleting “or 2”.

Amend sec. 4, page 3, line 42, by deleting: “1 or subsection 2,” and inserting “1,”.

Amend sec. 4, page 4, by deleting line 5 and inserting “if any;”.

Amend sec. 4, page 4, line 28, by deleting “4.” and inserting “3.”.

Amend sec. 4, page 4, by deleting line 29 and inserting: “*of this section or subsection 2 of section 5 of this act, the prime contractor*”.

Amend sec. 4, page 4, by deleting lines 32 through 40 and inserting:

“(a) *Satisfies the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after any work stoppage, the prime contractor who stopped work shall resume work and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to compensation for any reasonable costs and expenses that any of them have incurred because of the delay and remobilization; or*

(b) Does not satisfy the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after the work stoppage, the prime contractor who stopped work may terminate his contract relating to the work of improvement and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to recover: ”.

Amend sec. 4, page 4, lines 42 and 43, by deleting “*he*” and inserting: “*the prime contractor*”.

Amend sec. 4, page 5, lines 1 and 4, by deleting “*he*” and inserting: “*the prime contractor*”.

Amend sec. 4, page 5, between lines 8 and 9, by inserting:

“4. *The rights and remedies provided pursuant to this section are in addition to any other rights and remedies that may exist at law or in equity, including, without limitation, the rights and remedies provided pursuant to NRS 624.606 to 624.630, inclusive.*”.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. 1. *The provisions of sections 4 and 5 of this act do not apply:*

(a) In a county with a population of 400,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners’ rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement.

2. *Each owner who serves a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon the prime contractor of the work of improvement and all other lien claimants who may give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner’s receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection.*

3. *As used in this section:*

(a) “Ground lease” means a written agreement:

(1) *To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and*

(2) *That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.*

(b) *“Ground lessee” means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.”.*

Amend sec. 5, page 5, by deleting line 10 and inserting: *“established and funded pursuant to subsection 2 of this section or subsection 1 of section 4”.*

Amend sec. 5, page 5, by deleting lines 13 and 14 and inserting:

“2. Upon the disbursement of any funds from the construction disbursement account for a given pay period:

(a) *The lessee shall deposit into the account such additional funds as may be necessary to pay for the completion of the work of improvement, including, without limitation, the costs attributable to additional and changed work, material or equipment;*

(b) *The construction control described in subsection 1 of section 4 of this act shall certify in writing the amount necessary to pay for the completion of the work of improvement; and*

(c) *If the amount necessary to pay for the completion of the work of improvement exceeds the amount remaining in the construction disbursement account:*

(1) *The construction control shall give written notice of the deficiency by certified mail, return receipt requested, to the prime contractor and each person who has given the construction control a notice of right to lien; and*

(2) *The provisions of subsection 3 of section 4 of this act shall be deemed to apply.*

3. *The construction control shall disburse money to lien claimants from”.*

Amend sec. 5, page 5, line 17, by deleting “3.” and inserting “4.”.

Amend sec. 5, page 5, by deleting line 24 and inserting:

“5. Except as otherwise provided in subsection 6, the”.

Amend sec. 5, page 5, line 25, by deleting “meritorious” and inserting “legitimate”.

Amend sec. 5, page 5, line 26, by deleting “3” and inserting “4”.

Amend sec. 5, page 5, by deleting lines 28 through 33 and inserting:

“6. The construction control may bring an action for interpleader in the district court for the county where the property or some part thereof is located if:

(a) *The construction control reasonably believes that all or a portion of a claim of lien is not legitimate; or*

(b) *The construction disbursement account does not have sufficient funds to pay all claims of liens for which the construction control has received notice.*

7. *If the construction control brings an action for interpleader pursuant to paragraph (a) of subsection 6, the construction control shall pay to the*

lien claimant any portion of the claim of lien that the construction control reasonably believes is legitimate.”.

Amend sec. 5, page 5, line 34, by deleting “6.” and inserting “8.”.

Amend sec. 5, page 5, line 35, by deleting “5,” and inserting “6.”.

Amend sec. 5, page 5, by deleting lines 39 through 43 and inserting:

“(b) Provide notice of the action for interpleader by certified mail, return receipt requested, to each person:

(1) Who gives the construction control a notice of right to lien;

(2) Who serves the construction control with a claim of lien;

(3) Who has performed work or furnished materials or equipment for the work of improvement; or

(4) Of whom the construction control is aware may perform work or furnish materials or equipment for the work of improvement; and”.

Amend sec. 5, page 6, line 3, by deleting “7.” and inserting “9.”.

Amend sec. 5, page 6, line 4, by deleting “5” and inserting “6”.

Amend sec. 5, page 6, by deleting lines 7 through 12 and inserting:

“10. If a construction control for a construction disbursement account established by a lessee does not provide a proper certification as required pursuant to paragraph (b) of subsection 2 or does not comply with any other requirement of this section, the construction control and its bond are liable for any resulting damages to any lien claimants.”.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. NRS 108.22148 is hereby amended to read as follows:

108.22148 1. “Owner” includes:

(a) The record owner or owners of the property or an improvement to the property as evidenced by a conveyance or other instrument which transfers that interest to him and is recorded in the office of the county recorder in which the improvement or the property is located;

(b) The reputed owner or owners of the property or an improvement to the property;

(c) The owner or owners of the property or an improvement to the property, as shown on the records of the county assessor for the county where the property or improvement is located;

(d) The person or persons whose name appears as owner of the property or an improvement to the property on the building permit; ~~for~~

(e) A person who claims an interest in or possesses less than a fee simple estate in the property ~~for~~ ;

(f) *This State or a political subdivision of this State, including, without limitation, an incorporated city or town, that owns the property or an improvement to the property if the property or improvement is used for a private or nongovernmental use or purpose; or*

(g) *A person described in paragraph (a), (b), (c), (d) or (e) who leases the property or an improvement to the property to this State or a political*

subdivision of this State, including, without limitation, an incorporated city or town, if the property or improvement is privately owned.

2. The term does not include:

(a) A mortgagee;

(b) A trustee or beneficiary of a deed of trust; ~~for~~

(c) The owner or holder of a lien encumbering the property or an improvement to the property ~~for~~; or

(d) *Except as otherwise provided in paragraph (f) of subsection 1, this State or a political subdivision of this State, including, without limitation, an incorporated city or town.*

Amend sec. 12, page 7, line 10, by deleting “furnished,” and inserting: “furnished or to be furnished.”

Amend sec. 12, page 7, line 18, by deleting “or furnished” and inserting: “, ~~for~~ furnished or to be performed or furnished”.

Amend sec. 12, page 7, line 22, by deleting: “existing or new”.

Amend sec. 12, page 7, line 23, after “claimant,” by inserting: “including, without limitation, any additional or changed work, material or equipment.”.

Amend sec. 12, page 7, line 26, by deleting “or furnished” and inserting: “, ~~for~~ furnished or to be performed or furnished”.

Amend sec. 13, page 8, line 28, after “furnished” by inserting: “or to be furnished”.

Amend sec. 13, page 8, line 31, by deleting “new” and inserting: “additional or changed”.

Amend sec. 13, page 8, line 39, after “furnished” by inserting: “or agreed to furnish”.

Amend sec. 13, page 9, by deleting line 38 and inserting: “materials or equipment furnished or to be furnished for work or services performed or to be performed.”.

Amend sec. 13, page 9, line 45, by deleting “commercial” and inserting “nonresidential”.

Amend sec. 15, pages 12 and 13, by deleting lines 28 through 45 on page 12 and lines 1 through 12 on page 13, and inserting:

“4. To be effective and valid, each notice of nonresponsibility that is recorded by a lessor pursuant to this section must be served by personal delivery or by certified mail, return receipt requested:

(a) Upon the lessee within 10 days after the date on which the notice of nonresponsibility is recorded pursuant to subsection 2; and

(b) Upon the prime contractor for the work of improvement within 10 days after the date on which the lessee contracts with the prime contractor for the construction, alteration or repair of the work of improvement.

5. If the prime contractor for the work of improvement receives a notice of nonresponsibility pursuant to paragraph (b) of subsection 4, the prime contractor shall:

(a) Post a copy of the notice of nonresponsibility in an open and conspicuous place on the property within 3 days after his receipt of the notice of nonresponsibility; and

(b) Serve a copy of the notice of nonresponsibility by personal delivery, facsimile or by certified mail, return receipt requested, upon each lien claimant from whom he received a notice of right to lien, within 10 days after his receipt of the notice of nonresponsibility or a notice of right to lien, whichever occurs later.

6. An owner who does not comply with the provisions of this section may not assert any claim that his interest in any improvement and the property upon which an improvement is constructed, altered or repaired is not subject to or is immune from the attachment of a lien pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act.

7. As used in this section, “disinterested owner” means an owner who ~~did not personally or through his agent or representative, directly or indirectly, request, require, authorize, consent to or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property of the owner. The term must not be interpreted to invalidate a notice of nonresponsibility recorded pursuant to this section or to deny the rights granted pursuant to this section upon the recording of a notice of nonresponsibility because:~~

~~(a) The disinterested owner is a lessor or an optionor under a lease that requests, requires, authorizes or consents to his lessee causing the work of improvement to be constructed, altered or repaired upon the property;~~

~~(b) The lessee personally or through his agent or representative enters into a contract and causes the work of improvement to be constructed, altered or repaired upon the property; and~~

~~(c) The lessor or optionor notifies the lessee in writing that pursuant to subsection 4, the lessee must record a surety bond before causing a work of improvement to be constructed, altered or repaired upon the property.] :~~

(a) Does not record a notice of waiver as provided in subsection 4 of section 4 of this act; and

(b) Does not personally or through his agent or representative, directly or indirectly, contract for or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property or an improvement of the owner.

The term does not include an owner who is a lessor if the lessee fails to satisfy the requirements set forth in sections 4 and 5 of this act.”.

Amend sec. 16, page 13, lines 20 and 30, after “furnished” by inserting: “or to be furnished”.

Amend sec. 24, page 25, lines 5 and 6, by deleting “[~~or services~~]” and inserting “or services”.

Amend sec. 24, page 25, by deleting lines 8 and 9 and inserting: “inclusive, of this act unless the notice has been given.”.

Amend sec. 25, page 26, by deleting lines 1 through 3 and inserting: "subcontractor may otherwise possess or *acquire* for delay , *acceleration, disruption or impact* damages or an extension of time for delays incurred, for any delay , *acceleration, disruption or impact event* which was".

Amend sec. 25, page 26, line 6, before "contractor" by inserting "*prime*".

Amend sec. 26, page 26, line 39, by deleting "owner" and inserting "~~owner~~ payor".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 44.

Bill read third time.

Roll call on Senate Bill No. 44:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Roll call on Senate Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Roll call on Senate Bill No. 64:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Roll call on Senate Bill No. 214:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblyman Hardy.

Assemblyman Hardy requested that his remarks be entered in the Journal.

I rise in support of SB 221 that deals with home-schooled children being allowed to participate in public school interscholastic activities, in addition to those that are governed by the Nevada Interscholastic Activities Association with private schools, should the private schools choose to participate in the NIAA programs. That is to establish Legislative intent. Thank you.

Roll call on Senate Bill No. 221:

YEAS—39.

NAYS—Anderson, Giunchigliani—2.

EXCUSED—Ohrenschall.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry, having voted on the prevailing side, moved that the vote whereby Senate Bill No. 221 passed, as amended, be reconsidered.

Motion Carried.

Assemblywoman Buckley rose to a Point of Order regarding the reconsideration of Senate Bill No. 221.

Mr. Speaker ruled that reconsideration was out of order at this time, but a motion to rescind on a given measure was appropriate.

Assemblyman Arberry moved that the action whereby Senate Bill No. 221 was passed, as amended, be rescinded.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 3:00 p.m.

Motion carried.

Assembly in recess at 2:16 p.m.

ASSEMBLY IN SESSION

At 3:34 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel

For: A New BDR No. S-1456.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 26, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 569—AN ACT relating to health care; making a technical correction to the date by which managed care organizations are required to report certain information to the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and Senate Bills Nos. 87 and 438 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 300.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1038.

Amend sec. 2, page 1, line 4, before “who” by inserting: “or any improvement”.

Amend sec. 8, page 2, line 39, by deleting “sought;” and inserting: “sought ~~[-]~~, unless the agreement otherwise allows or requires such a payment to be made;”.

Amend sec. 8, page 3, lines 19 and 20, by deleting the brackets and strike-through.

Amend sec. 8, page 3, line 24, after “notice” by inserting “of withholding”.

Amend sec. 8, page 3, line 27, after “of the” by inserting: “condition or the”.

Amend sec. 8, page 3, by deleting lines 35 through 39 and inserting: “pursuant to subsection 3 ~~{may}~~ or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of ~~{a condition described in the notice received pursuant to subsection 3.}~~ the condition or reason for the withholding. The notice of correction must be”.

Amend sec. 8, pages 3 and 4, by deleting line 45 on page 3 and line 1 on page 4, and inserting: “~~{subsection,}~~ paragraph, the owner ~~{must}~~

~~{a)}~~ shall:

(1) Pay the amount withheld by the owner for that condition or reason for the withholding on”.

Amend sec. 8, page 4, line 3, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 8, page 4, line 6, after “forth the” by inserting “condition or”.

Amend sec. 8, page 4, line 10, by deleting “payment” and inserting: “the payment to be”.

Amend sec. 8, page 4, by deleting line 12 and inserting: “~~{conditions}~~ the condition or reason for the withholding to which the owner no”.

Amend sec. 8, page 4, line 14, by deleting “provided” and inserting “allowed”.

Amend sec. 8, page 4, by deleting lines 15 and 16 and inserting: “owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.”.

Amend sec. 9, page 4, by deleting lines 26 through 28 and inserting:

“(c) After receipt of a notice of withholding given pursuant to subsection 3 or 4 of NRS 624.609, the prime contractor gives the owner written notice pursuant to subsection 4 of NRS 624.609 and thereby disputes in good faith and for reasonable cause the amount withheld or the condition or reason for the withholding; or”.

Amend sec. 9, page 4, line 29, after “*that a*” by inserting “*written*”.

Amend sec. 9, page 4, line 33, by deleting “*unreasonable,*” and inserting: “*unreasonable or does not contain sufficient information to make a determination,*”.

Amend sec. 9, page 4, line 35, by deleting “*unreasonable,*” and inserting: “*unreasonable or explain that additional information and time are necessary to make a determination,*”.

Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting: “*any ~~profit and~~ overhead the prime contractor ~~incurred or~~ and his lower-tiered subcontractors and suppliers incurred and profit the prime contractor and his lower-tiered subcontractors and suppliers earned*”.

Amend sec. 9, page 6, line 15, after “*contractor*” by inserting: “*and his lower-tiered subcontractors and suppliers*”.

Amend sec. 9, page 6, by deleting line 17 and inserting: “~~contract~~ agreement without a reasonable ~~cause,~~ basis in law or fact, the trier of fact may”.

Amend sec. 9, page 6, line 34, by deleting “~~this~~” and inserting “*his*”.

Amend sec. 9, page 6, line 35, by deleting “*subcontractors,*” and inserting: “*subcontractors ~~and~~ or suppliers,*”.

Amend sec. 9, page 6, by deleting lines 37 through 39 and inserting: “*prime contractor ~~subcontractor~~ or lower-tiered ~~subcontractor stopping his~~ subcontractors or suppliers stopping their work or the provision of materials or equipment or terminating ~~a contract for reasonable cause~~ an agreement for a reasonable basis in law or fact and in accordance with this section or”.*

Amend sec. 10, page 7, line 36, by deleting “*or*” and inserting “*and*”.

Amend sec. 10, page 7, line 37, after “*subcontractors*” by inserting “*and suppliers*”.

Amend sec. 10, page 7, line 43, after “*notice*” by inserting “*of withholding*”.

Amend sec. 10, page 8, line 1, after “*of the*” by inserting: “*condition for which or the*”.

Amend sec. 10, page 8, line 8, after “*notice*” by inserting “*of withholding*”.

Amend sec. 10, page 8, by deleting line 9 and inserting: “*subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and*”.

Amend sec. 10, page 8, line 12, by deleting “*condition.*” and inserting: “*condition or reason for the withholding.*”.

Amend sec. 10, page 8, lines 13 and 16, after “*condition*” by inserting: “*or reason for the withholding*”.

Amend sec. 10, page 8, line 19, by deleting “conditions;” and inserting: “condition ~~{-}~~ or reason for the withholding;”.

Amend sec. 10, page 8, line 21, after “condition” by inserting: “or reason for the withholding”.

Amend sec. 10, page 8, line 23, by deleting “condition,” and inserting: “condition ~~{-}~~ or reason for the withholding;”.

Amend sec. 10, page 8, by deleting line 24 and inserting: “nevertheless pay to the *prime* contractor, along with *the* payment to be made”.

Amend sec. 10, page 8, line 26, by deleting “conditions” and inserting: “~~{-conditions-}~~ the condition or reason for the withholding”.

Amend sec. 11, page 9, lines 40 and 41, by deleting: “, 624.620 and 624.622” and inserting “and 624.620”.

Amend sec. 11, page 10, line 13, after “and the” by inserting “condition or”.

Amend sec. 12, page 11, line 8, by deleting “sought;” and inserting: “sought ~~{-}~~ , unless the agreement otherwise allows or requires such a payment to be made;”.

Amend sec. 12, page 11, by deleting line 25 and inserting: “subcontractor and his lower-tiered subcontractors and suppliers ~~{-}~~”.

Amend sec. 12, page 11, line 45, before “must:” by inserting “of withholding”.

Amend sec. 12, page 12, line 3, after “of the” by inserting: “condition or the”.

Amend sec. 12, page 12, line 13, by deleting “may” and inserting: “~~{-may-}~~ or a notice of objection pursuant to subparagraph (2) of paragraph (b) may: (a) Give the higher-tiered contractor a written notice and thereby”.

Amend sec. 12, page 12, line 14, after “or” by inserting: “the conditions or”.

Amend sec. 12, page 12, by deleting lines 15 and 16 and inserting: “withholding; or

(b) Correct any condition or reason for the”.

Amend sec. 12, page 12, line 17, after “notice” by inserting “of withholding”.

Amend sec. 12, page 12, line 27, by deleting “subsection,” and inserting “~~{-subsection-}~~ paragraph,”.

Amend sec. 12, page 12, lines 28 through 30, by deleting: “~~{-must-}~~ shall:

(a)” and inserting: “~~{-must-}~~

(a) shall:

(1)”.

Amend sec. 12, page 12, line 31, after “condition” by inserting: “or reason for the withholding”.

Amend sec. 12, page 12, line 33, by deleting “(b)” and inserting “~~{-b-}~~ (2)”.

Amend sec. 12, page 12, line 36, after “forth the” by inserting “condition or”.

Amend sec. 12, page 12, line 41, by deleting “payment” and inserting: “the payment to be”.

Amend sec. 12, page 12, line 43, before “conditions” by inserting “the”.

Amend sec. 12, page 12, after line 44, by inserting:

“5. *Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.*”.

Amend sec. 13, page 13, line 27, after “that a” by inserting “written”.

Amend sec. 13, page 14, line 3, after “resume” by inserting “his”.

Amend sec. 13, page 15, line 7, by deleting “any”.

Amend sec. 13, page 15, line 26, by deleting “[may] shall” and inserting “may”.

Amend sec. 13, page 15, line 27, after “subcontractor” by inserting: “and his lower-tiered subcontractors and suppliers”.

Amend sec. 13, page 15, line 29, after “without” by inserting “a”.

Amend sec. 13, page 15, line 30, by deleting “cause,” and inserting: “[cause,] basis in law or fact,”.

Amend sec. 13, page 16, line 5, by deleting “subcontractors,” and inserting: “subcontractors ~~[]~~ or suppliers,”.

Amend sec. 13, page 16, by deleting lines 8 and 9 and inserting: “[subcontractor ~~or~~] lower-tiered subcontractor and his lower-tiered subcontractors and suppliers stopping ~~[his]~~ their work or the provision of materials or equipment or terminating ~~[a subcontract for reasonable cause]~~ an agreement for a reasonable basis in law or fact and”.

Amend sec. 14, page 17, line 27, after “and the” by inserting “condition or”.

Amend sec. 15, page 17, line 41, after “contractor” by inserting: “higher of:

1. *The*”.

Amend sec. 15, page 17, by deleting lines 42 and 43 and inserting: “between the parties; or

2. *The rate equal to the prime rate at the largest bank in this*”.

Amend sec. 15, page 18, line 3, by deleting “1.” and inserting “(a)”.

Amend sec. 15, page 18, line 4, by deleting “2.” and inserting “(b)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 53.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1019.

Amend section 1, page 2, line 2, by deleting “18,” and inserting “17,”.

Amend sec. 2, page 2, line 4, by deleting “18,” and inserting “17,”.

Amend the bill as a whole by deleting sections 3 through 7 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

“Sec. 3. *“Advisory Committee” means the Committee created in the Office pursuant to section 15 of this act.*

Sec. 4. *“Health care” includes, without limitation, mental health care.*

Sec. 5. *“Manager” means the Manager of the Office of Minority Health of the Department.*

Sec. 6. *“Minority group” means a racial or ethnic minority group.*

Sec. 7. *“Office” means the Office of Minority Health of the Department.”.*

Amend sec. 8, page 2, by deleting line 18 and inserting:

“Sec. 8. *The Office of Minority Health is hereby created within the Department. The purposes of the Office are to:*”.

Amend sec. 9, page 2, line 26, by deleting “Division” and inserting “Office”.

Amend sec. 9, pages 2 and 3, by deleting lines 39 and 40 on page 2 and lines 1 through 3 on page 3, and inserting:

“(d) *Hold conferences and provide training concerning cultural”.*

Amend sec. 9, page 3, line 9, by deleting “(f)” and inserting “(e)”.

Amend sec. 9, page 3, line 11, by deleting “(g)” and inserting “(f)”.

Amend sec. 9, page 3, line 13, by deleting “(h)” and inserting “(g)”.

Amend sec. 9, page 3, lines 14 and 16, by deleting “Division” and inserting “Office”.

Amend sec. 10, page 3, line 18, by deleting “Division” and inserting “Office”.

Amend sec. 10, page 3, line 25, by deleting “18,” and inserting “17,”.

Amend sec. 11, page 3, line 26, by deleting “The Administrator” and inserting:

“*The Director shall appoint a Manager of the Office. The Manager”.*

Amend sec. 12, page 3, line 30, by deleting “Administrator” and inserting “Manager”.

Amend sec. 12, page 3, line 31, by deleting “Division” and inserting “Office”.

Amend sec. 12, page 3, line 33, by deleting “Division;” and inserting “Office;”.

Amend sec. 12, page 3, by deleting lines 34 through 36 and inserting:

“3. *Attend the meetings of the Advisory Committee, serve as”.*

Amend sec. 12, page 3, line 38, by deleting “5.” and inserting “4.”.

Amend sec. 12, page 3, by deleting line 40 and inserting:

“5. *Serve as the contracting officer for the Office to receive”*

Amend sec. 12, page 3, by deleting line 42 and inserting:

“6. *Act as liaison between the Office, members of minority”.*

Amend sec. 13, page 4, by deleting lines 4 and 5 and inserting: *“the Manager shall submit a report to the Governor and to the Director of the Legislative”*.

Amend sec. 13, page 4, lines 7 and 10, by deleting *“Division”* and inserting *“Office”*.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 19 as sections 14 through 18.

Amend sec. 15, page 4, line 22, by deleting *“Administrator”* and inserting *“Manager”*.

Amend sec. 15, page 4, line 25, by deleting *“18,”* and inserting *“17,”*.

Amend sec. 15, page 4, line 26, by deleting *“Administrator”* and inserting *“Manager”*.

Amend sec. 15, page 4, line 29, by deleting *“Administrator;”* and inserting *“Manager;”*.

Amend sec. 15, page 4, lines 30 and 32, by deleting *“Administrator”* and inserting *“Manager”*.

Amend sec. 15, page 4, line 33, by deleting *“Division”* and inserting *“Office”*.

Amend sec. 16, page 4, line 35, by deleting *“Division”* and inserting *“Office”*.

Amend sec. 16, page 4, by deleting lines 36 through 41 and inserting: *“Advisory Committee consisting of nine members appointed by the Governor.”*

Amend sec. 17, page 5, lines 13 and 21, by deleting *“Administrator”* and inserting *“Manager”*.

Amend sec. 18, page 5, line 35, by deleting *“Administrator”* and inserting *“Manager”*.

Amend sec. 18, page 5, lines 36, 38 and 40, by deleting *“Division”* and inserting *“Office”*.

Amend sec. 18, page 5, line 41, by deleting *“Administrator,”* and inserting *“Manager,”*.

Amend sec. 19, page 6, line 3, by deleting *“18,”* and inserting *“17,”*.

Amend the bill as a whole by deleting sections 20 and 21, renumbering sec. 22 as sec. 20 and adding a new section designated sec. 19, following sec. 19, to read as follows:

“Sec. 19. 1. There is hereby appropriated from the State General Fund to the Department of Human Resources to establish the Office of Minority Health:

For the Fiscal Year 2005-2006.....	\$134,234
For the Fiscal Year 2006-2007.....	\$114,262

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; creating the Office of Minority Health within the Department of Human Resources; creating an Advisory Committee to the Office of Minority Health; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Office of Minority Health within Department of Human Resources. (BDR 18-146)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 109.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1078.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 385.3692 is hereby amended to read as follows:

385.3692 1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school’s pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school’s pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the *names and* duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. *A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school."*

Amend sec. 3, page 6, line 43, by deleting "Department;" and inserting: "Department ~~{ }~~, who must serve as the facilitator of the support team;"

Amend the bill as a whole by renumbering sections 4 and 5 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

~~{ }~~ (a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

~~{2-}~~ (b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

~~{3-}~~ (c) Review the most recent plan to improve the achievement of the school's pupils.

~~{4-}~~ (d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~{5-}~~ (e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~{6-}~~ (f) Except as otherwise provided in this ~~{subsection,}~~ paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

~~{7-}~~ (g) In accordance with its findings pursuant to this ~~{subsection}~~ section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

~~{(a)}~~ (1) Comply with NRS 385.357;

~~{(b)}~~ (2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

~~{(c)}~~ (3) Include the data and findings of the support team that provide support for the revisions;

~~{(d)}~~ (4) Set forth goals , ~~{and}~~ objectives , *tasks and measures* for the school that are:

~~{(1)}~~ (I) Designed to improve the achievement of the school's pupils;

~~{(2)}~~ (II) Specific;

~~{(3)}~~ (III) Measurable; and

~~{(4)}~~ (IV) Conducive to reliable evaluation;

~~{(e)}~~ (5) Set forth a timeline to carry out the revisions;

~~{(f)}~~ (6) Set forth priorities for the school in carrying out the revisions; and

~~{(g)}~~ (7) Set forth the *names and* duties of each person who is responsible for carrying out the revisions.

~~{8-}~~ (h) Except as otherwise provided in this ~~{subsection,}~~ paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State

Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

~~{9-}~~ (i) *Prepare a monthly progress report in the format prescribed by the Department and:*

(1) *Submit the progress report to the Department.*

(2) *Distribute copies of the progress report to each employee of the school for review.*

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. *A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.*

3. *The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.”.*

Amend the bill as a whole by deleting sections 6 through 12 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

"AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools; redesignating the four regional training programs for the professional development of teachers and administrators based upon the geographic regions served by those programs; designating the board of trustees of certain school districts as the fiscal agent for the programs; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing statewide system of accountability and regional training programs for professional development of teachers and administrators. (BDR 34-479)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 339.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1085.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. 1. In addition to the determinations made pursuant to NRS 612.340, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall, on or before January 1, 2007, determine the average hourly wage in the State and in each county for nonmanagerial employees.

2. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall establish a method to determine the average hourly wage in the State and in each county which segregates wages for nonmanagerial employees from wages for managerial and administrative employees. The Administrator shall identify and define the various types of managerial and administrative positions to allow the computation of a wage that represents the average hourly wage paid to nonmanagerial employees.

3. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall report to the 74th Session of the Legislature the information determined pursuant to subsections 1 and 2 and recommendations concerning changes in the average hourly wage required to be paid to managerial and nonmanagerial employees to be eligible for the partial abatement of taxes pursuant to NRS 360.750 and 361.0687.”.

Amend sec. 4, page 10, line 1, by deleting: “1 and 2” and inserting: “1, 2 and 4”.

Amend the title of the bill, eighth line, after “governments;” by inserting: “requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to determine the average hourly wage for nonmanagerial employees and report to the Legislature concerning the average hourly wage required to be paid to be eligible for the partial abatement of certain taxes;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Koivisto moved to rescind the action whereby Amendment No. 1034 to Senate Bill No. 224 was adopted.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Roll call on Senate Bill No. 221:

YEAS—35.

NAYS—Anderson, Giunchigliani, Kirkpatrick, Koivisto, Parks, Seale—6.

EXCUSED—Ohrenschall.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Roll call on Senate Bill No. 235:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Remarks by Assemblymen Conklin and Weber.

Assemblyman Manendo requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

I rise in support of this bill and I want to get something on the record. There was an amendment yesterday on Senate Bill 325 that talked about condo conversions, and we added in that items that may expire within a ten-year period from the conversion to a condo be fully funded in the reserves. I want to make sure that the legislative intent is understood that it is in addition to the standard reserves that are put into place by the developer prior to sale.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 325:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 325 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Remarks by Assemblymen Sibley and Parks.

Potential conflict of interest declared by Assemblymen Sibley and Parks.
Roll call on Senate Bill No. 332:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 332 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblymen Anderson and Hettrick.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Senate Bill 347 revises provisions concerning personal identifying information. Senate Bill 347 requires data collectors that maintain records containing personal information to implement and maintain reasonable security measures to protect the information and requires that data collectors immediately provide notification concerning any breach of security. Senator Weiner, Clark County Senatorial District 3, requested this specific statement be included: “Personal information” to include “employer identification number”; and it is important to note, for the record, that the term “employer identification number” refers to the federal employer identification number issued by the Internal Revenue Service.

Further, S.B. 347 prohibits the establishment of a financial forgery laboratory and also enhances penalties for crimes involving personal identifying information that are committed against older persons or vulnerable persons. The bill also makes various changes relating to credit card issuers and businesses that maintain records concerning personal information to ensure the security of the information.

I would like to note, for the members in particular, the sections of this bill creating a crime and enhancing penalties are effective October 1, 2005. The sections of the bill concerning credit card issuers, data collectors, and businesses are effective January 1, 2006. The section prohibiting a business from transferring certain personal information that is not encrypted outside its secure system is effective October 1, 2008.

I want to make sure this becomes part of the current record, since this is landmark legislation.

ASSEMBLYMAN HETTRICK:

I want to thank the Chairman of Judiciary for amending this bill on short notice when we found a problem. I do appreciate it.

Roll call on Senate Bill No. 347:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 466 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Roll call on Senate Bill No. 426:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—15.

EXCUSED—Ohrenschall.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Roll call on Senate Bill No. 428:

YEAS—40.

NAYS—Carpenter.

EXCUSED—Ohrenschall.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Roll call on Senate Bill No. 467:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:00 p.m.

ASSEMBLY IN SESSION

At 4:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 46, 67, 82, 181, 233, 251, and 346 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 63.

The following Senate amendment was read:

Amendment No. 919.

Amend section 1, page 2, line 3, by deleting “subsection 2,” and inserting “this section.”

Amend section 1, page 2, between lines 26 and 27, by inserting:

“3. *The provisions of this section do not prohibit an insurer from including in a policy of health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:*

- (a) *A concentration of alcohol of 0.08 or more in his blood or breath; or*
- (b) *An amount of a prohibited substance in his blood or urine that is equal to or greater than:*

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
(1) Amphetamine	500	100

(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 3, page 3, line 9, by deleting "subsection 2," and inserting "this section,".

Amend sec. 3, page 3, between lines 32 and 33, by inserting:

"3. The provisions of this section do not prohibit an insurer from including in a policy of group health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 4, page 3, line 35, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 4, page 4, between lines 13 and 14, by inserting:

“3. The provisions of this section do not prohibit a carrier from including in a health benefit plan a provision which excludes the carrier from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 5, page 4, line 16, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 5, page 4, between lines 37 and 38, by inserting:

“3. The provisions of this section do not prohibit a society from including in a benefit contract a provision which excludes the society from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical

record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 6, page 4, line 40, by deleting "subsection 2," and inserting "this section,".

Amend sec. 6, page 5, between lines 19 and 20, by inserting:

"3. The provisions of this section do not prohibit a medical services corporation from including in a contract for hospital, medical or dental services a provision which excludes the medical services corporation from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50

(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 7, page 5, line 22, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 7, page 5, line 40, by deleting “insured’s” and inserting “enrollee’s”.

Amend sec. 7, page 5, after line 45, by inserting:

“3. The provisions of this section do not prohibit a health maintenance organization from including in a health care plan a provision which excludes the health maintenance organization from liability for a claim that involves an injury sustained by an enrollee as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the enrollee was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 8, page 6, line 3, by deleting "subsection 2," and inserting "this section,".

Amend sec. 8, page 6, line 21, by deleting "insured's" and inserting "member's".

Amend sec. 8, page 6, between lines 26 and 27, by inserting:

"3. The provisions of this section do not prohibit an organization for dental care from including in a plan for dental care a provision which excludes the organization from liability for a claim that involves an injury sustained by a member as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the member was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 10, page 7, line 11, by deleting "subsection 2," and inserting "this section,".

Amend sec. 10, page 7, between lines 34 and 35, by inserting:

"3. The provisions of this section do not prohibit a managed care organization from including in a health care plan a provision which excludes the managed care organization from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or

under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) *A concentration of alcohol of 0.08 or more in his blood or breath; or*
- (b) *An amount of a prohibited substance in his blood or urine that is equal to or greater than:*

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5
(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. *As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.*

Amend the title of the bill, eighth line, after “circumstances;” by inserting: “allowing certain health insurers to include a provision in a policy or contract of health insurance that excludes the insurer from liability when an injury occurs as a consequence of the insured being intoxicated or under the influence of a prohibited substance in certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to practices by health insurers with regard to injuries sustained by insured while under influence of alcohol or prohibited substance. (BDR 57-207)”.

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 63.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 707.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: “*post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park or other common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:*

1. *A copy of the utility bill for the park; and*
2. *A statement indicating the portion of the utility bill for which each tenant is responsible.”.*

Amend sec. 3, page 3, by deleting lines 2 through 5 and inserting: “~~appoint a natural person, not the manager or assistant manager, who possesses a financial interest in the manufactured home park to} a:~~

(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.”.

Amend sec. 7, page 7, by deleting lines 37 through 41 and inserting:

“118B.177 1. If a landlord closes a manufactured home park ~~the~~, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in”.

Amend sec. 8, page 9, by deleting lines 32 through 36 and inserting:

“(a) For 180 days before ~~applying~~ filing an application for a change in land use, permit or variance affecting the manufactured home park ~~[-]~~; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. This act becomes effective on July 1, 2005.”.

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 437.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67

Bill read third time.

Remarks by Assemblymen Buckley, Parks, and Horne.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 67 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Roll call on Senate Bill No. 181:

YEAS—25.

NAYS—Angle, Buckley, Christensen, Gansert, Gerhardt, Hardy, Hettrick, Holcomb, Koivisto, Leslie, Mabey, Manendo, Marvel, Perkins, Sherer, Weber—16.

EXCUSED—Ohrenschall.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 233 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Remarks by Assemblymen Manendo, Parks, and Ocegüera.

Roll call on Senate Bill No. 251:

YEAS—31.

NAYS—Denis, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, McCleary, Munford, Parnell, Smith—10.

EXCUSED—Ohrenschall.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

Remarks by Assemblymen Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Hogan, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, and Weber.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Potential conflict of interest declared Assemblymen Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, Weber, and Mr. Speaker.

Roll call on Senate Bill No. 346:

YEAS—40.

NAYS—Carpenter.

EXCUSED—Ohrenschall.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:36 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1102.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :

(a) *Designate the area at the building for the gathering of signatures; and*

(b) *On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.*

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~{A}~~ *Not later than 3 days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~designated a reasonable area as required by~~ violated subsection 1* ~~{~~

~~4. The~~ *or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State may order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may*

only be appealed in the First Judicial District Court. *If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State ~~for~~ :

1. On or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 ; or

2. *On or after the date the person has completed an application to register to vote which is to be mailed to the county clerk, if the person is deemed to be registered pursuant to subsection 5 of NRS 293.5235 ~~to~~ not more than 3 working days after the date the person signs the petition.*

Amend section 1, page 2, by deleting lines 2 through 13 and inserting: “adding thereto the provisions set forth as sections 4 through 13 of this act.”

Amend the bill as a whole by renumbering sec. 2 as sec. 14 and adding new sections designated sections 4 through 13, following section 1, to read as follows:

“Sec. 4. 1. “Committee for a statewide ballot measure” means every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum, including, without limitation:

(a) Circulating a petition for an initiative or a referendum to obtain signatures;

(b) Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum; or

(c) Making an expenditure designed to advocate the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum.

2. “Committee for a statewide ballot measure” does not include:

(a) An individual natural person acting alone and not in conjunction with any other person who circulates a petition for an initiative or a referendum for the purpose of obtaining signatures and who does not solicit or receive contributions or make expenditures as described in paragraphs (b) and (c) of subsection 1.

(b) A committee for political action.

(c) *A committee for the recall of a public officer.*

Sec. 5. 1. *A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:*

(a) *Soliciting or receiving contributions from any other person, group or entity;*

(b) *Making contributions to candidates or other persons; or*

(c) *Making expenditures, designed to affect the outcome of any primary, general or special election or question on the ballot.*

2. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.*

Sec. 6. 1. *Each committee for a statewide ballot measure shall, before engaging in any activity in this State, register with the Secretary of State on forms supplied by him.*

2. *The form must require:*

(a) *The name, address and telephone number of the committee;*

(b) *The purpose for which the committee organized;*

(c) *The names, addresses and telephone numbers of the officers of the committee;*

(d) *If the committee is affiliated with any other organizations, the name, address and telephone number of each such organization;*

(e) *The name, address and telephone number of the resident agent of the committee; and*

(f) *Any other information deemed necessary by the Secretary of State.*

3. *A committee for a statewide ballot measure shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.*

4. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 2.*

Sec. 7. *Each committee for a statewide ballot measure shall appoint and keep in this State a resident agent who must be a natural person who resides in this State.*

Sec. 8. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) *April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

(b) *August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may*

appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to section 10 of this act. The form must be signed by a representative of the committee for a statewide ballot measure under penalty of perjury.

2. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

3. The reports required pursuant to this section must be filed with the Secretary of State.

4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 9. 1. Every committee for a statewide ballot measure shall, not later than:

(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;

(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a

referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election, report each expenditure made during the period on behalf of or against the constitutional amendment or a statewide measure proposed by an initiative or a referendum in excess of \$100 on the form designed and provided by the Secretary of State pursuant to section 10 of this act and signed by the person or a representative of the group under penalty of perjury.

2. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

3. The reports required pursuant to this section must be filed with the Secretary of State.

4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 10. 1. The Secretary of State shall design a single form to be used for reports of campaign contributions and expenses or expenditures that are required to be filed by a committee for a statewide ballot measure pursuant to sections 8 and 9 of this act.

2. The form designed by the Secretary of State pursuant to this section:

(a) Must request information specifically required by statute; and

(b) Must include a space to list:

(1) The amount of cash on hand at the beginning of the reporting period;

(2) The amount of cash on hand at the beginning of the reporting year;

(3) The amount of cash on hand at the end of the reporting period; and

(4) The amount of cash on hand at the end of the reporting year.

3. *Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each committee for a statewide ballot measure. An explanation of the applicable provisions of sections 8 and 9 of this act relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.420 must be developed by the Secretary of State and provided upon request. The committee for a statewide ballot measure shall acknowledge receipt of the material.*

Sec. 11. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, and section 4 of this act have the meanings ascribed to them in those sections.

Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 *Except as otherwise provided in section 8 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 20 and adding new sections designated section 15 through 19, following sec. 2, to read as follows:

“Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 *and section 9 of this act* must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to

NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ~~{-}~~ *and committees for a statewide ballot measure*:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~{-}~~ *or a committee for a statewide ballot measure*, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~{-}~~ *or a committee for a statewide ballot measure*, disregard any action taken by a group or entity that would otherwise constitute a committee for political action *or a committee for a statewide ballot measure* if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 1. The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) *Committee for a statewide ballot measure.*

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

(d) *A committee for a statewide ballot measure.*

Sec. 19. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 *or section 8 or 9 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230,

294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 or section 8 or 9 of this act is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”

Amend sec. 3, page 3, line 9, by deleting:
“4 and 5” and inserting:
“21 and 22”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 21.

Amend sec. 5, page 3, by deleting line 24 and inserting:

“Sec. 21. 1. *Each petition for initiative must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 29 and 30, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*”.

Amend sec. 5, page 3, by deleting line 30 and inserting:

“2. *Each petition for referendum must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

“(b) Set forth, in not more than 200 words, an accurate description of the effect of the referendum if it is approved by the voters. The description must appear at the top of each signature page of the petition.

3. For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 25 and adding new sections designated sections 22 through 24, following sec. 5, to read as follows:

“Sec. 22. 1. After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.

2. The Chairman of the Legislative Commission shall schedule a meeting of the Legislative Commission to conduct a public hearing on the proposed initiative or referendum.

3. The Secretary of State may use the results of the public hearing on an initiative or referendum to assist him in preparing the condensation and explanation of the initiative or referendum pursuant to subsection 5 of NRS 293.250.

Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 1. A copy of a petition for initiative or referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.

2. Upon receipt of a copy of a petition for initiative or referendum pursuant to subsection 1, the Secretary of State shall:

(a) Determine the number of signatures of registered voters required to file the petition;

(b) Inform the person placing the copy of the petition on file of the number of signatures of registered voters required to file the petition;

(c) Review the title of the petition to determine if the title satisfies the requirements of section 21 of this act and shall reject each title that does not satisfy the requirements of section 21 of this act;

(d) Review the description of the effect of the initiative or referendum to determine if the description satisfies the requirements of section 21 of this act and shall reject each description that does not satisfy the requirements of section 21 of this act;

(e) Consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated

financial effect on the State or local governments if the initiative or referendum is approved by the voters and if the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect; and

(f) Not later than 10 business days after the Secretary of State receives the petition filed pursuant to subsection 1, post a copy of the petition, including the description required pursuant to section 21 of this act and any fiscal note prepared pursuant to paragraph (e), on his Internet website.

3. The decision of the Secretary of State to reject a title or a description pursuant to subsection 2 is a final decision for the purposes of judicial review. Not later than 10 days after the Secretary of State rejects the title or the description pursuant to subsection 2, the person filing the copy of the petition for initiative or referendum pursuant to subsection 1 may appeal that rejection to the First Judicial District Court. The Court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the Court, except for criminal proceedings.

Sec. 24. NRS 295.045 is hereby amended to read as follows:

~~295.045 1. [A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.]~~

~~2.]~~ A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

~~[3.]~~ 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

~~[4.]~~ 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

~~[5.]~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~[6.]~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed."

Amend sec. 6, page 3, by deleting lines 37 through 40 and inserting:

"295.061 1. The description of the effect of an initiative or referendum required pursuant to section 21 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than

30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition ~~filed pursuant to NRS 295.015 to 295.061, inclusive,~~ for initiative or referendum may be challenged by filing a complaint in ~~{district court}~~ the First Judicial District Court not later than ~~{5}~~ 30 days, Saturdays, Sundays and holidays excluded, after a copy of the”.

Amend sec. 6, page 3, line 41, by deleting “filed” and inserting: “~~{filed}~~ initially placed on file”.

Amend the bill as a whole by adding new sections designated sections 26 through 37, following sec. 6, to read as follows:

“Sec. 26. NRS 295.085 is hereby amended to read as follows:

295.085 The registered voters of a county may:

1. Propose ordinances to the board and, if the board fails to adopt an ordinance so proposed without change in substance, to adopt or reject it at a ~~{primary or}~~ general election.

2. Require reconsideration by the board of any adopted ordinance and, if the board fails to repeal an ordinance so reconsidered, to approve or reject it at a ~~{primary or}~~ general election.

Sec. 27. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any ~~{five}~~ 10 registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~{eighty}~~ fifty days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and ~~{thirty}~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must

contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 28. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is submitted to the county clerk pursuant to NRS 295.095, the county clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request board review under subsection 3 within the time required, the county clerk shall promptly present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient,

the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

- (a) Make recommendations pursuant to subsection 5; and
- (b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee,~~ *in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the

submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~[primary or]~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

5. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

6. Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.

7. If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

8. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~{primary or}~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~{primary or}~~ general city election or ~~{primary or}~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~{primary or}~~ general city election or ~~{primary or}~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~{five}~~ 10 registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ fifty days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~thirty~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 35. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is submitted to the city clerk pursuant to NRS 295.205, the city clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request council review under subsection 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and

the council's determination is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general city election ~~[for primary]~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~appoint the committee~~, *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. *If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is*

filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.”

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal

of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections. (BDR 24-698)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Gansert.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assemblywoman Buckley moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 8:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 877.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 8 as sections 4 through 10 and adding a new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In a county whose population is 400,000 or more:*

1. *The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.*

2. *In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:*

(a) Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or

(b) Grant an exclusive franchise to any person to provide those services.

3. The commission shall post on each bench, and within each shelter, a notice that provides a telephone number that a person may use to report damage to the bench or shelter.

4. No board of county commissioners, governing body of an incorporated city or town board may provide for the construction or maintenance of benches and shelters for passengers of public mass transportation.

Sec. 3. 1. In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction and maintenance of benches and shelters for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:

(a) Two members of the general public from each city within the county who are appointed by the governing body of that city; and

(b) Six members of the general public appointed by the commission.

2. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

3. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

4. The advisory committee shall meet at least six times annually.

5. At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice chairman from among its members.

6. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.”.

Amend sec. 2, page 2, line 24, by deleting “1” and inserting “2”.

Amend sec. 3, page 3, line 3, by deleting “1” and inserting “2”.

Amend sec. 4, page 3, line 26, by deleting “1” and inserting “2”.

Amend sec. 5, page 3, line 35, by deleting “1” and inserting “2”.

Amend sec. 6, page 4, line 37, by deleting “1” and inserting “2”.

Amend sec. 7, page 7, line 1, by deleting “1” and inserting “2”.

Amend the bill as a whole by renumbering sec. 9 as sec. 12 and adding a new section designated sec. 11, following sec. 8, to read as follows:

“Sec. 11. 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 2 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.

2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along

fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 3 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.”

Amend the title of the bill, fifth line, after “counties;” by inserting: “requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; requiring the regional transportation commission to provide for the construction of a minimum number of those benches and shelters during the 2005–2007 biennium; requiring the regional transportation commission to prepare and submit a report relating to the construction and maintenance of those benches and shelters to the Legislature;”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 28, 41, 52, 110, 118, 119, 153, 188, 238, 240, 256, 280, 281, 282, 365, and 458 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 18.

Bill read third time.

Roll call on Senate Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Roll call on Senate Bill No. 80:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Roll call on Senate Bill No. 212:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Roll call on Senate Bill No. 252:

YEAS—31.

NAYS—Angle, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Seale, Sherer, Weber—10.

EXCUSED—Ohrenschall.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Roll call on Senate Bill No. 302:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Roll call on Senate Bill No. 356:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Roll call on Senate Bill No. 386:

YEAS—30.

NAYS—Angle, Carpenter, Christensen, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—11.

EXCUSED—Ohrenschall.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—25.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

EXCUSED—Ohrenschall.

Senate Bill No. 396 having failed to received a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 422.

Bill read third time.

Roll call on Senate Bill No. 422:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

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

Assembly in recess at 8:26 p.m.

ASSEMBLY IN SESSION

At 8:33 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 500 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Gansert moved to rescind the action whereby Senate Bill No. 396 was lost.

Motion carried.

Assemblyman Conklin moved to rescind the action whereby Senate Bill No. 252 was passed.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 252 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—30.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—11.

EXCUSED—Ohrenschall.

Senate Bill No. 396 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Roll call on Senate Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Roll call on Senate Bill No. 438:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Roll call on Senate Bill No. 67:

YEAS—30.

NAYS—Allen, Angle, Buckley, Conklin, Gerhardt, Horne, Koivisto, Leslie, Manendo, McCleary, Smith—11.

EXCUSED—Ohrenschall.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:39 p.m.

ASSEMBLY IN SESSION

At 8:41 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that Senate Bills Nos. 17, 120, 126, 245, 328, 343, 358, 394, and 457 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Roll call on Assembly Bill No. 36:

YEAS—40.

NAYS—None.

EXCUSED—2—Mortenson, Ohrenschall.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Roll call on Assembly Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Roll call on Assembly Bill No. 109:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Roll call on Assembly Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Roll call on Assembly Bill No. 321:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Roll call on Senate Bill No. 20:

YEAS—32.

NAYS—Christensen, Hettrick, Mabey, Marvel, Parnell, Seale, Sherer, Smith, Weber—9.

EXCUSED—Ohrenschall.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 32:

YEAS—24.

NAYS—Anderson, Arberry, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Parks, Pierce—17.

EXCUSED—Ohrenschall.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 37 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 62.

Bill read third time.

Roll call on Senate Bill No. 62:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblymen Atkinson, Giunchigliani, Sibley, Buckley, Ocegüera, and Horne.

Roll call on Senate Bill No. 115:

YEAS—17.

NAYS—Allen, Anderson, Angle, Arberry, Buckley, Carpenter, Claborn, Conklin, Denis, Giunchigliani, Hogan, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Parnell, Pierce, Sibley, Smith—24.

EXCUSED—Ohrenschall.

Senate Bill No. 115 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and that Senate Bills Nos. 198 and 267 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 198.

Bill read third time.

Roll call on Senate Bill No. 198:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 267:

YEAS—28.

NAYS—Angle, Christensen, Claborn, Gansert, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Smith, Weber—13.

EXCUSED—Ohrenschall.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—40.

NAYS—None.

NOT VOTING—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Roll call on Senate Bill No. 296:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Roll call on Senate Bill No. 300:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 333.

Bill read third time.

Roll call on Senate Bill No. 333:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Roll call on Senate Bill No. 397:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Roll call on Senate Bill No. 431:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 431 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Roll call on Senate Bill No. 434:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Roll call on Senate Bill No. 509:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 9:20 p.m.

ASSEMBLY IN SESSION

At 11:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 500 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 457 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 17, 37, 126, and 343 be taken from their position on the General File and placed on General File immediately following Senate Bill No. 457.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 120, 28, 118, 119, 188, 240, 256, 281, and 282 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

The following amendment was proposed by the Assemblyman Ocegueda:
Amendment No. 1108.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2 to 11, inclusive,".

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 4 through 11, following sec. 3, to read as follows:

"Sec. 4. *As used in sections 4 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.*

Sec. 6. *"Alcoholic beverage awareness program" means a program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.*

Sec. 7. *"Commission" means the Commission on Postsecondary Education created by NRS 394.383.*

Sec. 8. 1. *"Establishment" means a business that:*

(a) *Sells alcoholic beverages by the drink for consumption on the premises; or*

(b) *Sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.*

2. *The term includes, without limitation, a retail liquor store.*

3. *The term does not include:*

(a) *A wholesale dealer; or*

(b) *A private club or other facility not in fact open to the public.*

Sec. 9. 1. *Except as otherwise provided in subsection 2:*

(a) *On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.*

(b) On and after January 1, 2008, a person who owns or operates an establishment shall not:

(1) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(2) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(c) The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(1) For the first violation within a 24-month period, \$500.

(2) For the second violation within a 24-month period, \$1,000.

(3) For the third and any subsequent violation within a 24-month period, \$5,000.

(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

2. The provisions of this section apply only in a jurisdiction that:

(a) Is located in a county whose population is 400,000 or more; and

(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment.

Sec. 10. 1. *The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.*

2. *The curriculum described in subsection 1:*

(a) *Must consist of not fewer than 2 hours of instruction; and*

(b) *Must include, without limitation, instruction on the following topics:*

(1) *The clinical effects of alcohol on the human body;*

(2) *Methods of identifying intoxicated persons;*

(3) *Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;*

(4) *Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and*

(5) *Methods of preventing:*

(I) *The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;*

(II) *The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and*

(III) *The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.*

3. *The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:*

(a) *The program meets the curricular requirements set forth in subsection 2; and*

(b) *The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.*

4. *The Commission shall adopt such regulations:*

(a) *As the Commission determines to be necessary or advisable to carry out the provisions of this section; and*

(b) *As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.*

5. *As used in this section, "minor" means a person who is under 21 years of age.*

Sec. 11. 1. *Except as otherwise provided in subsection 2 and sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.*

2. *The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply."*

Amend the bill as a whole by renumbering sec. 5 as sec. 15 and adding new sections designated sections 13 and 14, following sec. 4, to read as follows:

“Sec. 13. NRS 244.350 is hereby amended to read as follows:

244.350 1. The board of county commissioners, and in a county whose population is less than 400,000, the sheriff of that county constitute a liquor board. The liquor board may, without further compensation, grant or refuse liquor licenses, and revoke those licenses whenever there is, in the judgment of a majority of the board, sufficient reason for revocation. The board shall elect a chairman from among its members.

2. The liquor board in each of the several counties shall enact ordinances:

(a) Regulating the sale of intoxicating liquors in their respective counties.

(b) Fixing the hours of each day during which liquor may be sold or disposed of.

(c) Prescribing the conditions under which liquor may be sold or disposed of.

(d) Prohibiting the employment or service of minors in the sale or disposition of liquor.

(e) Prohibiting the sale or disposition of liquor in places where, in the judgment of the board, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

3. In a county whose population is 400,000 or more, the liquor board shall refer any petition for a liquor license to the metropolitan police department. The department shall conduct an investigation relating to the petition and report its findings to the liquor board at the next regular meeting of the board.

4. All liquor dealers within any incorporated city are exempt from the effect of this section, and are to be regulated only by the government of that city.

5. *The liquor board may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

6. The liquor board shall not deny a license to a person solely because he is not a citizen of the United States.

Sec. 14. NRS 268.090 is hereby amended to read as follows:

268.090 1. In addition to any authority or power now provided by the charter of any incorporated city in this State, whether incorporated by general or special act, or otherwise, there is hereby granted to each of the cities incorporated under any law of this State the power and authority to fix, impose and collect a license tax on, and regulate the sale of, beer, wines or other beverages now or hereafter authorized to be sold by act of Congress.

2. *An incorporated city may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

3. An incorporated city shall not deny a license to a person solely because he is not a citizen of the United States.”.

Amend the title of the bill, fifth line, after “liquor;” by inserting: “requiring certain persons employed at certain establishments where alcoholic beverages are sold to complete certain training; requiring the Department of Taxation to impose administrative fines upon the owners or operators of certain establishments for certain violations;”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 17.

Bill read third time.

Roll call on Senate Bill No. 17:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Roll call on Senate Bill No. 37:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Roll call on Senate Bill No. 126:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Roll call on Senate Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Roll call on Senate Bill No. 224:

YEAS—37.

NAYS—Allen, Angle, Christensen, Parnell—4.

EXCUSED—Ohrenschall.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Roll call on Senate Bill No. 245:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 327 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblywoman Weber.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 358:

YEAS—40.

NAYS—Leslie.

EXCUSED—Ohrenschall.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—Leslie.

EXCUSED—Ohrenschall.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Roll call on Senate Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Roll call on Senate Bill No. 52:

YEAS—31.

NAYS—Allen, Angle, Christensen, Hardy, Hettrick, Holcomb, Mabey, Seale, Sherer, Weber—10.

EXCUSED—Ohrenschall.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblywoman Weber.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 153:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 238.

Bill read third time.

Roll call on Senate Bill No. 238:

YEAS—37.

NAYS—Anderson, Angle, Carpenter, Hardy—4.

EXCUSED—Ohrenschall.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Roll call on Senate Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:33 p.m.

ASSEMBLY IN SESSION

At 11:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 282 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 457 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

Roll call on Senate Bill No. 457:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved to waive Joint Standing Rule 14.3, which pertains to final action on a bill being taken by the second House on the 110th calendar day of the legislative day, and extend it to the 111th calendar day at 3:00 a.m.

Motion carried.

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

Assembly in recess at 11:40 p.m.

ASSEMBLY IN SESSION

At 2:05 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 365, 458, 120, 28, 256, and 281 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 365.

Bill read third time.

Roll call on Senate Bill No. 365:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblymen Carpenter and Leslie.

Roll call on Senate Bill No. 458:

YEAS—24.

NAYS—Anderson, Angle, Carpenter, Christensen, Claborn, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Kirkpatrick, Mabey, Manendo, Marvel, Sherer, Weber—17.

EXCUSED—Ohrenschall.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Roll call on Senate Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:13 a.m.

ASSEMBLY IN SESSION

At 2:14 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Arberry moved that Senate Bill No. 28 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 256.

Bill read third time.

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

Assembly in recess at 2:16 a.m.

ASSEMBLY IN SESSION

At 2:18 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Goicoechea and Anderson.

Roll call on Senate Bill No. 256:

YEAS—36.

NAYS—Angle, Carpenter, Goicoechea, Grady, Mabey—5.

EXCUSED—Ohrenschall.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Roll call on Senate Bill No. 281:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:22 a.m.

ASSEMBLY IN SESSION

At 2:50 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 27, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 28.

MARK STEVENS
Fiscal Analysis Division

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Lent.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Leanne Ferdig and Hilary Ferdig.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Thiede, Ms. Angela Orr, Ms. Noelle Mackey, Alexa Bowers, Shanda Crain, Breanna Cuesta, Molly Dugan, Nicholas Hassert, Elise Heberger, Tasi Hogan, Justin Holmes, Kaitlyn Holstine, Mikaela Humphreys,

Jamie Jackson, Shang Lin, Brenda Martinez, Kelte McCreary, Nicole McGlone, Salina Parigini, Hailey Pitts, Amanda Prasad, Taylor Quinalty, Megan Rainey, Katie Rands, Britney Ricketts, Kelly Souto, Geoffrey Sperle, Jacob Stiteler, Karen Torrisi, and Samantha Ybarra.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Brigitte Frost, Kathie Stille, Linda Aaquist, Bernie Hamm, Graham Baird, Cortney Kennedy, Sarena Shaver-Sheridan, Martin Boren, Sarah Dover, David Friberg, Graham Gearhart, Briana Husoen, Kristof Janvary, Danielle Lane, Zia Mars, Lindsey Christianson, Eric Eckert, Cady Fine, Thomas Friberg, Ryan Kennedy, Quinten Perkins, Allie Albiniano, Shion Galata, Alex Gearhart, Stephanie Huseon, Adam Janvary, Kai Mars, Tiffany Yang, Tho-minh Bradley, Jim Dunn, John Ewing, Erica Hicks, Madelyn Macias, Samantha Edge, Johnny Botelho, Karl Freitag, Miranda Johnson, Yuki Nakamura, Francisco Rodarte, Emilia Trujillo, Natalie Velarde, Deliah Walker-Jones, Jennie Wilson, Logan Beers, Aaron Dundon, Nathan Navarro Griffin, Samantha Martinez, Zoya Miller, Zach Pepper, and Drew Wheeler.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 30, 2005, at 12:00 p.m.

Motion carried.

Assembly adjourned at 2:51 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 30, 2005

Assembly called to order at 12:13 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Atkinson, who was excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. We thank You for keeping us safe through this session of the Legislature and bringing us this far in this journey of unending problems that need to be solved. And we thank You for the wisdom that You have given this Body to solve these problems. Please help us to continue with the good will that You have seen fit to provide us in the past. But mostly, mostly we pray for those brave individuals, both men and women, adults and children, military and civilian, who fought and continue to fight so valiantly and whose lives are and have been taken to protect our precious freedom. Bless them one and all. We thank You and we ask these things in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 561 and 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 99, 102, 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 93, 101, 137, 162, 299, 440, 532, 533; Senate Bills Nos. 515, 517, 518.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 19, Amendment No. 858; Assembly Bill No. 39, Amendment No. 1084; Assembly Bill No. 42, Amendments Nos. 847, 1040; Assembly Bill No. 43, Amendment No. 848; Assembly Bill No. 44, Amendment No. 859; Assembly Bill No. 52, Amendments Nos. 1037, 1082; Assembly Bill No. 64, Amendment No. 872; Assembly Bill No. 87, Amendment No. 924; Assembly Bill No. 128, Amendment No. 806; Assembly Bill No. 142, Amendment No. 841; Assembly Bill No. 168, Amendment No. 762; Assembly Bill No. 169, Amendments Nos. 729, 1064; Assembly Bill No. 183, Amendment No. 860; Assembly Bill No. 185, Amendment No. 1010; Assembly Bill No. 188, Amendment No. 844; Assembly Bill No. 193, Amendment No. 688; Assembly Bill No. 201, Amendment No. 839; Assembly Bill No. 219, Amendment No. 1009; Assembly Bill No. 221, Amendment No. 888; Assembly Bill No. 236, Amendment No. 687; Assembly Bill No. 240, Amendment No. 1013; Assembly Bill No. 254, Amendment No. 747; Assembly Bill No. 255, Amendment No. 862; Assembly Bill No. 267, Amendment No. 697; Assembly Bill No. 312, Amendment No. 1049; Assembly Bill No. 314, Amendment No. 947; Assembly Bill No. 315, Amendment No. 1000; Assembly Bill No. 327, Amendment No. 1072; Assembly Bill No. 342, Amendment No. 849; Assembly Bill No. 345, Amendment No. 871; Assembly Bill No. 348, Amendment No. 938; Assembly Bill No. 355, Amendment No. 845; Assembly Bill No. 364, Amendment No. 868; Assembly Bill No. 365, Amendment No. 803; Assembly Bill No. 369, Amendment No. 850; Assembly Bill No. 371, Amendment No. 840; Assembly Bill No. 380, Amendment No. 895; Assembly Bill No. 384, Amendment No. 869; Assembly Bill No. 416, Amendment No. 731; Assembly Bill No. 418, Amendments Nos. 726, 957, 1100; Assembly Bill No. 425, Amendments Nos. 896, 1069; Assembly Bill No. 443, Amendments Nos. 758, 1011; Assembly Bill No. 456, Amendment No. 780; Assembly Bill No. 493, Amendment No. 893; Assembly Bill No. 495, Amendment No. 1057; Assembly Bill No. 496, Amendment No. 870; Assembly Bill No. 504, Amendment No. 954; Assembly Bill No. 546, Amendment No. 1030; Assembly Joint Resolution No. 5, Amendment No. 981, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 31, Amendment No. 842; Assembly Bill No. 180, Amendments Nos. 765, 1105; Assembly Bill No. 208, Amendment No. 925; Assembly Bill No. 239, Amendment No. 951; Assembly Bill No. 250, Amendment No. 960; Assembly Bill No. 260, Amendments Nos. 866, 1048; Assembly Bill No. 334, Amendments Nos. 843, 1050; Assembly Bill No. 415, Amendment No. 809; Assembly Bill No. 455, Amendment No. 1089; Assembly Bill No. 497, Amendments Nos. 989, 1103; Assembly Bill No. 540, Amendment No. 1091, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 465, Senate Amendment No. 676, and requests a conference, and appointed Senators Heck, Nolan and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 105, 357, 392, 406, 463.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 391.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 720 to Senate Bill No. 152; Assembly Amendment No. 864 to Senate Bill No. 170; Assembly Amendment No. 856 to Senate Bill No. 175; Assembly Amendment No. 822 to Senate Bill No. 218; Assembly Amendment No. 875 to Senate Bill No. 219; Assembly Amendment No. 999 to Senate Bill No. 263; Assembly Amendment No. 757 to Senate Bill No. 269; Assembly Amendment No. 721 to Senate Bill No. 276; Assembly

Amendment No. 728 to Senate Bill No. 307; Assembly Amendment No. 852 to Senate Bill No. 353; Assembly Amendment No. 761 to Senate Bill No. 381; Assembly Amendment No. 909 to Senate Bill No. 389.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 797 to Senate Bill No. 173; Assembly Amendment No. 705 to Senate Bill No. 226; Assembly Amendment No. 970 to Senate Bill No. 460.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 28, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 195, Amendment No. 926; Assembly Bill No. 210, Amendment No. 897; Assembly Bill No. 280, Amendments Nos. 1104, 1114; Assembly Bill No. 290, Amendments Nos. 867, 1062; Assembly Bill No. 296, Amendments Nos. 894, 1047; Assembly Bill No. 485, Amendments Nos. 1106, 1058, 1095; Assembly Bill No. 538, Amendments Nos. 1109, 1110; Assembly Bill No. 550, Amendment No. 953, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 757 to Senate Bill No. 269.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 712 to Senate Bill No. 290.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 30, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 103.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 34.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 105.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 357.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 391.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 392.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 406.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 463.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 517.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 518.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 561.

Bill read third time.

Roll call on Assembly Bill No. 561:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 566:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 4.

Bill read third time.

Roll call on Senate Bill No. 4:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Roll call on Senate Bill No. 26:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Roll call on Senate Bill No. 99:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Roll call on Senate Bill No. 104:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Roll call on Senate Bill No. 303:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 42.

The following Senate amendment was read:

Amendment No. 847.

Amend section 1, page 2, lines 3, 8 and 10, by deleting “*person or*”.

Amend section 1, page 2, by deleting lines 12 through 16 and inserting: “*legal obligation if, before issuing the order, the court provides notice and an opportunity to be heard to the governmental entity.*”.

Amend sec. 3, page 4, by deleting lines 10 and 11 and inserting: “resides within this State.

~~[(b) If practicable, together with his siblings.]”.~~

Amend sec. 4, page 5, by deleting line 21 and inserting: “*a person refuses to comply with or disobeys an order issued pursuant to this*”.

Amend the title of the bill, fourth and fifth lines, by deleting: “person or governmental entity who” and inserting: “governmental entity which”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 847 to Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried.

The following Senate amendment was read:

Amendment No. 1040.

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: “thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a governmental entity has a legally enforceable obligation to”.*

Amend the bill as a whole by renumbering sections 2 through 5 as sections 7 through 10 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

“Sec. 3. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

1. *The subject of an investigation of alleged abuse or neglect of a child;*
or

2. *A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.*

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:
 - (a) Child welfare services provided in this State;
 - (b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;
 - (c) The development of local councils involving public and private organizations;
 - (d) Reports of abuse or neglect, records of these reports and the response to these reports;
 - (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;
 - (f) The management and assessment of reported cases of abuse or neglect;
 - (g) The protection of the legal rights of parents and children;
 - (h) Emergency shelter for a child;
 - (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
 - (j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;
 - (k) Developing and distributing to persons who are responsible for a child’s welfare a pamphlet that *is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth [the] :*

(1) *Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide*

assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody ~~and the~~ ; and

(3) The state and federal legal rights of ~~persons~~ :

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(I) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~[-]~~ , and section 3 of this act.

Sec. 5. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;

(c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. *If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.*

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

~~{6-}~~ 7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection ~~{5-}~~ 6, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

~~{7-}~~ 8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

~~{8-}~~ 9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 6. NRS 432B.310 is hereby amended to read as follows:

432B.310 Except as otherwise provided in subsection ~~[5]~~ 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case.”.

Amend sec. 2, page 2, line 18, by deleting “1” and inserting “2”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 5, to read as follows:

“Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 3 to 6, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.

3. Sections 1, 2 and 7 to 10, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, first line, after “children;” by inserting: “requiring an agency which provides child welfare services to train certain employees concerning the legal rights of persons who are responsible for a child’s welfare; revising the provisions concerning the pamphlet developed and distributed to persons responsible for a child’s welfare; requiring an agency which provides child welfare services to inform persons who are responsible for a child’s welfare and who are the subject of an investigation of alleged abuse or neglect of a child of the allegations against them and their legal rights at the time of initial contact by the agency;”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 1040 to Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

The following Senate amendment was read:

Amendment No. 1072.

Amend sec. 2, page 2, line 38, after “(c)” by inserting: “*Information concerning the provisions of law pertaining to immunity from liability with respect to physicians pursuant to chapter 41 of NRS and limitations on damages in actions involving medical malpractice pursuant to chapter 41A of NRS;*

(d)”.

Amend sec. 2, page 2, line 39, by deleting “(d)” and inserting “[~~(d)~~] (e)”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

shall be presumed to have acted other than in the course of his regular employment or profession.

8. Any person who ~~is~~:

~~(a) Has successfully completed a course in cardiopulmonary resuscitation and training in the operation and use of an automated external defibrillator that were conducted in accordance with the standards of the American Heart Association or the American National Red Cross; and~~

~~(b) Gratuitously]~~ *gratuitously* and in good faith renders emergency medical care involving the use of an automated external defibrillator ~~in accordance with his training,~~

—] is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. ~~[A person or governmental entity that provided the requisite training set forth in subsection 8 to a person who renders emergency care in accordance with subsection 8 is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care.~~

—10.] A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) ~~[Ensures that only a person who has at least the qualifications set forth in subsection 8 uses the automated external defibrillator to provide care;~~

(c) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

~~[(d) Establishes and maintains a program to ensure compliance with current regulations, requirements for training,]~~

(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 4. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil

damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient ~~[at a health care facility of]~~ for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

~~[(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.]~~

Amend sec. 3, page 3, by deleting line 1 and inserting:

"Sec. 5. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of sections 3 and 4 of this act apply only to a cause of action that accrues on or after July 1, 2005."

Amend the title of the bill to read as follows:

“AN ACT relating to medical services; authorizing the board of hospital trustees of a county hospital to compensate physicians for providing certain services to indigent persons; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of medical services. (BDR 40-928)”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 327.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered to transmitted to the Senate.

Assembly Bill No. 337.

The following Senate amendment was read:

Amendment No. 735.

Amend section 1, page 2, lines 4 and 5, by deleting: “*or governmental organization*”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 337.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 947.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 8 as sections 1 through 4.

Amend sec. 5, page 9, line 2, by deleting “*90 days*” and inserting “*6 months*”.

Amend sec. 6, page 9, line 26, by deleting “*90 days*” and inserting “*6 months*”.

Amend sec. 7, page 10, line 3, by deleting “*90 days*” and inserting “*6 months*”.

Amend the bill as a whole by deleting sections 9 through 25 and renumbering sec. 26 as sec. 5.

Amend sec. 26, page 22, line 33, by deleting: “public officer or” and inserting: “person appointed by the Legislature, members of the Legislature or the Governor to serve as a”.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; requiring any person appointed by the Legislature, members of the Legislature or the Governor to serve as a

member of a public board to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 6 months immediately preceding the appointment; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires person appointed by Legislature, members of Legislature or Governor to public board to have resided in area pertaining to office for at least 6 months immediately preceding appointment. (BDR 24-436)”.

Assemblywoman Koivisto moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 314.

Remarks by Assemblywoman Koivisto.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 1037.

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

“(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:”.

Amend sec. 2, page 3, line 12, by deleting “*paragraph, complete*” and inserting: “*paragraph*”:

(a) Complete”.

Amend sec. 2, page 3, line 14, by deleting “1.” and inserting: “1; and

(b) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the additional 50 hours of supervised experience required pursuant to this subsection and which is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver’s license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

who attests that the person applying for the driver’s license has completed the additional 50 hours of supervised experience required pursuant to this subsection.”.

Amend sec. 3, page 3, line 17, by deleting: “*more than one*” and inserting “*a*”.

Amend sec. 3, page 3, line 20, by deleting “*two or*”.

Amend sec. 3, page 3, by deleting lines 21 through 28 and inserting: “*a person who is under 18 years of age is a passenger if:*

(a) The passenger is a member of the immediate family of the person; or

(b) The person operating the motor vehicle has held the driver's license for not less than 3 months."

Amend sec. 4, page 3, by deleting lines 38 through 42 and inserting: *"person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 3 months."*

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate Amendment No. 1037 to Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1082.

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if:

(a) Except as otherwise provided in subsection 2, he has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and

(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.

2. A person who is 16 or 17 years of age and who:

(a) Resides in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000; and

(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,

is not required to complete a course as required pursuant to paragraph (a) of subsection 1.

Sec. 3. 1. Except as otherwise provided in subsection 2, a person to whom a driver's license is issued pursuant to section 2 of this act shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age.

2. A person to whom a driver's license is issued pursuant to section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.

Sec. 4. 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. Except as otherwise provided in subsection 2, a citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 6 months.

3. A violation of section 3 of this act:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.”.

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 13 as sections 10 through 12.

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate Amendment No. 1082 to Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 846.

Amend section 1, page 2, line 2, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *"Eligible railroad" means a railroad in existence on or before July 1, 2005:*

1. *That is located in a county whose population is less than 100,000; and*
2. *Of which not less than one-half of the ownership interest in the railroad is held by a governmental entity or nonprofit organization, or both."*

Amend sec. 2, page 2, line 13, by deleting "summary" and inserting "copy".

Amend sec. 2, page 3, line 1, by deleting "summary" and inserting "copy".

Amend sec. 2, page 3, line 2, by deleting "based" and inserting "based;"

Amend sec. 2, page 3, by deleting lines 3 and 4.

Amend sec. 2, page 3, line 7, after "request;" by inserting "and".

Amend sec. 2, page 3, by deleting lines 8 through 11.

Amend sec. 2, page 3, line 12, by deleting "(7)" and inserting "(6)".

Amend sec. 2, page 3, line 18, by deleting "Except".

Amend sec. 2, page 3, by deleting lines 19 through 21 and inserting: "If there is more than one owner of the property, notice must be sent to all owners of the property. If the written offer of".

Amend sec. 2, page 3, by deleting lines 23 and 24 and inserting "required."

Amend sec. 2, page 3, between lines 28 and 29, by inserting:

"3. *If the owner of the property has an appraisal performed on his own behalf, the owner must provide the agency with a copy of the appraisal report."*

Amend sec. 4, page 3, line 38, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections."

Amend sec. 5, page 3, line 41, by deleting "'Blighted" and inserting: "~~["Blighted]~~

1. *Except as otherwise provided in subsection 2, "blighted".*

Amend sec. 5, page 3, line 43, by deleting "1." and inserting "~~["1.]~~ (a)".

Amend sec. 5, page 4, by deleting lines 5 through 35 and inserting:

~~["(a)]~~ (1) Defective design and character of physical construction.

~~["(b)]~~ (2) Faulty arrangement of the interior and spacing of buildings.

~~["(c)]~~ Overcrowding.

~~["(d)]~~ (3) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities.

~~["(e)]~~ (4) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses.

~~{2-}~~ (b) An economic dislocation, deterioration or disuse . ~~{-resulting from faulty planning.~~

~~3-}~~ (c) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

~~4-}~~ (d) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

~~5-}~~ (e) The existence of inadequate streets, open spaces and utilities.

~~6-}~~ (f) The existence of lots or other areas which may be submerged.

~~7-}~~ (g) Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is *substantially* reduced and tax receipts are inadequate for the cost of public services rendered.

~~8-}~~ (h) A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.

~~9-}~~ (i) A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(j) *The environmental contamination of buildings or property.*

(k) *The existence of an abandoned mine.*

2. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, "blighted area" means an area which is characterized by at least four of the factors set forth in subsection 1 or characterized by one or more of the following factors:*

(a) *The existence of railroad facilities, used or intended to be used, for commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes because of age, obsolescence, deterioration or dilapidation.*

(b) *A growing or total lack of proper utilization of the railroad facilities resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.*

(c) *The lack of adequate rail facilities has resulted or will result in an economic hardship to the community."*

Amend the bill as a whole by renumbering sections 6 and 7 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. NRS 279.408 is hereby amended to read as follows:

279.408 1. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

- (a) Recreational and other facilities appurtenant thereto.
- (b) *Eligible railroads or facilities related to eligible railroads.*
- (c) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.

~~[(e)]~~ (d) Provision for uses involving open space, such as:

- (1) Streets and other public grounds;
- (2) Space around buildings, structures and improvements;
- (3) Improvements of recreational areas; and
- (4) Improvement of other public grounds.

~~[(d)]~~ (e) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area."

Amend sec. 6, page 4, line 43, by deleting "2" and inserting "3".

Amend sec. 7, page 5, line 18, by deleting "2" and inserting "3".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 14 through 16 and adding new sections designated sections 11 through 13, following sec. 7, to read as follows:

"Sec. 11. NRS 279.519 is hereby amended to read as follows:

279.519 1. A redevelopment area need not be restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include, in addition to blighted areas, lands, buildings or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

2. At least 75 percent of the area included within a redevelopment area must be improved land and may include, without limitation:

(a) Public land upon which public buildings have been erected or improvements have been constructed.

(b) Land on which an abandoned mine, landfill or other similar use is located and which is surrounded by or directly abuts the improved land.

3. The area included within a redevelopment area may be contiguous or noncontiguous.

4. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, the area included within a redevelopment area may consist of contiguous or noncontiguous vacant land that:*

- (a) Is located near the eligible railroad; and*
- (b) May accommodate commercial or industrial facilities that may use the eligible railroad.*

5. The taxable property in a redevelopment area must not be included in any subsequently created redevelopment area until at least 50 years after the effective date of creation of the first redevelopment area in which the property was included.

~~{5-}~~ 6. As used in this section, “improved land” means ~~land~~ :

(a) *Land that contains structures which:*

~~{(a)}~~ (1) Are used for residential, commercial, industrial or governmental purposes; and

~~{(b)}~~ (2) Have been connected to water facilities, sewer facilities or roads, or any combination thereof ~~{,~~
~~and any~~ ;

(b) *Any areas related to ~~{such structures,}~~ the structures described in paragraph (a), including, without limitation, landscaping areas, parking areas, parks and streets ~~{,~~ ; and*

(c) *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad:*

(1) Land on which the eligible railroad is located; and

(2) Any areas related to the eligible railroad, including, without limitation, land on which is located railroad tracks, a railroad right-of-way or a facility related to the eligible railroad.

Sec. 12. NRS 279.586 is hereby amended to read as follows:

279.586 1. If the legislative body determines that:

(a) The redevelopment area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in NRS 279.382 to 279.685, inclusive;

(b) The redevelopment plan would redevelop the area in conformity with NRS 279.382 to 279.685, inclusive, and is in the interests of the peace, health, safety and welfare of the community;

(c) The redevelopment plan conforms to the general plan of the community;

(d) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law;

(e) Adequate permanent housing is or will be made available in the community for displaced occupants of the redevelopment area at rents comparable to those in the community at the time of displacement, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing in the redevelopment area;

(f) All noncontiguous areas of a redevelopment area ~~[are either]~~ :

(1) Are blighted or necessary for effective redevelopment; or

(2) Satisfy the requirements set forth in subsection 4 of NRS 279.519;

(g) Inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part; and

(h) Adequate provisions have been made for the payment of the principal of and interest on any bonds which may be issued by the agency, if provided for in the redevelopment plan,

the legislative body may adopt, by ordinance, the plan as the official redevelopment plan for the redevelopment area.

2. The ordinance must:

(a) Contain a legal description of the boundaries of the redevelopment area covered by the redevelopment plan;

(b) Set forth the purposes and intent of the legislative body with respect to the redevelopment area;

(c) Designate the approved plan as the official redevelopment plan of the redevelopment area and incorporate it by reference; and

(d) Contain the determinations of the legislative body as set forth in subsection 1.

Sec. 13. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any other provision of law, an agency may not exercise the power of eminent domain to acquire a parcel of property or group of contiguous parcels of property that is more than 40 acres in area for the purpose of open-space use unless:*

(a) Before the governing body of the agency votes to commence an action in eminent domain to acquire the property, the agency has negotiated with the owner of the property, in good faith, for a period of not less than 24 months beginning on the date on which the agency provided the written offer of compensation to the owner of the property pursuant to subsection 2, to reach an agreement regarding the amount of compensation to be paid for the property;

(b) The use of the property for the purpose of open-space use conforms with any applicable provisions of the applicable:

(1) Master plan adopted pursuant to chapter 278 of NRS;

(2) Zoning regulations adopted pursuant to chapter 278 of NRS; and

(3) Open-space plan adopted pursuant to chapter 376A of NRS;

(c) Each acre of the property is necessary for the purpose of open-space use and will be devoted in perpetuity to open-space use; and

(d) If the agency is seeking to acquire water rights appurtenant to the property, the agency uses the water beneficially on the property for the purpose of open-space use.

2. To satisfy the requirement to have negotiated with the owner of the property in good faith, pursuant to paragraph (a) of subsection 1, an agency must, at a minimum:

(a) Provide to the owner of the property, by personal delivery or by certified mail, return receipt requested, a written offer of compensation that includes:

(1) A copy of the appraisal report upon which the offer of compensation is based;

(2) A detailed description of the nature of the intended use of each acre of the property and the specific reasons for the necessity of acquiring each acre of the property for the purpose of open-space use;

(3) If the agency is seeking to acquire any water rights appurtenant to the property, a detailed description of the intended beneficial use of the water rights on the property and the specific reasons for the necessity of acquiring the water rights; and

(4) The value of the property, plus damages, if any, as appraised by the agency; and

(b) Attempt to engage in meaningful negotiations with the owner of the property at least once per calendar month during the period described in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Agency" means the State of Nevada, any political subdivision of the State or any other governmental entity that possesses the power of eminent domain.

(b) "Open-space plan" has the meaning ascribed to it in NRS 376A.010.

(c) "Open-space use" means the use of property:

(1) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; or

(2) To protect, conserve or preserve wildlife habitat."

Amend sec. 9, page 5, line 41, by deleting "5" and inserting "7".

Amend sec. 9, page 5, line 43, by deleting: "the effective date of this act," and inserting: "October 1, 2005,".

Amend sec. 9, page 5, line 45, by deleting: "the effective date of this act." and inserting: "October 1, 2005,".

Amend the title of the bill, sixth line, after "Law;" by inserting: "establishing certain requirements that a governmental entity must meet before exercising the power of eminent domain to acquire certain property for the purpose of open-space use;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 143.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

The following Senate amendment was read:

Amendment No. 888.

Amend the bill as a whole by deleting sec. 9 and adding a new section designated sec. 9, following sec. 8, to read as follows:

“Sec. 9. 1. Except as otherwise provided in subsection 2:

(a) On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.

(b) On and after January 1, 2008, a person who owns or operates an establishment shall not:

(1) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(2) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(c) The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(1) For the first violation within a 24-month period, \$500.

(2) For the second violation within a 24-month period, \$1,000.

(3) For the third and any subsequent violation within a 24-month period, \$5,000.

(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

2. The provisions of this section apply only in a jurisdiction that:

(a) Is located in a county whose population is 400,000 or more; and

(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment.”.

Amend sec. 11, page 5, by deleting line 32 and inserting:

“Sec. 11. 1. Except as otherwise provided in subsection 2 and sections 4 to 11,”.

Amend sec. 11, page 5, after line 36, by inserting:

“2. The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply.”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 221.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 697.

Amend sec. 2, page 4, by deleting lines 4 through 7.

Amend sec. 2, page 4, line 8, by deleting “(e)” and inserting “(d)”.

Amend sec. 2, page 4, by deleting lines 10 through 13.

Amend sec. 2, page 4, line 14, by deleting “(g)” and inserting “(e)”.

Amend sec. 2, page 4, line 15, by deleting “(h)” and inserting “(f)”.

Amend sec. 2, page 4, line 17, by deleting “(i)” and inserting “(g)”.

Amend sec. 2, page 4, line 19, by deleting “(j)” and inserting “(h)”.

Amend sec. 2, page 4, line 24, by deleting “(k)” and inserting “(i)”.

Amend sec. 2, page 4, line 25, by deleting “(l)” and inserting “(j)”.

Amend the bill as a whole by renumbering sections 5 through 18 as sections 6 through 19 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Human Resources;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Human Resources; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Human Resources or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Human Resources.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

~~(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.~~

~~(e) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~[(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.~~

~~(g)~~ (e) Any employee of the Department of Human Resources.

~~[(h)]~~ (f) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

~~[(i)]~~ (g) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

~~[(j)]~~ (h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

~~[(k)]~~ (i) Every social worker.

~~[(l)]~~ (j) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Human Resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Human Resources, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Human Resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor."

Amend the title of the bill, fourth line, by deleting "person;" and inserting: "person by certain persons; revising the provisions pertaining to the persons who are required to report the abuse, neglect, exploitation or isolation of an older person;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes pertaining to abuse, neglect, exploitation or isolation of certain persons. (BDR 15-1244)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

The following Senate amendment was read:

Amend No. 859.

Amend section 1, page 2, by deleting lines 4 through 17 and inserting:
 “regular wage rate whenever an employee works ~~for~~

~~(a) More] more than 40 hours in any scheduled week of work . ~~for~~ or~~

~~(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

2. The provisions of subsection 1 do not”.

Amend the title of the bill, fourth line, after “overtime;” by inserting:
 “eliminating the requirement for payment of overtime whenever an employee works more than 8 hours in a workday;”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 44.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Horne requested that his remarks be entered in the Journal.

I would like to say a few words today about Memorial Day and taking time out to reflect on the men and women, both military and civilian, who have given their lives for the freedom that we presently enjoy in this great country of ours. I am a military brat. My father, after his second tour in Vietnam, came back with leukemia and died before I was 12 years old, so I know full well the sacrifices that these families make, both the military and civilian personnel abroad and the families and friends who remain at home. They constantly think about these men and women who are serving their country. We move about our daily tasks, day in and day out, sometimes not thinking about them, and we have this one day that we have set aside to reflect on their sacrifices. I would like us, today, to take some time out throughout the day to remember these people, and also to remind yourself that this should not be the only day that we think about them. We should think about them more than just one day a year, because their sacrifices continue throughout the year, year in and year out. I ask you to take that time today, and let us give honor to them. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 15, 59, 114, 145, 156, 215, 232, 259, 323, 379, 395, 421; Senate Bills Nos. 36, 71, 78, 93, 112, 133, 193, 201, 225, 229, 255, 295, 315, 318, 331, and 354.

Assemblyman Ocegüera moved that the Assembly adjourn until Tuesday, May 31, 2005, at 11:00 a.m. and that it do so in honor of all the military and civilian men and women who have served the United States.

Motion carried.

Assembly adjourned at 1:00 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 31, 2005

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, who is the God of the universe, who hears our words, sees our actions. Guide us to the straight path. Inspire us, so that our tongues will speak goodness and truth, and whatever that pleases You. Inspire us in our actions, so that we do righteous deeds, and avoid any injustice, and whatever that displeases You. Bless our nation, our leaders and our lawmakers with wisdom and strength and protect us all from all evil. Make our nation a manifestation of justice and liberty for all humanity, during times of peace and times of war.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 563; Senate Bills Nos. 96, 187, 485, 510, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 98 and 460; Senate Bills Nos. 89, 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 904 to Senate Bill No. 122; Assembly Amendment No. 998 to Senate Bill No. 326.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins:

Assembly Joint Resolution No. 17—Urging the Base Realignment and Closure Commission to reconsider and reject the recommendations of the Department of Defense concerning Naval Air Station Fallon, Nevada Air National Guard stationed at Reno-Tahoe International Airport and Hawthorne Army Depot.

Assemblyman Ocegueda moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegueda.

Motion carried unanimously.

By Assemblyman Perkins:

Assembly Joint Resolution No. 18—Proposing to amend the Nevada Constitution to effect a limitation on property taxes collected annually from senior citizens.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution is amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. *Except as otherwise provided in this section, the amount of the property tax which may be collected annually for a residence owned and occupied by a senior citizen who has paid property taxes in this State during each of the previous 10 years must be limited to an amount that does not exceed the lesser of:*

(a) *The tax upon the assessed value of the property in the year in which the person:*

(1) *Reaches the age of retirement, as defined by the Legislature; or*

(2) *Has paid property taxes in this State for each of the previous 10 years, whichever is later;*

or

(b) *The tax that would otherwise apply to the property for the current year.*

The amount of the property tax which, but for the provisions of this subsection, would otherwise be collected for a residence owned and occupied by a senior citizen becomes due and payable when the senior citizen ceases to occupy the residence, upon the sale of the senior citizen's interest in the residence or upon the death of the senior citizen, whichever occurs first.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblymen Perkins, Anderson, and Sherer.

Roll call on Assembly Joint Resolution No. 17:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 17 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1118.

Amend section 1, page 2, line 2, by deleting “and 3” and inserting: “to 9, inclusive,”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 8 through 11, and adding new sections designated sections 2 through 7, following section 1, to read as follows:

“Sec. 2. 1. *The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:*

- (a) *The child and his natural parent or parents;*
- (b) *The adoptive parent or parents and the natural parent or parents; or*
- (c) *Any combination thereof.*

2. *An agreement that provides for postadoptive contact is enforceable if the agreement:*

- (a) *Is in writing and signed by the parties; and*
- (b) *Is incorporated into an order or decree of adoption.*

3. *The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.*

4. *A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:*

- (a) *The child reaches 18 years of age;*

- (b) *The child becomes emancipated; or*
- (c) *The agreement is terminated.*

5. *The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.*

Sec. 3. 1. *Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 2 of this act shall notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order or decree of adoption of the child.*

2. *Each:*

(a) *Director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and*

(b) *Attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,*

shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act, notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement.

Sec. 4. 1. *Before a court may enter an order or decree of adoption of a child, the court must address in person:*

(a) *Each prospective adoptive parent of the child to be adopted;*

(b) *Each director or authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and*

(c) *Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,*

and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act.

2. *If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:*

(a) *Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and*

(b) *Incorporate the agreement into the order or decree of adoption.*

Sec. 5. 1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may, for good cause shown:

(a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may:

(a) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 7 of this act.

Sec. 6. 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may not be used as a ground to:

(a) Set aside an order or decree of adoption;

(b) Revoke, nullify or set aside a valid release for or consent to an adoption or a relinquishment for adoption; or

(c) Except as otherwise provided in section 14 of this act, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 7. 1. An agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order or decree which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interests of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interests of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.”.

Amend sec. 2, page 2, lines 7 and 13, by deleting “3” and inserting “9”.

Amend sec. 3, page 2, line 18, by deleting “2” and inserting “8”.

Amend sec. 4, page 2, line 30, by deleting “section 2” and inserting: “sections 2 to 8, inclusive,”.

Amend sec. 4, page 3, line 1, by deleting “section 2” and inserting: “sections 2 to 8, inclusive,”.

Amend sec. 5, page 3, line 34, by deleting “3” and inserting “9”.

Amend the bill as a whole by adding new sections designated sections 12 through 14, following sec. 5, to read as follows:

“Sec. 12. NRS 127.140 is hereby amended to read as follows:

127.140 1. All hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except ~~upon~~ :

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor ~~for it~~ ;

(b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions ~~[-]~~ ; or

(c) As provided pursuant to subsections 3, 4 and 5.

3. An adoptive parent who intends to file a petition pursuant to section 5 or 7 of this act to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to section 5 of this act to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to section 14 of this act may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. *The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.*

Sec. 13. NRS 127.171 is hereby amended to read as follows:

127.171 1. ~~Not~~ Except as otherwise provided in sections 2 to 7, inclusive, of this act, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 14. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A natural parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may bring a civil action against a person if:*

(a) *The person knowingly provided false information in response to a question asked by a court pursuant to section 4 of this act; and*

(b) *The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to section 4 of this act.*

2. *If a person is liable to a natural parent of an adopted child pursuant to subsection 1, the natural parent may recover his actual damages, costs, reasonable attorney's fees and any punitive damages that the facts may warrant.*

3. *The liability imposed by this section is in addition to any other liability imposed by law."*

Amend the title of the bill, first line, by deleting: "the adoption of children;" and inserting: "adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for postadoptive contact; requiring certain persons to notify the court of the existence of such an agreement; authorizing a natural parent who has entered into such an agreement to petition a court to prove the existence of the agreement, to enforce its terms and to bring certain civil actions related to the agreement; authorizing an adoptive parent who has entered into such an agreement to petition the court to enforce the terms of the agreement and to modify or terminate the agreement;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to adoptions of children. (BDR 11-674)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 98.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1124.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "Administration the sum of \$1,213,174 for additional vehicles."

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1122.

Amend section 1, page 1, by deleting line 3 and inserting: "Inc. the sum of \$250,000 for new programs".

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

"Sec. 4. There is hereby appropriated from the State General Fund to the Nevada Public Education Foundation of Washoe County the sum of \$150,000 for new programs and the expansion of outreach efforts.

Sec. 5. Upon acceptance of the money appropriated by section 4 of this act, the Nevada Public Education Foundation shall:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by section 4 of this act from the date on which the money was received by the Nevada Public Education Foundation through December 1, 2006; and

2. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise of the Nevada Public Education Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to section 4 of this act.

Sec. 6. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007."

Amend sec. 4, page 2, line 10, by deleting: "on July 1, 2005." and inserting: "upon passage and approval."

Amend the title of the bill by deleting the second line and inserting: “Education Foundation and the Nevada Public Education Foundation of Washoe County for new”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Clark County Public Education Foundation and Nevada Public Education Foundation of Washoe County for new programs and expansion of outreach efforts. (BDR S-826)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 461.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1116.

Amend section 1, page 1, lines 5 and 12, by deleting “teachers” and inserting “licensed personnel”.

Amend section 1, page 2, lines 3 and 6, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 11, after “(3)” by inserting: “A program for the mentoring of teachers that provides for the payment of increased compensation for mentor teachers and that includes criteria for the selection of mentor teachers and teachers who will be mentored.

(4)”.

Amend section 1, page 2, line 12, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, by deleting line 14 and inserting: “and to retain licensed employees who teach in at-risk schools.

(5) The payment of signing bonuses and other financial incentives for licensed employees who:

(I) Are newly hired by the school district and have been employed by the school district for at least 30 days; and

(II) Have not been previously employed by a school district in this State.

(6) The payment of bonuses to licensed employees based upon the attainment of specified standards of achievement by pupils.

(7) Notwithstanding the provisions of NRS 391.165 to the contrary, the payment to licensed employees of the cost of purchasing service pursuant to subsection 2 of NRS 286.300 or the payment of equivalent financial incentives. If a school district makes payments pursuant to this subparagraph, it shall be deemed to have complied with NRS 391.165 on behalf of each employee who is otherwise eligible for the purchase of service pursuant to

that section for each year of the 2005-2007 biennium that the school district makes payments pursuant to this subparagraph.”.

Amend section 1, page 2, line 17, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 25, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, between lines 27 and 28, by inserting:

“4. The Department of Education shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1, 2005, and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

5. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining qualified licensed personnel. On or before February 1, 2007, the board of trustees shall submit a report of its evaluation and any recommendations to the:

(a) State Board of Education.

(b) Department of Education.

(c) Legislative Committee on Education.

(d) Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 3, page 2, by deleting line 32 and inserting:

“Sec. 3. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula defining at-risk schools and on July 1, 2005, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2005.”.

Amend the title of the bill, fifth line, by deleting “teachers;” and inserting “licensed personnel;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education for programs of performance pay and enhanced compensation for recruitment, retention and mentoring of licensed personnel. (BDR S-1391)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 461 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 563.

Bill read third time.

Roll call on Assembly Bill No. 563:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Assembly Bill No. 563 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 18 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Joint Resolution No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 18 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1123.

Amend section 1, page 1, line 3, by deleting “\$261,620” and inserting “\$361,620”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 96.

Bill read third time.

Roll call on Senate Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1125.

Amend the bill as a whole by renumbering section 1 as sec. 7 and adding new sections, designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. Chapter 457 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, “Task Force” means the Task Force on Cervical Cancer created by section 3 of this act.*

Sec. 3. 1. *The Task Force on Cervical Cancer, consisting of 11 members, is hereby created. The Task Force consists of:*

(a) The Executive Officer of the Public Employees’ Benefits Program as ex officio member; and

(b) The following members appointed by the Governor:

(1) Two members who are physicians licensed pursuant to chapter 630 or 633 of NRS;

(2) One member who is an officer or employee of the Nevada System of Higher Education;

(3) One member who is an employee of the Health Division;

(4) One member who is a representative of a women's health organization;

(5) One member who is a representative of the Nevada Cancer Institute;

(6) One member who has had cervical cancer;

(7) One member who is related to a person who has had cervical cancer; and

(8) Two members who are representatives of business.

2. Vacancies of members appointed to the Task Force must be filled in the same manner as original appointments.

3. The Task Force shall annually submit a report concerning its activities and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 4. 1. The members of the Task Force shall annually elect a member to serve as Chairman of the Task Force.

2. The members of the Task Force shall meet at least four times each year and at the call of the Chairman. The Task Force shall prescribe regulations for its management and government.

3. Six members of the Task Force constitute a quorum, and a quorum may exercise all the powers conferred on the Task Force.

4. After the initial terms, the term of each appointed member of the Task Force is 4 years. The Governor shall not appoint a member to serve more than two terms.

5. The members of the Task Force serve without compensation. While engaged in the business of the Task Force, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The members of the Task Force who are state employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Task Force in the most timely manner practicable. The state employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Task Force or take annual leave or compensatory time for the absence.

Sec. 5. The Task Force may:

1. Compile research and information concerning cervical cancer.

2. Identify and evaluate the methods used by the State and local governments to increase the awareness of the general public concerning the risk, treatment and prevention of cervical cancer.

3. Identify and evaluate methods to improve communication among institutions and other entities in this State that are involved in the research and treatment of cervical cancer.

4. Identify and evaluate methods to increase funding for institutions and other entities in this State that are involved in cancer research.

5. Identify and evaluate methods to increase the number of women in this State who are regularly tested for the presence of cervical cancer.

6. *Identify and evaluate methods to increase the awareness and education of the general public concerning cervical cancer.*

7. *Apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.*

Sec. 6. *The Director of the Department of Human Resources shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 2 to 6, inclusive, of this act.”.*

Amend the bill as a whole by renumbering sections 2 through 4 as sections 9 through 11 and inserting a new section, designated sec. 8, following section 1, to read as follows:

“Sec. 8. 1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of \$50,000 for allocation to provide necessary assistance to the Task Force on Cervical Cancer.

2. Upon acceptance of the money appropriated by subsection 1, the Task Force on Cervical Cancer agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Task Force on Cervical Cancer through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”.

Amend sec. 3, page 2, line 34, after “2” by inserting “or 3”.

Amend the title of the bill, first line, after “cancer;” by inserting: “creating the Task Force on Cervical Cancer and providing its duties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Task Force on Cervical Cancer and revises provisions relating to Task Force on Prostate Cancer. (BDR 40-1210)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 107.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 958.

Amend sec. 4, page 3, line 20, before “*Director*” by inserting: “*Department of Taxation and the*”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 354.596 is hereby amended to read as follows:

354.596 1. The officer charged by law shall prepare, or the governing body shall cause to be prepared, on appropriate forms prescribed by the Department of Taxation for the use of local governments, a tentative budget for the ensuing fiscal year. The tentative budget for the following fiscal year must be submitted to the county auditor and filed for public record and inspection in the office of:

- (a) The clerk or secretary of the governing body; and
- (b) The county clerk.

2. On or before April 15, a copy of the tentative budget must be submitted:

- (a) To the Department of Taxation; and
- (b) In the case of school districts, to the Department of Education.

3. At the time of filing the tentative budget, the governing body shall give notice of the time and place of a public hearing on the tentative budget and shall cause a notice of the hearing to be published once in a newspaper of general circulation within the area of the local government not more than 14 nor less than 7 days before the date set for the hearing. The notice of public hearing must state:

- (a) The time and place of the public hearing.
- (b) That a tentative budget has been prepared in such detail and on appropriate forms as prescribed by the Department of Taxation.
- (c) The places where copies of the tentative budget are on file and available for public inspection.

4. Budget hearings must be held:

- (a) For county budgets, on the third Monday in May;
- (b) For cities, on the third Tuesday in May;
- (c) For school districts, on the third Wednesday in May; and
- (d) For all other local governments, on the third Thursday in May ~~or~~ *or the Friday immediately succeeding the third Thursday in May,*

except that the board of county commissioners may consolidate the hearing on all local government budgets administered by the board of county commissioners with the county budget hearing.

5. The Department of Taxation shall examine the submitted documents for compliance with law and with appropriate regulations and shall submit to the governing body at least 3 days before the public hearing a written certificate of compliance or a written notice of lack of compliance. The written notice must indicate the manner in which the submitted documents fail to comply with law or appropriate regulations.

6. Whenever the governing body receives from the Department of Taxation a notice of lack of compliance, the governing body shall forthwith proceed to amend the tentative budget to effect compliance with the law and with the appropriate regulation.”.

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; requiring certain state agencies to report information concerning capital improvements to the Legislature; requiring local governments to report information concerning capital improvements to the Legislature and the Department of Taxation; requiring the State Public Works Board to compile a report concerning projects of construction of state buildings that are financed by certain bonds or obligations; authorizing an additional date for the holding of budget hearings by certain local governments; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to governmental administration. (BDR 27-31)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1115.

Amend section 1, page 2, by deleting lines 20 through 24 and inserting: “supplemental allowance which must not exceed:

(a) A total of ~~[\$6,800]~~ \$10,000 during each regular session of the”.

Amend section 1, page 5, by deleting lines 4 through 17.

Amend sec. 2, page 5, line 18, by deleting “approval.” and inserting: “approval and applies to reimbursement of expenses for the 73rd Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Legislature; increasing the amount of the supplemental allowance a Legislator is entitled to receive for reimbursement of travel and other expenses during a legislative session; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases allowance for Legislators for reimbursement of travel and other expenses during legislative session. (BDR 17-742)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Senate Bill No. 510:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that KAZR-TV: Anya Arechiga, Adolfo Segura; KLAS-TV: Adam White; KOLO-TV: Danelle Juline; KRNVT-TV News 4: M. Colin Hackman; NEVADA APPEAL: Kirk Caraway; THE REBEL YELL: Marek Biernacinski, Melissa Roethermel; RENO GAZETTE-JOURNAL: Bill O'Driscoll; UNIVERSITY OF NEVADA, RENO: Jean Dixon; WINNEMUCCA PUBLISHING CO: Forrest Newton, be accepted as accredited press representatives, that they be assigned space at the press table

in the Assembly Chambers, and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Ocegüera moved that for the balance of the session, the reading of titles to all bills and joint resolutions in Unfinished Business be dispensed with.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Weber, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, and Smith:

Senate Concurrent Resolution No. 44—Recognizing the Southern Nevada Area Health Education Center for its contributions towards the prevention of child abuse.

WHEREAS, Child abuse and neglect are critical and continuing problems among Nevada's families, with more than 13,000 reported cases each year; and

WHEREAS, A child in Nevada is abused or neglected every 2 hours, and half of these victims of abuse and neglect are 5 years old or younger; and

WHEREAS, Child abuse is more common in families that face risk factors such as poverty, insufficient or no access to social services, limited parenting skills, substance abuse and parents who were raised with abuse themselves; and

WHEREAS, Research has shown that the risk of child abuse can be lessened through such preventive strategies as strengthening parenting skills, providing support for families in crisis, facilitating children's social and emotional development, and linking families to services and opportunities; and

WHEREAS, The Southern Nevada Area Health Education Center is a nonprofit organization dedicated to improving Nevada's health status through educational services and community outreach; and

WHEREAS, The mission of the Center's Child Abuse Prevention Program is to prevent child abuse and neglect in Nevada through early intervention, awareness and education; and

WHEREAS, Early this year, the Center was awarded full chapter status as the Nevada Chapter of Prevent Child Abuse America, a nationally recognized initiative for the prevention of child abuse; and

WHEREAS, The Center offers a statewide resource for prevention services, information sharing, learning and program development for children, parents, professionals and communities; and

WHEREAS, The Center partners with providers of children's services, community organizations and other persons and entities throughout the State to address the needs of both rural and urban communities; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby recognize the outstanding contributions of the Southern Nevada Area Health Education Center to child abuse prevention, education and intervention for communities in Nevada; and be it further

RESOLVED, That the Legislature hereby congratulates the Center on becoming an official chapter of Prevent Child Abuse America; and be it further

RESOLVED, That the Legislature recognizes the ongoing need to support viable efforts to prevent child abuse and neglect in this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Debbie Barter, Child Abuse Prevention Program Manager of the Southern Nevada Area Health Education Center, Frank Lassus, Chairman of the Board of Trustees of the Southern Nevada Area Health Education Center, and Rose Yuhos, Executive Director of the Southern Nevada Area Health Education Center.

Assemblywoman Weber moved the adoption of the resolution.

Remarks by Assemblywoman Weber.

Resolution adopted.

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

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 208.

The following Senate amendment was read:

Amendment No. 925.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

Sec. 3. 1. Any physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of a physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the physician.

3. The Board has additional grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or

(b) A violation of NRS 630.400.”.

Amend sec. 2, page 3, line 24, by deleting “national” and inserting “[~~national~~]”.

Amend sec. 2, page 3, line 25, by deleting “regulation.” and inserting: “regulation [~~]~~ based on a national code of ethics.”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 14 and 15 and adding new sections designated sections 5 through 13, following sec. 2, to read as follows:

“Sec. 5. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this act.

Sec. 6. 1. The Nevada Institutional Review Board is hereby created.

2. The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.

3. The Nevada Institutional Review Board consists of seven members as follows:

(a) One person, who may be a member of the Board of Homeopathic Medical Examiners, appointed by the Board of Homeopathic Medical Examiners;

(b) One person, who may be a member of the Board of Medical Examiners, appointed by the Board of Medical Examiners;

(c) One person, who may be a member of the Board of Osteopathic Medical Examiners, appointed by the Board of Osteopathic Medical Examiners;

(d) One person, who may be a member of the State Board of Pharmacy, appointed by the State Board of Pharmacy; and

(e) Three residents of Nevada appointed by the Board of Homeopathic Medical Examiners.

4. The Board of Homeopathic Medical Examiners shall appoint three residents of Nevada to serve as alternates to the Nevada Institutional Review

Board. If there is a vacancy, either permanent or temporary, on the Nevada Institutional Review Board, the Board of Homeopathic Medical Examiners shall appoint one of the alternates to fill the vacancy.

5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a salary and per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.

6. Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.

Sec. 7. Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:

1. The constitutional oath or affirmation of office; and
2. An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.

Sec. 8. 1. The Nevada Institutional Review Board shall:

(a) Assist the Board of Homeopathic Medical Examiners in:

(1) Protecting the public by exercising control of research studies using devices, therapies and substances regulated by the Board;

(2) Evaluating, determining and acting upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and

(3) Analyzing, coordinating and integrating the diagnostic techniques and treatments related to complementary integrative medicine with the diagnostic techniques and treatments of other healthcare practices;

(b) Oversee, review and control any research studies submitted to the Nevada Institutional Review Board which involve complementary integrative medicine and the use of human research subjects and any related issues, including, without limitation:

(1) The qualifications required for conducting such research studies;

(2) The proper clinical outcome to be attributed to such research studies; and

(3) The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies;

(c) Evaluate:

(1) The social and economic impact of submitted research studies; and

(2) The relationship between complementary integrative medicine and other healthcare practices;

(d) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners with periodic reports of all transactions; and

(e) Be accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board and make any

reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.

2. *The Nevada Institutional Review Board may adopt such regulations as are necessary to carry out the provisions of sections 6 to 10, inclusive, of this act. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

Sec. 9. 1. *All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.*

2. *The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.*

Sec. 10. 1. *The Nevada Institutional Review Board may be funded by:*

(a) *A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and*

(b) *Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 6 to 10, inclusive, of this act.*

2. *Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.*

Sec. 11. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. *This Except as otherwise provided in section 8 of this act and NRS 630A.155, this chapter does not apply to:*

(a) *The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.*

(b) *A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.*

(c) *Licensed or certified nurses in the discharge of their duties as nurses.*

(d) *Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.*

2. *This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.*

3. *This chapter does not prohibit:*

(a) *Gratuitous services of a person in case of emergency.*

(b) *The domestic administration of family remedies.*

4. *This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.*

Sec. 12. NRS 630A.155 is hereby amended to read as follows:
630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. ~~[If a complaint concerns a practice which is within the jurisdiction of another licensing board, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine, the Board shall refer the complaint to the other licensing board.]~~

5. *Supervise the Nevada Institutional Review Board created pursuant to section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*

6. *Make recommendations to the Legislature concerning the enactment of legislation relating to complementary integrative medicine, including, without limitation, homeopathic medicine.*

Sec. 13. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any osteopathic physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the osteopathic physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

2. *The willful failure of an osteopathic physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the osteopathic physician.*

3. *The Board has additional grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:*

(a) An act that is a ground for disciplinary action pursuant to NRS 633.511; or

(b) A felony set forth in NRS 633.741.”.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 16 through 18, following sec. 4, to read as follows:

“Sec. 16. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information. Except as otherwise provided in this subsection, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to this subsection.

5. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

(t) *The Board of Medical Examiners.*

(u) *The State Board of Osteopathic Medicine.*

6. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 17. 1. As soon as practicable after the effective date of this act, the Boards responsible for the appointment of members to the Nevada Institutional Review Board shall make their initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 8 of this act on or before October 1, 2005.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to medical professions; requiring an applicant for a license to practice medicine to submit to a criminal background check; requiring physicians and osteopathic physicians against whom disciplinary action is initiated to submit to criminal background checks; expanding the grounds for initiating disciplinary action against physicians and osteopathic physicians; requiring, upon request, an agency of criminal justice to disseminate records of criminal history to the Board of Medical Examiners and the State Board of Osteopathic Medicine; creating the Nevada Institutional Review Board and defining its powers and duties; removing the requirement that the Board of Homeopathic Medical Examiners refer complaints within the jurisdiction of other boards to those boards; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding complementary integrative medicine; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to physicians and medical research. (BDR 54-1108)”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 208.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

The following Senate amendment was read:

Amendment No. 747.

Amend section 1, pages 1 and 2, by deleting line 5 on page 1 and lines 1 and 2 on page 2, and inserting: “determined that {a} :

1. A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 616D.120 has occurred {a} ; or

2. A violation of the provisions of paragraph (h) of subsection 1 of NRS 616D.120 has occurred and the violation was committed maliciously.”.

Amend sec. 2, page 3, by deleting lines 43 through 45 and inserting:

“3. If the Administrator determines that {a} :

(a) A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 has occurred ~~[]~~; or

(b) A violation of the provisions of paragraph (h) of subsection 1 has occurred and the violation was committed maliciously,
the Administrator shall order the insurer, organization”.

Amend sec. 2, page 4, by deleting lines 6 and 7 and inserting: “employee or his dependents as a result of the violation ~~[of paragraph (a), (b), (c), (d) or (e) of subsection 1.]~~ giving rise to the benefit penalty, the amount of”.

Amend sec. 2, page 4, by deleting lines 17 and 18 and inserting: “violation ~~[of paragraph (a), (b), (c), (d) or (e) of subsection 1.]~~ giving rise to the benefit penalty. Except as otherwise provided in this section, the benefit penalty is”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 254.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

The following Senate amendment was read:

Amendment No. 866.

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 2 and adding a new section designated sec. 3, following sec. 3, to read as follows:

“Sec. 3. “Certificate of registration” or “certificate” means a certificate of registration as an environmental health specialist or environmental health specialist trainee issued by the Board pursuant to this chapter.”.

Amend sec. 4, page 2, by deleting lines 9 through 15 and inserting:

“Sec. 4. 1. “Environmental health specialist” means a person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.

2. The term does not include any person who practices in a field excluded from the definition of the “practice of environmental health” pursuant to subsection 2 of section 6 of this act, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.”.

Amend sec. 5, page 2, by deleting lines 17 and 18 and inserting: “person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.”.

Amend sec. 6, pages 2 and 3, by deleting lines 20 through 42 on page 2 and line 1 on page 3, and inserting: “use of public health principles in the application of the sanitary sciences, the biological sciences or the physical

sciences to investigate, prevent or reduce environmentally acquired disease or illness.”.

Amend sec. 6, page 3, by deleting lines 20 through 22 and inserting:

“(f) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;

(g) Building inspections performed by a person whose primary purpose is to determine compliance with building and safety codes; or

(h) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.”.

Amend sec. 7, page 3, by deleting lines 23 through 27 and inserting:

“Sec. 7. 1. On and after July 1, 2007, a person shall not engage in the practice of environmental health in this State unless the person holds a certificate of registration as an environmental health specialist or an environmental health specialist trainee issued by the Board pursuant to this chapter.

2. Any person who violates any provision of this section is guilty of a misdemeanor.”.

Amend sec. 8, page 3, line 28, by deleting: “*may be employed*” and inserting: “*is eligible to engage*”.

Amend sec. 8, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 16 on page 4, and inserting: “*environmental health specialist trainee, a person:*

(a) Must be employed as a part of a training program in which the person engages in the practice of environmental health under the direct supervision of one or more other persons who hold certificates of registration as environmental health specialists; and

(b) Must file with the Board an application for a certificate of registration as an environmental health specialist trainee not later than 90 days after the date on which the person initially becomes employed as a part of the training program.

3. Except as otherwise provided in this subsection, the certificate of registration of a person as an environmental health specialist trainee expires 3 years after the date on which the person initially becomes employed as a part of the training program in which the person engages in the practice of environmental health as an environmental health specialist trainee. If, upon completion of the 3-year period, the person has met all requirements to be issued a certificate of registration as an environmental health specialist other than passing the examination required pursuant to NRS 625A.120, the Board may, upon a showing of good cause, grant the person a 1-year extension of the person’s certificate of registration as an environmental health specialist trainee before the person must pass the examination. A request for such an extension must be submitted by the person in writing and received by the Board at least 60 days before the date on which the person’s certificate of registration as an environmental health specialist trainee expires.”.

Amend sec. 10, page 4, by deleting lines 26 through 29 and inserting: *“person who practices in a field excluded from the definition of the “practice of environmental health” pursuant to subsection 2 of section 6 of this act from being issued a certificate of registration by the Board if the person otherwise meets the requirements for the issuance of the certificate.”.*

Amend sec. 11, page 4, by deleting lines 32 through 37 and inserting: *“specialists and environmental health specialist trainees is to protect the public health and safety and the general welfare of the people of this State. Any certificate of registration issued pursuant to this chapter is a revocable privilege, and no holder of such a certificate of registration acquires thereby any vested right.”.*

Amend sec. 13, page 5, line 20, by deleting “specialist;” and inserting: *“specialist ~~{ }~~ or environmental health specialist trainee;”.*

Amend sec. 13, page 5, line 22, by deleting “specialist.” and inserting: *“specialist ~~{ }~~ or environmental health specialist trainee.”.*

Amend sec. 14, page 5, by deleting lines 39 and 40 and inserting: *“environmental health specialist trainees.”.*

Amend sec. 14, page 6, by deleting lines 4 through 6 and inserting: *“specialists ~~{ }~~ or environmental health specialist trainees, or any combination thereof.”.*

Amend sec. 15, page 6, by deleting lines 13 through 15 and inserting: *“environmental health specialist ~~{which contains:}~~ or environmental health specialist trainee. The register must contain:”.*

Amend sec. 15, page 6, by deleting lines 27 through 29 and inserting: *“2. ~~{Environmental}~~ Persons who hold certificates of registration as environmental health specialists ~~{currently registered:}~~ or environmental health specialist trainees. The register must contain:*

- (a) The name of the person;*
- (b) The name and address of the employer of the person or the address of the place of business of the person;*
- (c) The number of the certificate of registration, if any, issued to the person; and*
- (d) Such other information as the Board considers necessary.”.*

Amend sec. 16, page 6, by deleting lines 32 through 34 and inserting: *“an environmental health specialist ~~{must}~~ or environmental health specialist trainee shall submit to the Board, through”.*

Amend sec. 16, page 6, by deleting lines 38 and 39 and inserting:

“(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) The required fee; and

~~{(e)}~~ (d) Proof of ~~{his}~~ the applicant’s educational qualifications.”.

Amend sec. 17, page 7, by deleting lines 4 and 5 and inserting: *“specialist trainee shall submit to the Board, through”.*

Amend sec. 17, page 7, by deleting lines 9 and 10 and inserting:

“(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) The required fee; and

~~[(e)]~~ *(d) Proof of [his] the applicant’s educational qualifications.”.*

Amend sec. 18, page 7, line 14, by deleting: “the issuance of” and inserting: ~~“[the issuance of]”~~

Amend sec. 18, page 7, by deleting lines 16 and 17 and inserting: *“health specialist trainee or the holder of such a certificate shall submit to the Board”.*

Amend sec. 18, page 7, by deleting lines 28 and 29 and inserting: *“specialist or environmental health specialist trainee”.*

Amend sec. 19, page 8, line 3, by deleting: *“subsections 2 and 3,”* and inserting *“this section,”*.

Amend sec. 19, pages 8 and 9, by deleting lines 21 through 45 on page 8 and lines 1 through 23 on page 9, and inserting: *“Board in [this field of public health].*

~~2.—The] the practice of environmental health;~~

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120; or

(c) Must possess a master’s degree in public health from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120.

2. Except as otherwise provided in this subsection, the Board may [register] issue a certificate of registration as an environmental health specialist to a person who is not qualified under subsection 1 [if he:] if the Board determines to its satisfaction that the person:

(a) Was actively [employed in this field of public] engaged in the practice of environmental health in this State on July 1, [1987;

~~(b) Is a graduate of an accredited high school;~~

~~(c) Has had] 2005; and~~

(b) Has completed at least [4] 2 years of successful experience in [this field;

~~(d) Passes a written or oral examination administered by the Board; and~~

~~(e) Completes all the requirements of this subsection before July 1, 1991.~~

~~3.—The Board may register, upon written application, any person who:~~

~~(a) Was employed in this field of public health in this State on July 1, 1987, and was a registered sanitarian in this State before July 1, 1977; or~~

~~(b) Is registered as an] the practice of environmental health.~~

To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2006.

3. *Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as:*

(a) *An environmental health specialist with the National Environmental Health Association ~~and is a resident of this State~~; or*

(b) *An environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.”.*

Amend sec. 20, page 9, by deleting lines 25 through 28 and inserting:

“625A.120 1. Except for an applicant ~~[applying pursuant to subsection 2 or 3 of]~~ who may be issued a certificate of registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant who ~~[is otherwise eligible]~~ applies for a certificate of registration ~~[, has paid the fee and presented the required credentials]~~ as an environmental health specialist and who is otherwise qualified for the issuance of the certificate must appear”.

Amend sec. 21, page 10, by deleting lines 7 and 8 and inserting: “*specialist trainee must pay a fee set by the Board not*”.

Amend sec. 21, page 10, by deleting lines 14 through 29 and inserting:

“3. Each ~~[registered]~~ person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for the certificate of registration must be collected for the year in which ~~[an environmental health specialist]~~ the person is initially ~~[registered]~~.

4. ~~The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If a person holds a certificate of ~~[any]~~ registration as an environmental health specialist ~~[who]~~ or environmental health specialist trainee and the person fails to submit the statement required pursuant to NRS 625A.105 or pay the annual fee for the certificate of registration within 60 days after it is due, the person’s certificate of registration is automatically suspended. The Board must notify the ~~[environmental health specialist]~~ person that his certificate of registration has been suspended”.

Amend sec. 22, pages 10 and 11, by deleting lines 35 through 45 on page 10 and lines 1 through 10 on page 11, and inserting:

“*specialist trainee must pay a fee set by the Board not to exceed \$250.*

2. Each applicant *for a certificate of registration as an environmental health specialist* who fails an examination and who desires to be reexamined ~~[shall]~~ must pay a fee set by the Board not to exceed \$200 for each reexamination.

3. Each ~~[registered]~~ person who holds a certificate of registration as an environmental health specialist ~~[shall]~~ or *environmental health specialist trainee* must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for *the certificate of registration* to be set by the Board not to exceed \$100. The annual fee for registration must be collected for the year in which ~~[an environmental health specialist]~~ the person is initially ~~[registered]~~.

~~4. The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If the person holds a certificate of ~~[any]~~ registration as an environmental health specialist ~~[who]~~ or *environmental health specialist trainee* and the person fails to pay the annual fee for registration within 60 days after it is due , *the person's certificate of registration* is automatically suspended. The Board must notify the ~~[environmental health specialist]~~ person that his certificate of registration has been suspended for nonpayment of the".

Amend sec. 23, page 11, line 15, after "certificate" by inserting "of registration".

Amend sec. 23, page 11, by deleting lines 25 through 29 and inserting:
~~"[4.] 5. The Great Seal of the [Board]~~

~~5. Signatures]~~ State of Nevada.

6. *The signatures of the [members] Chairman and Secretary".*

Amend sec. 26, page 12, by deleting lines 17 through 36 and inserting:
"environmental health specialist trainee, the Board shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as an environmental health specialist *or environmental health specialist trainee* that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. NRS 625A.170 is hereby amended to read as follows:

625A.170 The following acts, among others established by the Board, constitute unprofessional conduct:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a certificate ~~[-]~~ of registration;
2. Habitual drunkenness or addiction to the use of a controlled substance;
3. Engaging in any conduct in his professional activities which is intended to deceive or which the Board has determined is unethical; or
4. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter or a regulation of the Board.”.

Amend sec. 27, pages 12 and 13, by deleting lines 43 and 44 on page 12 and line 1 on page 13, and inserting:

“(a) Place the environmental health specialist *or environmental health specialist trainee* on probation for”.

Amend sec. 27, page 13, by deleting lines 4 through 7 and inserting:

“(c) Suspend or revoke his certificate ~~[-]~~ of registration.

2. If the order places an environmental health specialist *or environmental health specialist trainee* on”.

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

“Sec. 27.5. NRS 625A.190 is hereby amended to read as follows:

625A.190 1. Upon denial of an application for ~~registration~~ or renewal of a certificate *of registration* or other disciplinary action, the Board shall give the person written notice of its decision mailed to him at his last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial or disciplinary action; and
- (b) Inform the person that he has the right to a hearing before the Board.

2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice.”.

Amend sec. 28, page 13, by deleting lines 15 through 24 and inserting:

“625A.200 1. ~~{Only a person who holds a valid certificate of registration issued by the Board may}~~ A person shall not use the title “registered environmental health ~~specialist~~ or specialist,” “environmental health ~~specialist~~ specialist,” “registered sanitarian” or “sanitarian,” or the abbreviation ~~[-“R.E.H.S.” or “R.E.H.S.”]~~ “E.H.S.” or “R.S.” after his name ~~[-]~~, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.

2. A person shall not use the title “environmental health specialist trainee,” or any abbreviation or letters after his name that would suggest that the person is an environmental health specialist trainee, unless the person holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.

3. Any person who violates *any provision* of this section is guilty of a”.

Amend the bill as a whole by deleting sec. 29 and renumbering sec. 30 as sec. 29.

Amend sec. 30, page 13, line 42, by deleting “29,” and inserting “28,”.

Amend the title of the bill to read as follows:

“AN ACT relating to environment health specialists; defining the practice of environmental health; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; requiring persons who engage in the practice of environmental health to hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; revising the requirements relating to the issuance and renewal of a certificate of registration; authorizing the Board to issue a certificate of registration to certain persons by reciprocity; exempting certain retired persons from the requirements for continuing education; requiring certain application, examination and renewal fees; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate Amendment No. 866 to Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried.

The following Senate amendment was read:

Amendment No. 1048.

Amend sec. 6, page 2, by deleting line 37.

Amend sec. 6, page 2, line 38, by deleting “(d)” and inserting “(c)”.

Amend sec. 6, page 3, line 3, by deleting “(e)” and inserting “(d)”.

Amend sec. 6, page 3, line 5, by deleting “(f)” and inserting “(e)”.

Amend sec. 6, page 3, line 7, by deleting “(g)” and inserting “(f)”.

Amend sec. 6, page 3, line 10, by deleting “(h)” and inserting “(g)”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate Amendment No. 1048 to Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

The following Senate amendment was read:

Amendment No. 685.

Amend sec. 8, page 4, lines 4, 5, 11, 17, 21, 25, 26 and 32, by deleting “licensed”.

Amend sec. 8, page 4, by deleting lines 35 through 37 and inserting:

“(a) “Medical facility” means:”.

Amend sec. 8, page 4, after line 44, by inserting:

“(b) “Physician assistant” means a person who holds a license as a physician assistant pursuant to chapter 630 of NRS or a certificate as an osteopathic physician’s assistant pursuant to chapter 633 of NRS.”.

Amend sec. 8, page 5, line 1, by deleting “[~~(b)~~]”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 555.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

The following Senate amendment was read:

Amendment No. 867.

Amend sec. 3, page 1, by deleting lines 8 through 10 and inserting:

“Sec. 3. 1. Except as otherwise provided in the declaration, an association may not require a unit’s owner to secure or obtain any approval from the association in order to rent or lease his unit.

2. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.”.

Amend the bill as a whole by deleting sec. 7 and adding:

“Sec. 7. (Deleted by amendment).”.

Amend sec. 9, page 6, line 37, by deleting: “subsection ~~{2}~~ 3 of” and inserting: “~~{subsection 2 of}~~”.

Amend sec. 10, page 6, by deleting lines 42 through 44 and inserting: “subsection 2 of NRS 116.4101, a unit’s owner or his authorized agent shall furnish to a purchaser ~~{before an offer to purchase a unit becomes binding on the purchaser.}~~ a resale package containing all the following:”.

Amend sec. 10, page 7, by deleting lines 7 through 10 and inserting:

“(c) ~~{The}~~ A copy of the current operating budget of the association and ~~{a}~~ current year-to-date financial statement for the association, which must include a summary of the ~~{financial components of the study of the}~~ reserves of the association required by NRS 116.31152 ~~{;}~~ and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 2 of NRS 116.31152; and”.

Amend sec. 10, page 7, by deleting lines 15 through 38 and inserting:

“2. The ~~{association, within}~~ purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the unit’s owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the unit’s owner or his authorized agent. Cancellation is without penalty, and all payments

made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

- (a) Cancel the contract pursuant to this subsection; or*
- (b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.*

3. *Within 10 days after receipt of a written request by a unit's owner ~~or his authorized agent~~, the association shall furnish ~~a certificate containing~~ all the following to the unit's owner or his authorized agent for inclusion in the resale package:*

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b) and (d) of subsection 1. ~~A unit's owner providing a~~

4. *If the association furnishes the documents and certificate pursuant to subsection ~~1 is not~~ 3:*

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

~~{3-}~~ *(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee an association may charge for preparing the certificate.*

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees permitted pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. *Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by ~~subsection 2,~~ this section, the seller is not liable for the delinquent assessment.*

~~{4-}~~ 6. *Upon the request of a unit's owner ~~or his authorized agent~~ or upon the request of a purchaser to whom the unit's owner has provided a ~~certificate~~ resale package pursuant to ~~subsection 1 or an~~ this section or his authorized agent, ~~of the unit's owner or the purchaser,~~ the".*

Amend sec. 11, page 8, by deleting lines 11 through 18 and inserting:

“1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions ~~{{C, C & R's} that should be provided for your review before making your purchase. The C, C & R's}~~ (CC&Rs). The CC&Rs become a part of the”.

Amend sec. 11, page 8, lines 21 and 26, by deleting: “C, C & R’s,” and inserting: “~~{C, C & R's}~~ CC&Rs,”.

Amend sec. 11, page 8, line 28, by deleting: “C, C&R’s” and inserting: “~~{C, C&R's}~~ CC&Rs”.

Amend sec. 11, page 8, line 31, by deleting “2.” and inserting “~~{2-}~~ 3.”.

Amend sec. 11, page 8, lines 36 and 38, by deleting “homeowner’s” and inserting “~~{homeowner's}~~ homeowners”.

Amend sec. 11, page 8, line 44, after “components” by inserting: “*of the common elements*”.

Amend sec. 11, page 9, line 2, by deleting “maintain adequate” and inserting: “~~{maintain}~~ provide adequate funding for”.

Amend sec. 11, page 9, line 5, by deleting “3.” and inserting “~~{3-}~~ 4.”.

Amend sec. 11, page 9, by deleting lines 14 through 17 and inserting:

“~~{4-}~~ 5. YOU MAY BECOME A MEMBER OF A ~~{HOMEOWNER'S}~~ HOMEOWNERS’ ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a ~~{homeowner's}~~ homeowners”.

Amend sec. 11, page 9, line 26, by deleting: “day to day” and inserting: “~~{day to day}~~ day-to-day”.

Amend sec. 11, page 9, line 31, after “professional” by inserting “community”.

Amend sec. 11, page 9, line 33, by deleting “Homeowner’s” and inserting “[~~Homeowner’s~~] Homeowners”.

Amend sec. 11, page 9, line 38, by deleting: “C, C & R’s” and inserting: “[~~C, C & R’s~~] CC&Rs”.

Amend sec. 11, page 10, by deleting lines 6 through 35 and inserting: “bodies that are more responsive to your needs. If ~~[persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek]~~ you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common-Interest Communities. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association’s cost in defending against your claim. ~~[There is no government agency in this State that investigates or intervenes to resolve disputes in homeowner’s associations.]~~

~~5.]~~ 6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE ~~[BUYERS]~~ PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide ~~[to]~~ a prospective purchaser of your property ~~[before you enter into a purchase agreement,]~~ with a copy of the community’s governing documents, including the ~~[C, C & R’s,]~~ CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association’s current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association’s operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. ~~[You are also required to provide a copy of the minutes from the most recent meeting of the homeowner’s association or its executive board.]~~ For more information regarding these requirements, see Nevada Revised Statutes ~~[116.4103 and 116.4109.]~~

~~6.]~~ 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING”.

Amend sec. 11, page 11, line 8, by deleting “7.” and inserting “[~~7.]~~ 8.”.

Amend sec. 11, page 11, line 14, before “Ombudsman” by inserting: “Office of the”.

Amend the title of the bill, eighth line, by deleting “unit;” and inserting: “unit unless the association is acting in accordance with the declaration or certain laws and regulations;”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 867 to Assembly Bill No. 290.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1062.

Amend section 1, page 1, line 2, by deleting: “2, 3 and 4” and inserting: “1.5 to 4.3, inclusive,”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. 1. *“High-rise residential common-interest community” means a common-interest community in which a majority of the units are or will be:*

(a) *Located in one or more high-rise residential buildings; and*

(b) *Designed or intended for residential or hotel-condominium use.*

2. *As used in this section, “high-rise residential building” means a building that:*

(a) *Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential or hotel-condominium use; or*

(b) *When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use.”.*

Amend the bill as a whole by adding new sections designated sections 4.3 and 4.7, following sec. 4, to read as follows:

“Sec. 4.3. 1. *In a high-rise residential common-interest community:*

(a) *Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;*

(b) *The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and*

(c) *If authorized by the governing documents, a unit’s owner may give a proxy to any other person, including a general proxy authorizing the holder of the proxy to vote as he wishes on any matter on behalf of the unit’s owner. Such a proxy may be a continuing proxy unlimited as to time, but revocable upon written notice.*

2. *If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of*

NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.

Sec. 4.7. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, *and section 1.5 of this act* have the meanings ascribed to them in those sections.”.

Amend sec. 5, page 2, line 24, by deleting: “2, 3 and 4” and inserting: “2 to 4.3, inclusive,”.

Amend sec. 5, page 2, line 25, after “inclusive,” by inserting: “*and section 1.5 of this act*,”.

Amend the bill as a whole by adding new sections designated sections 5.3 and 5.7, following sec. 5, to read as follows:

“Sec. 5.3. NRS 116.212 is hereby amended to read as follows:

116.212 1. If the declaration provides that any of the powers described in NRS 116.3102 are to be exercised by or may be delegated to a profit or nonprofit corporation that exercises those or other powers on behalf of one or more common-interest communities or for the benefit of the units’ owners of one or more common-interest communities, or on behalf of a common-interest community and a time-share plan created pursuant to chapter 119A of NRS, all provisions of this chapter applicable to unit-owners’ associations apply to any such corporation, except as modified by this section.

2. Unless it is acting in the capacity of an association described in NRS 116.3101, a master association may exercise the powers set forth in paragraph (b) of subsection 1 of NRS 116.3102 only to the extent expressly permitted in:

(a) The declarations of common-interest communities which are part of the master association or expressly described in the delegations of power from those common-interest communities to the master association; or

(b) The declaration of the common-interest community which is a part of the master association and the time-share instrument creating the time-share plan governed by the master association.

3. If the declaration of any common-interest community provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.

4. The rights and responsibilities of units’ owners with respect to the unit-owners’ association set forth in NRS 116.3103, 116.31032, 116.31034, 116.31036, 116.3108, 116.31085, 116.3109, 116.311, 116.31105 and 116.3112 *and section 4.3 of this act*, apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise units’ owners within the meaning of this chapter.

5. Even if a master association is also an association described in NRS 116.3101, the certificate of incorporation or other instrument creating

the master association and the declaration of each common-interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the executive board of the master association must be elected after the period of the declarant's control in any of the following ways:

(a) All units' owners of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(b) All members of the executive boards of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(c) All units' owners of each common-interest community subject to the master association may elect specified members of the master association's executive board.

(d) All members of the executive board of each common-interest community subject to the master association may elect specified members of the master association's executive board.

Sec. 5.7. NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws ~~may~~:

(a) ~~May~~ provide for any other matters the association deems necessary and appropriate ~~to~~; and

(b) *In a high-rise residential common-interest community, may include provisions authorized pursuant to section 4.3 of this act.*

3. The bylaws must be written in plain English.”.

Amend the bill as a whole by deleting sec. 7 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 116.311 is hereby amended to read as follows:

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes

allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

- (a) The proxy must be dated.
- (b) The proxy must not purport to be revocable without notice.
- (c) The proxy must designate the meeting for which it is executed.
- (d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

- (e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association unless the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

10. *The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 4.3 of this act for casting votes pursuant to a proxy that are different from the provisions of this section.*"

Amend the title of the bill, eleventh line, after "board;" by inserting: "making various changes concerning high-rise residential common-interest communities;"

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1062 to Assembly Bill No. 290.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 803.

Amend sec. 2, page 1, line 19, by deleting "115.090." and inserting: "115.090 ~~+~~ and except as otherwise required by federal law."

Amend sec. 2, page 2, line 3, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 3, page 3, lines 10, 14, 23, 25 and 28, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 4, page 4, line 29, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 5, page 6, line 44, by deleting "section:" and inserting: "section ~~+~~ or required by federal law:"

Amend sec. 5, page 8, line 20, by deleting "\$400,000" and inserting "\$300,000".

Amend sec. 6, page 10, line 35, by deleting “\$400,000” and inserting “\$300,000”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 365.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 953.

Amend sec. 2, page 4, line 44, by deleting: “*licensed, registered or certified as*”.

Amend sec. 2, page 5, line 3, by deleting “or” and inserting “and”.

Amend sec. 4, page 7, line 41, by deleting: “*licensed, registered or certified as*”.

Amend sec. 4, page 8, line 1, by deleting “or” and inserting “and”.

Amend the title of the bill, seventh line, by deleting “or” and inserting “and”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 953 to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1063.

Amend the bill as a whole by renumbering section 1 as sec. 26 and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

“Section 1. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver’s:

(a) Intentional, willful, wanton or reckless conduct.

(b) Operation of the car in violation of NRS 484.379 ~~[-]~~ or section 14 of this act.

(c) Towing or pushing with the car.

(d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.

2. Damage or loss occurring when the passenger car is:

(a) Used for hire.

(b) Used in connection with conduct that constitutes a felony.

(c) Involved in a speed test or contest or in driver training activity.

(d) Operated by a person other than an authorized driver.

(e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.

3. An authorized driver providing:

(a) Fraudulent information to the short-term lessor.

(b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

Sec. 2. NRS 482.456 is hereby amended to read as follows:

482.456 1. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who drives the motor vehicle for which the registration has been suspended on a highway is guilty of a misdemeanor and shall be:

(a) Punished by imprisonment in the county jail for not less than 30 days nor more than 6 months; or

(b) Sentenced to a term of not less than 60 days nor more than 6 months in residential confinement, and by a fine of not less than \$500 and not more than \$1,000.

The provisions of this subsection do not apply if the period of suspension has expired but the person has not reinstated his registration.

2. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who knowingly allows the motor vehicle for which the registration has been suspended to be operated by another person upon a highway is guilty of a misdemeanor.

3. A person who willfully fails to return a certificate of registration or the license plates as required pursuant to NRS 482.451 is guilty of a misdemeanor.

4. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 or *section 15 of this act* must run consecutively.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant, in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of ~~[Parts 1325 and]~~ *Part 1327* of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 or <i>section 14 of this act</i> or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or <i>section 14 of this act</i> or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license.....	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 5. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

- (a) For a period of 3 years if the offense is:
 - (1) A violation of subsection 2 of NRS 484.377.

(2) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *section 14 of this act*.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ or *section 14 of this act*.

The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 or *section 14 of this act* and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379 ~~[-]~~ or *section 14 of this act*.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 6. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this*

act, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 8. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 or *section 14 of this act* and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(II) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act*;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a first violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act*.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department

shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 9. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 10. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license which requires the Department to administer a driving skills test	\$84
For an original commercial driver's license which does not require the Department to administer a driving skills test	54
For renewal of a commercial driver's license which requires the Department to administer a driving skills test	84
For renewal of a commercial driver's license which does not require the Department to administer a driving skills test	54
For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379 or 484.3795, or <i>section 14 of this act</i> or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	84
For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379 or 484.3795, or <i>section 14 of this act</i> or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	54
For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test	84
For the transfer of a commercial driver's license from another jurisdiction, which does not require the Department to administer a driving skills test	54
For a duplicate commercial driver's license	19
For any change of information on a commercial driver's license.....	9
For each endorsement added after the issuance of an original commercial driver's license.....	14
For the administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license.....	30

2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each

applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 11. NRS 483.922 is hereby amended to read as follows:

483.922 1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, ~~operation~~ *operating* or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

3. As used in this section, “prohibited substance” has the meaning ascribed to it in NRS 484.1245.

Sec. 12. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 21, inclusive, of this act.

Sec. 13. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 14. 1. *It is unlawful for any person who:*

(a) *Is under the extreme influence of intoxicating liquor;*

(b) *Has a concentration of alcohol of 0.18 or more in his blood or breath;*
or

(c) *Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.18 or more in his blood or breath,*

to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.18 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such*

other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 15. 1. Unless a greater penalty is provided pursuant to NRS 484.3795, a person who violates the provisions of section 14 of this act:

(a) For the first offense within 7 years, is guilty of a misdemeanor. The court shall:

(1) Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act;

(2) Fine him not less than \$400 nor more than \$1,000; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 14 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 14 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than \$750 nor more than \$1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

(d) For a fourth or subsequent offense, regardless of the length of time that has passed since the prior offenses, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. For the purposes of paragraph (d) of subsection 1, an offense that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of section 14 of this act must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of section 14 of this act in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

6. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

8. As used in this section, unless the context otherwise requires:

(a) “Offense” means:

(1) A violation of NRS 484.379, 484.3795 or section 14 of this act;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or section 14 of this act; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(b) “Treatment facility” has the meaning ascribed to it in NRS 484.3793.

Sec. 16. As used in sections 16 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.

Sec. 17. “Automated enforcement system” means a contrivance, device, mechanism or any combination thereof that is used to obtain evidence of a moving traffic violation without the need for contemporaneous manipulation or operation by a human being. The term includes a red-light camera.

Sec. 18. “Red-light camera” means a camera that:

1. Is adapted for use or placed at an intersection or crosswalk in which the movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and

2. Is capable of photographing or otherwise capturing one or more images or representations of all the following in a simultaneous or approximately simultaneous manner:

(a) The license plate number of a vehicle;

(b) An accurate likeness of the driver or operator of the vehicle;

(c) The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk controlled by the official traffic-control device;

(d) The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and

(e) The date and time of day.

Sec. 19. The Department of Transportation shall adopt regulations establishing a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for the issuance of a traffic citation for:

1. A violation of this chapter; or

2. A violation of an ordinance, rule or regulation of the county, city or local government which has the force of law.

Sec. 20. The regulations adopted by the Department of Transportation pursuant to section 19 of this act must set forth, without limitation:

1. That a citation issued through the use of an automated enforcement system imposes the same penalties as a citation issued by a peace officer for the same or substantially similar violation;

2. That a citation may not be issued through the use of an automated enforcement system unless the evidence gathered by the system with respect to a particular alleged violation provides reasonable proof that the person driving or operating the vehicle at the time of the alleged violation was the registered owner of the vehicle;

3. That a citation issued through the use of an automated enforcement system must:

(a) Insofar as practicable, comply with the applicable provisions of NRS 484.799; and

(b) Afford the person cited an opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; and

4. Criteria detailing the information that must be included in the report that a county, city or local government is required to provide to the Department of Transportation pursuant to subsection 2 of section 21 of this act.

Sec. 21. The Department of Transportation shall:

1. Establish a clearinghouse of information relating to the use of automated enforcement systems;

2. Require a county, city or local government that acquires and uses an automated enforcement system to report to the Department of Transportation, on or before October 1, 2006, and on or before October 1 of each even-numbered year thereafter, the information required to be reported by regulation of the Department of Transportation adopted pursuant to subsection 4 of section 20 of this act; and

3. Submit a comprehensive report on the use of automated enforcement systems to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature on or before April 1 of each odd-numbered year.

Sec. 22. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, and section 13 of this act have the meanings ascribed to them in those sections.

Sec. 23. NRS 484.259 is hereby amended to read as follows:

484.259 1. Except for the provisions of NRS 484.379 to 484.3947, inclusive, and sections 14 and 15 of this act, and any provisions made applicable by specific statute, the provisions of this chapter do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway.

2. The provisions of this chapter apply to the persons, teams, motor vehicles and other equipment described in subsection 1 when traveling to or from such work.

Sec. 24. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278,

484.289, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, or *section 14 of this act*, that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service shall cause to be erected:

(a) A sign located before the beginning of such an area stating “DOUBLE PENALTIES IN WORK ZONES” to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 25. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 or *section 14 of this act* is liable to the State for a civil penalty of \$35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 or section 14 of this act until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.”.

Amend section 1, page 1, line 4, by deleting “484.3795,” and inserting: “484.3795 ~~§~~ or section 15 of this act,”.

Amend section 1, page 2, line 4, by deleting: “subparagraph (4) or” and inserting: “[subparagraph (4) or]”.

Amend section 1, page 2, by deleting lines 15 through 20 and inserting: “of NRS 484.379; and

(3) Fine him not less than \$400 nor more than \$1,000 . ~~§; and~~

~~(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.]”.~~

Amend section 1, page 4, by deleting lines 20 through 24 and inserting:

“(a) ~~“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.~~

~~(b)]~~ “Offense” means:

(1) A violation of NRS 484.379 or 484.3795 ~~§~~ or section 14 of this act;”.

Amend section 1, page 4, line 28, by deleting “484.3795; or” and inserting: “484.3795 ~~§~~ or section 14 of this act; or”.

Amend section 1, page 4, line 32, by deleting “(c)” and inserting “(b)”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 39 and 40 and adding new sections designated sections 27 through 38, following section 1, to read as follows:

“Sec. 27. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. Except as otherwise provided in subsection 2, a person who is found guilty of a first violation of NRS 484.379 ~~§, other than a person who is found to have a concentration of alcohol of 0.18 or more in his blood or breath,~~ may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 6 months. The court shall authorize that treatment if:

(a) The person is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 *or section 14 of this act* constitutes a violation of NRS 484.379 ~~or~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the

minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 28. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 *or section 14 of this act* within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792 ~~or~~ *or section 15 of this act*, has performed or will perform not less than one-half of the hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 ~~or~~ *or section 14 of this act* constitutes a violation of NRS 484.379 ~~or~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792 ~~[-]~~ or *section 15 of this act*, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 29. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a ~~first violation, if the concentration of alcohol in the defendant's blood or breath at the time of the offense was 0.18 or more,~~ violation of *section 14 of this act*, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing

the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 *or section 14 of this act* and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 30. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~§~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,
for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 , *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct,

after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act.*

Sec. 31. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792 ~~[-]~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 32. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by

NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795, or *section 14 of this act*, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 33. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 or *section 14 of this act* within 7 years, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other

than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 34. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795 or *section 14 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 35. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 36. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in ~~his~~ his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act.*

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must,

when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ or *section 14 of this act*; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or *section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ or *section 14 of this act*,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 37. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*.

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 38. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.”

Amend sec. 2, page 4, line 41, after “484.3795” by inserting: “*or section 14 of this act*”.

Amend sec. 3, page 5, by deleting lines 33 through 38 and inserting:

“(1) A third or subsequent violation of NRS 484.379 ~~for a~~ ;

(2) A violation of NRS 484.3795 ~~for~~ ; or

(3) *A violation of section 14 of this act.*”.

Amend sec. 3, page 6, by deleting line 19 and inserting: “subsection 1 : ~~for~~ ~~2:~~”.

Amend sec. 3, page 7, line 20, by deleting “484.3795,” and inserting: “484.3795 or section 14 of this act.”.

Amend sec. 3, page 7, by deleting lines 23 through 25.

Amend sec. 3, page 7, line 26, by deleting “(b)” and inserting “(a)”.

Amend sec. 3, page 7, line 29, by deleting “(c)” and inserting “(b)”.

Amend the bill as a whole by renumbering sec. 4 as sec. 58 and adding new sections designated sections 41 through 57, following sec. 3, to read as follows:

“Sec. 41. NRS 484.778 is hereby amended to read as follows:

484.778 The governing body of each city may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 484.3792 *and section 15 of this act* for similar offenses under city ordinance.

Sec. 42. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484.379;
- (c) A violation of NRS 484.3795;
- (d) *A violation of section 14 of this act;*

(e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;

~~[(e)]~~ (f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

~~[(f)]~~ (g) Reckless driving;

~~[(g)]~~ (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver’s license has been cancelled, revoked or suspended; or

~~[(h)]~~ (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs ~~[(e) and]~~ (f) *and* (g) of subsection 1 a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 43. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic

citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484.379 ~~[(c)]~~ or *section 14 of this act*, unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 44. NRS 484.801 is hereby amended to read as follows:

484.801 Except for felonies and those offenses set forth in paragraphs (a) to ~~[(d)]~~ (e), inclusive, of subsection 1 of NRS 484.791, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484.799, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of this chapter or of chapter 482, 483, 485, 486 or 706 of NRS in connection with the accident.

Sec. 45. NRS 484.805 is hereby amended to read as follows:

484.805 Whenever any person is taken into custody by a peace officer for the purpose of taking him before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in paragraphs (a) to ~~[(d)]~~ (e), inclusive, of subsection 1 of NRS 484.791, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to him of a misdemeanor citation or traffic citation and his signing a promise to appear, as provided in NRS 171.1773 or 484.799, respectively.

Sec. 46. NRS 484.910 is hereby amended to read as follows:

484.910 ~~[(A)]~~ *Except as otherwise provided in sections 16 to 21, inclusive, of this act*, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

Sec. 47. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 48 and 49 of this act.

Sec. 48. 1. *It is unlawful for any person who:*

(a) *Is under the extreme influence of intoxicating liquor;*

(b) *Has a concentration of alcohol of 0.18 or more in his blood or breath;*
or

(c) *Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.18 or more in his blood or breath,*

to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause him to have a concentration of 0.18 or more of alcohol in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

Sec. 49. *Unless a greater penalty is provided pursuant to NRS 488.420, a person who violates the provisions of section 48 of this act is guilty of a misdemeanor. The court shall:*

1. *Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service; and*

2. *Fine him not less than \$400 nor more than \$1,000.*

Sec. 50. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase “concentration”]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. *“Concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.*

2. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 51. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase “concentration”]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. *“Concentration of alcohol of 0.10 or more in his blood or breath” means 0.10 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.*

2. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 52. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420 ~~or~~ *or section 49 of this act*, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 53. NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty to or is found guilty of, a violation of NRS 488.410 or 488.420 *or section 48 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 54. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person fails to submit to the test, the officer shall arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 55. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must,

when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or~~ *or section 48 of this act*; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or~~ *or section 48 of this act*,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in his blood.

Sec. 56. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~[-]~~ or *section 48 of this act*.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484.3882 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484.3882, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

Sec. 57. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410 or 488.420 *or section 48 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to

have a qualified person of his own choosing administer a chemical test to determine:

- (a) The concentration of alcohol in his blood or breath; or
- (b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.”.

Amend sec. 4, page 7, line 38, after “488.420” by inserting:
“or section 48 of this act”.

Amend the bill as a whole by renumbering sections 5 through 7 as sections 63 through 65 and adding new sections designated sections 59 through 62, following sec. 4, to read as follows:

“Sec. 59. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

- (a) In any action filed pursuant to NRS 73.010;
- (b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;
- (c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379 ~~and 484.3795;~~ or 484.3795 or section 14 of this act; or

- (d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.

3. The referee:

- (a) Shall take testimony;
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

- (c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

- (d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 60. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,
must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 61. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 62. NRS 42.010 is hereby amended to read as follows:

42.010 1. In an action for the breach of an obligation, where the defendant caused an injury by the operation of a motor vehicle in violation of NRS 484.379 or 484.3795 *or section 14 of this act* after willfully consuming or using alcohol or another substance, knowing that he would thereafter operate the motor vehicle, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.

2. The provisions of NRS 42.005 do not apply to any cause of action brought pursuant to this section.”.

Amend sec. 7, page 11, by deleting line 35 and inserting: “488.420 ~~{-}~~ *or section 14 or 48 of this act.*”.

Amend the bill as a whole by adding new sections designated sections 66 through 84, following sec. 7, to read as follows:

“Sec. 66. NRS 62A.220 is hereby amended to read as follows:

62A.220 “Minor traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapter 484 or 706 of NRS that causes the death of a person;

2. A violation of NRS 484.379 ~~{-}~~ *or section 14 of this act*; or

3. A violation declared to be a felony.

Sec. 67. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379 or 484.3795 ~~[-]~~ or *section 14 of this act*;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. The evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. The evaluation of the child may be conducted at an evaluation center.

4. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

5. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

6. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or *section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

7. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Human Resources. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

8. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

- (a) The juvenile court;
- (b) The child;
- (c) The attorney for the child, if any;
- (d) The parents or guardian of the child;
- (e) The district attorney; and
- (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

9. A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 or *section 14 of this act* must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 68. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484.379 or 484.3795 ~~§~~ or *section 14 of this act*, the juvenile court shall, if the child possesses a driver's license:

(a) Issue an order revoking the driver's license of the child for 90 days and requiring the child to surrender his driver's license to the juvenile court; and

(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484.379 or 484.3795 ~~§~~ or *section 14 of this act*, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

Sec. 69. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the

State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to *a violation of section 14 of this act* or a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 70. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379 ~~and 484.375,~~ or 484.3795 or *section 14 of this act*, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 71. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for one or more specific firearms to any person who is qualified to possess each firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with each firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a

controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379 ~~[-]~~ *or section 14 of this act*; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be

witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each firearm to which the application pertains;

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed \$60.

Sec. 72. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current

or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 73. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned pursuant to paragraph (c) of subsection 1 of NRS 484.3792 or NRS 484.3795 ~~[-]~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 74. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792 and 484.3795, *and section 15 of this act*, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has been convicted of a sexual offense;

(e) Has committed an act of serious violence during the previous year; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 75. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 or *section 14 of this act* or any act or neglect of duty punishable pursuant to NRS 484.3795;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; or

6. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 76. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484.379 or *section 14 of this act* or the use of the vehicle was punishable pursuant to NRS 484.3795;

(b) Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(d) Was injured or killed while serving a sentence of imprisonment in a prison or jail;

(e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

(f) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an

offender who violated NRS 484.379 or *section 14 of this act* or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

- (a) The value of the victim's dwelling;
- (b) The value of one motor vehicle owned by the victim; or
- (c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 77. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may he establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 493.130 ~~[-]~~ or *section 14 or 48 of this act*.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

2. In addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Department or Division to carry out the provisions of this chapter, the Department may, at its own discretion, prohibit

the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 78. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or~~ *or section 14 or 48 of this act*; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 79. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or

other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or~~ *or section 14 or 48 of this act*; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 80. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is a crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS or the crime is an act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 81. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of having violated NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or~~ *or section 14 or 48 of this act*; and

(b) The records would aid in the related investigation.

To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A provider of health care and his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 82. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of or entered a plea of guilty or nolo contendere to a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 83. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 84. 1. This section and sections 16 to 21, inclusive, and 46 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, 8 to 15, inclusive, 22 to 45, inclusive, 47 to 50, inclusive, and 52 to 83, inclusive, of this act become effective on October 1, 2005.

3. Sections 16 to 21, inclusive, and 46 of this act expire by limitation on June 10, 2007.

4. Sections 6 and 50 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

5. Sections 7 and 51 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.”.

Amend the title of the bill to read as follows:

“AN ACT relating to crimes; establishing the crime of driving under the extreme influence of alcohol for a person who drives a motor vehicle or operates a vessel with a concentration of alcohol of 0.18 or more in his blood or breath; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; requiring the Department of Transportation to establish by regulation a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for citations for moving traffic violations; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training and education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; providing that a person may not petition the court for sealing the records relating to a conviction of

driving under the extreme influence of alcohol; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances and establishes pilot program involving use of automated systems for enforcement of traffic laws. (BDR 43-832)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1063 to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

The following Senate amendment was read:

Amendment No. 848.

Amend section 1, pages 2 and 3, by deleting lines 3 through 42 on page 2 and lines 1 through 8 on page 3, and inserting:

“1. An agency which provides child welfare services shall ensure that each child it places in a foster home is able to:

(a) Attend and participate in a court hearing which affects the child, to the extent authorized by law;

(b) Be informed of any plan adopted for his permanent placement pursuant to NRS 432B.553 and of any changes made to the plan, if the child is over 12 years of age;

(c) Receive information concerning his placement and be informed of any changes concerning his placement; and

(d) Have fair and equal access to services, placement and care.

2. Each provider of foster care shall provide wise care and management for each child placed in his care, including, without limitation, the provision of:

(a) A safe, healthy and comfortable environment;

(b) Respectful treatment;

(c) Freedom from:

(1) Abuse or neglect, as defined in NRS 432B.020;

(2) Corporal punishment, as defined in NRS 388.5225; and

(3) Being locked in any room, building or premises of the foster home;

(d) An education as required by law;

(e) Adequate and healthy food and adequate clothing; and

(f) Medical care, including dental, vision and mental health services, paid for with money of the State of Nevada, the Federal Government or a local government.

3. Except as otherwise prohibited by a court order, each provider of foster care shall provide an opportunity for each child placed in his care to:

(a) Contact a family member, social worker, attorney, advocate for children receiving foster care services, counsel or guardian ad litem appointed by a court and probation officer;

(b) Contact and visit his siblings;

(c) Confidentially contact and communicate with an agency which provides child welfare services concerning his care;

(d) Attend religious services of his choice;

(e) Maintain a bank account and manage personal income, consistent with the age and developmental level of the child, unless otherwise prohibited by an agency which provides child welfare services;

(f) Participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child;

(g) Work and develop job skills, to the extent authorized by law; and

(h) Attend a class or program concerning independent living for which he is qualified that is offered by an agency which provides child welfare services, the State of Nevada or any contractor or agent of the agency which provides child welfare services or of the State of Nevada.

The opportunities set forth in this subsection are subject to reasonable restrictions by the provider of foster care as to the time, place and manner in which they are provided.”

Amend section 1, page 3, line 9, by deleting “2.” and inserting “4.”.

Amend the title of the bill, second line, by deleting “rights for” and inserting: “guidelines and requirements for the provision of care, management, treatment, services and opportunities by agencies which provide child welfare services and providers of foster care to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes certain guidelines and requirements for provision of care, management, treatment, services and opportunities to children who are placed in foster homes. (BDR 38-672)”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 43.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 380.

The following Senate amendment was read:

Amendment No. 895.

Amend sec. 4, page 2, by deleting lines 5 and 6 and inserting:

“(b) The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment.”.

Amend sec. 4, page 2, line 8, by deleting “State;” and inserting: “State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;”.

Amend sec. 4, page 2, line 13, after “of” by inserting: “an association that represents”.

Amend sec. 4, page 2, lines 19 and 20, by deleting: “from their appointing authorities”.

Amend sec. 7, page 3, by deleting lines 11 through 17 and inserting:

“2. The board of county commissioners shall annually allocate for the support of the health district an amount that does not exceed an amount calculated by multiplying the assessed valuation of all taxable property in the county by the rate of 3.5 cents on each \$100 of assessed valuation. The amount allocated pursuant to this subsection must be transferred from the county general fund to the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.

Amend sec. 8, page 3, by deleting lines 24 through 29 and inserting:

“(b) Have at least the following additional education and experience:

(1) A master’s degree in public health, health care administration, public administration, business administration or a related field; and

(2) Ten years of management experience in an administrative position in a local, state or national public health department, program, organization or agency.”.

Amend sec. 9, page 4, line 7, by deleting “and”.

Amend sec. 9, page 4, line 9, by deleting “district.” and inserting “district; and”.

Amend sec. 9, page 4, between lines 9 and 10, by inserting:

“(e) Improve the quality of health care services for members of minority groups and medically underserved populations.”.

Amend the title of the bill, fourth line, by deleting: “levy certain taxes” and inserting “allocate funding”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 380.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 951.

Amend section 1, page 2, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. *The Department may adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card issued by the Department.*

2. *Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license or identification card to conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.*

3. *The Department and its employees or representatives are not liable in a civil action or subject to prosecution in a criminal proceeding as a result of a symbol or other indicator of a medical condition being imprinted on or for the failure to imprint a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

4. *A hospital, physician, local health officer, technician or other person is not liable in a civil action or subject to prosecution in a criminal proceeding for any act taken in good faith with regard to a symbol or other indicator of a medical condition imprinted on a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

5. *The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section."*

Amend sec. 4, page 3, line 25, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 10 and 11 and adding new sections designated sections 6 through 9, following sec. 4, to read as follows:

"Sec. 6. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~{and}~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~{-}~~; and

(d) *If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.*

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of

those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 7. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385.....	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385.....	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license.....	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, *or subsection 5 of section 4 of this act*, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 8. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

- (a) The name and sample signature of the holder.
- (b) A unique identification number assigned to the holder that is not based on the holder's social security number.
- (c) A personal description of the holder.
- (d) The date of birth of the holder.
- (e) The current address of the holder in this State.
- (f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~[-]~~; and

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 9. NRS 485.317 is hereby amended to read as follows:

485.317 1. Subject to the limitations set forth in this subsection and subsection 2, the Department shall, at least monthly, compare the current

registrations of motor vehicles to the information in the database created pursuant to NRS 485.313 to verify that each motor vehicle:

- (a) Which is newly registered in this State; or
- (b) For which a policy of liability insurance has been issued, amended or terminated,

is covered by a policy of liability insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the Department may, if the motor vehicle was manufactured during or after 1981, use only the last eight digits of the vehicle identification number. In comparing the vehicle identification number of a motor vehicle to the vehicle identification number in a policy of liability insurance, to determine if the two vehicle identification numbers match, the Department may find that the two vehicle identification numbers match if no fewer than seven of the last eight digits of the two vehicle identification numbers match.

2. Except as otherwise provided in this subsection, the Department may use any information to verify, pursuant to subsection 1, whether the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the Department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date on which the form was mailed by the Department. If the Department does not receive the completed form within 20 days after it mailed the form to the owner, the Department shall send to the owner a ~~second form for verification~~ *notice of suspension of registration* by certified mail. The ~~owner shall complete the form and return it~~ *notice must inform the owner that unless he submits a completed form to the Department within 15 days after the date on which it the notice was sent by the Department* ~~his registration will be suspended pursuant to subsection 5~~. This subsection does not prohibit an authorized agent of the owner from providing to the Department:

(a) The information requested by the Department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the Department pursuant to this subsection.

4. When the Department receives a completed form for verification, it shall verify the information on the form.

5. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which ~~the~~

~~(a) Neither of the forms~~ *the form* for verification set forth in subsection 3 is :

(a) *Not* returned to the Department by the registered owner or his authorized agent within the period specified in that subsection;

(b) ~~Either of the forms for verification set forth in subsection 3 is returned~~ *Returned* to the Department by the registered owner or his authorized agent and the Department is not able to verify the information on the form; or

(c) ~~Either of the forms for verification set forth in subsection 3 is returned~~ *Returned* by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

6. If the Department suspends a registration pursuant to subsection 5 because:

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:

(1) Proves to the satisfaction of the Department that there was a justifiable cause for his failure to do so;

(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, “justifiable cause” may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.

7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current

insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

The Department shall adopt regulations to carry out the provisions of this subsection.

10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days.”.

Amend sec. 5, page 4, line 1, by deleting “*system.*” and inserting: “*system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*”.

Amend sec. 6, page 4, line 25, by deleting “*system.*” and inserting: “*system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*”.

Amend the bill as a whole by adding a new section, designated sec. 12, following sec. 6, to read as follows:

“Sec. 12. 1. This section and sections 1, 2, 3, 5, 9, 10 and 11 of this act become effective on October 1, 2005.

2. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006.”.

Amend the title of the bill, third line, after “license;” by inserting: “authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver’s license or

identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to motor vehicles. (BDR 43-566)”.

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ocegüera moved that the Assembly do not recede from its action on Senate Bill No. 290, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ocegüera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Atkinson, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 290.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 195.

The following Senate amendment was read:

Amendment No. 926.

Amend sec. 3, page 4, by deleting lines 36 through 38 and inserting: “*Federal Food and Drug Administration*;”.

Assemblywoman Buckley moved that the Assembly concur in the Senate Amendment No. 926 to Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1094.

Amend sec. 9, page 8, line 40, by deleting: “July 1, 2005.” and inserting: “the date on which the State of Nevada receives any waiver or other form of approval from the Federal Government that is necessary to operate the Internet website.”.

Assemblywoman Buckley moved that the Assembly do not concur in the Senate Amendment No. 1094 to Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

The following Senate amendment was read:

Amendment No. 1049.

Amend the bill as a whole by deleting sections 1 through 17, renumbering sec. 18 as sec. 25, and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

“Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

(a) Obtain two independent and confidential appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.*

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. *Except as otherwise provided in NRS 321.125 , ~~and~~ 321.510, 322.063, 322.065 or 322.075, except as otherwise require by federal law and except for an agreement entered into pursuant to the*

provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold ~~[:] or leased~~, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold ~~[at public auction or]~~ or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale ~~[:] or lease~~, at a price not less than ~~[their]~~ the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale ~~[:] or lease~~.

3. Before offering any land for sale ~~[:] or lease~~, the State Land Registrar shall cause it to be appraised by ~~[a competent appraiser.]~~ competent appraisers selected pursuant to section 1 of this act.

4. After receipt of the report of the ~~[appraiser.]~~ appraisers, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold ~~[:] or leased~~;
- (b) A statement of the terms of sale ~~[:] or lease~~;
- (c) A statement ~~[of whether]~~ that the land will be sold ~~[at public auction or upon sealed bids to the highest bidder;~~
- ~~(d) If the sale is to be at public auction, the time and place of sale ; and~~
- ~~(e) If the sale is to be upon sealed bids, the~~ pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened ~~[:] and oral offers submitted pursuant to subsection 6 will be accepted.~~

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any

responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

~~[7.]~~ 8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

~~[8.]~~ 9. *Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.*

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. *If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of section 1 of this act before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.*

Sec. 3. NRS 322.060 is hereby amended to read as follows:

322.060 ~~[Leases]~~ *Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not*

made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

(a) Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 6. 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

- (a) Without first offering the real property to the public; and
- (b) For less than fair market value of the real property.

2. Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:

(a) Obtain an appraisal of the real property pursuant to section 4 of this act; and

(b) Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:

- (1) Without offering the real property to the public; and
- (2) For less than fair market value of the real property.

3. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the county;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the county;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

to create and retain opportunities of employment for the residents of the county.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 [and 244.288:], 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or ~~[exchange]~~ *lease* of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~[at public auction,]~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~{Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.~~

~~(c) Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.} Lease the property in the manner prescribed for the lease of real property in NRS 244.283.~~

2. Before the board of county commissioners may sell ~~[or exchange]~~ or *lease* any real property as provided in ~~[paragraphs (b) and (c) of]~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or ~~[exchanged]~~ *leased* in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or ~~[exchanged;]~~ *leased*; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~[In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

~~(a) A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

~~(b) An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

4.] If the board of county commissioners by its resolution further finds that the property to be sold or *leased* is worth more than \$1,000, the board shall appoint ~~[one]~~ two or more disinterested, competent real estate appraisers *pursuant to section 4 of this act* to appraise the property [.] and, except for property acquired pursuant to NRS 371.047, shall not sell or ~~[exchange]~~ lease it for less than the *highest* appraised value.

~~[5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~[sell it]~~ :

(a) *Lease the property*; or

(b) *Sell the property* either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. *A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:*

(a) *A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:*

(1) *The real property is a:*

(I) *Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;*

(II) *Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or*

(III) *Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and*

(2) *The sale will be in the best interest of the county.*

(b) *Another governmental entity if:*

(1) *The sale or lease restricts the use of the real property to a public use; and*

(2) *The board adopts a resolution finding that the sale or lease will be in the best interest of the county.*

6. *A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.*

7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of*

this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 8. NRS 244.290 is hereby amended to read as follows:

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, *public roadway, public right-of-way*, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the ~~[appraised value of]~~ *amount paid* for the land ~~[at the time of the reconveyance]~~.

~~The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this State under the dedication.~~

~~2.— If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.~~

~~3.— The board shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

~~(a) Published at least once in a newspaper of general circulation in the county;~~

~~(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

~~(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

~~4.] by the board.~~

2. If the board [~~after the hearing,~~] determines that maintenance of the property [~~by the county solely or with a co-owner~~] is unnecessarily burdensome *to the county* or that reconveyance would be [~~otherwise advantageous to~~] *in the best interest of the county* and its [~~citizens,~~] residents, the board [~~shall~~] *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman *or an authorized representative* of the board shall [~~execute a deed~~] *issue a written offer of reconveyance* [~~on behalf of the county and the county clerk shall attest the deed under the seal of the county.~~]

5. ~~The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The] to the person from whom the real property was received or acquired, or his successor in interest.~~

3. *If the person from whom the land was received or acquired, or his successor in interest* [~~refuses~~] :

(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the board of county commissioners shall execute a deed of reconveyance.

(b) Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the offer of reconveyance [~~or~~

~~—(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the board of county commissioners may sell or lease the real property in accordance with the provisions of this chapter.~~

Sec. 9. NRS 266.265 is hereby amended to read as follows:

266.265 1. The city council may:

(a) Control the property of the city.

(b) Erect and maintain all buildings, structures and other improvements for the use of the city.

(c) [~~Purchase,~~] *Except as otherwise provided in sections 12, 13 and 14 of this act, purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries, improve and protect such property, and do all other things in relation thereto which natural persons might do.*

2. Except as otherwise provided by law, the city council may not mortgage, hypothecate or pledge any property of the city for any purpose.

Sec. 10. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale [~~or exchange~~] of real property until after the property has been appraised [~~by one disinterested appraiser employed by the city.] pursuant to~~

section 12 of this act. Except as otherwise provided in this section and paragraph (a) of subsection 1 of NRS 268.050 [~~a lease, sale or exchange~~] :

(a) *The sale or lease of real property must be made in the manner required pursuant to sections 12, 13 and 14 of this act; and*

(b) *A lease or sale must be made at or above the [current] highest appraised value of the real property as determined [by the appraiser unless the city council, in a public hearing held before the adoption of the resolution to lease, sell or exchange the property, determines by affirmative vote of not fewer than two-thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.] pursuant to the appraisal conducted pursuant to section 12 of this act.*

2. The city council may sell [~~lease or exchange~~] or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 11. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 15, inclusive, of this act.

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:*

(a) *Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and have been prepared not more than 6 months before the date on which real property is offered for sale or lease.*

(b) *Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.*

2. *The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:*

(a) *Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 13. Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real

property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

- (a) Lease the real property; or
- (b) Sell the real property for:

- (1) Cash; or

- (2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:

- (a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

- (1) The real property is a:

- (I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

- (II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

- (III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

- (2) The sale or lease will be in the best interest of the city.

- (b) Another governmental entity if:

- (1) The sale or lease restricts the use of the real property to a public use; and

- (2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the

second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 14. 1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be

opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 15. 1. A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

- (a) Without first offering the real property to the public; and
- (b) For less than fair market value of the real property.

2. Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:

(a) Obtain an appraisal of the property pursuant to section 12 of this act; and

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:

- (1) Without offering the property to the public; and
- (2) For less than fair market value of the real property.

3. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the city;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the city;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;

(4) *The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or*

(5) *Any combination of the activities described in subparagraphs (1) to (4), inclusive,*

to create and retain opportunities for employment for the residents of the city.

(b) *“Redevelopment” has the meaning ascribed to it in NRS 279.408.*

Sec. 16. NRS 268.008 is hereby amended to read as follows:

268.008 An incorporated city may:

1. Have and use a common seal, which it may alter at pleasure.
2. Purchase, receive, hold and use personal and real property wherever situated.

3. ~~[Sell,]~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, sell, convey and dispose of such personal and real property for the common benefit.*

4. Determine what are public uses with respect to powers of eminent domain.

5. Acquire, own and operate a public transit system both within and without the city.

6. Receive bequests, devise, gifts and donations of all kinds of property wherever situated in fee simple, in trust or otherwise, for charitable or other purposes and do anything necessary to carry out the purposes of such bequests, devise, gifts and donations with full power to manage, sell, lease or otherwise dispose of such property in accordance with the terms of such bequest, devise, gift or donation.

Sec. 17. NRS 268.050 is hereby amended to read as follows:

268.050 1. The governing body of any incorporated city in this State may reconvey all the right, title and interest of the city in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the governing body; or

(b) From whom the land was acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the ~~[appraised value of]~~ *amount paid for the land [at the time of the reconveyance.*

~~The reconveyance may be made whether the land is held by the city solely or as tenant in common with any other municipality or other political subdivision of this State under the dedication.~~

2. ~~If the city has a planning commission, the governing body shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the governing body.~~

3. ~~The governing body shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

(a) ~~Published at least once in a newspaper of general circulation in the city or county;~~

(b) ~~Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

(c) ~~Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

4.] ~~by the governing body.~~

2. If the governing body [~~, after the hearing,~~] determines that maintenance of the property [~~by the city solely or with a co-owner~~] is unnecessarily burdensome *to the city* or that reconveyance would be [~~otherwise advantageous to~~] *in the best interest of the city and its [citizens,] residents*, the governing body [~~shall~~] *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall [~~execute a deed~~] *issue a written offer of reconveyance* [~~on behalf of the city and the city clerk shall attest the deed under the seal of the city.~~]

5. ~~The governing body may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

(a) ~~The] to the person from whom the land was received or acquired or his successor in interest . [refuses]~~

3. *If the person from whom the real property was received or acquired, or his successor in interest:*

(a) *Accepts the offer of reconveyance within 45 days after the date of the offer, the governing body shall execute a deed or reconveyance.*

(b) *Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the reconveyance [; or*

~~—(b) The land has been combined with other land owned by the city and improved in such a manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the governing body may sell or lease the real property in accordance with the provisions of the chapter.~~

Sec. 18. NRS 381.006 is hereby amended to read as follows:

381.006 For the property and facilities of the Division, the Administrator:

1. Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

2. Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

3. Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

4. Shall oversee the public relations of its institutions.

5. Shall superintend the planning and development of any new facilities for the Division or its institutions.

6. Shall assist the efforts of its institutions in improving their services to the rural counties.

7. Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

8. Shall trade, exchange and transfer exhibits and equipment when he considers it proper and the transactions are not sales.

9. May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

10. Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

11. Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

Sec. 19. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as *otherwise provided in subsection 2 or as may be* limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise [~~shall be in~~] *must be:*

(a) *Made by public auction; and*

(b) *In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.*

Sec. 20. NRS 496.090 is hereby amended to read as follows:

496.090 1. In operating an airport or air navigation facility or any other facilities appertaining to the airport owned, leased or controlled by a municipality, the municipality may, except as limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, enter into:

(a) Contracts, leases and other arrangements with any persons:

(1) Granting the privilege of using or improving the airport or air navigation facility, or any portion or facility thereof, or space therein, for commercial purposes. The municipality may, if it determines that an improvement benefits the municipality, reimburse the person granted the privilege for all or any portion of the cost of making the improvement.

(2) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility or other facilities.

(3) Making available services to be furnished by the municipality or its agents or by other persons at the airport or air navigation facility or other facilities.

(4) Providing for the maintenance of the airport or air navigation facility, or any portion or facility thereof, or space therein.

(5) Allowing residential occupancy of property acquired by the municipality.

(b) Contracts for the sale of revenue bonds or other securities whose issuance is authorized by the Local Government Securities Law or NRS 496.150 or 496.155, for delivery within 10 years after the date of the contract.

2. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the municipality.

3. ~~As~~ *Except as otherwise provided in this subsection, and as an alternative to the procedure provided in subsection 2 of NRS 496.080, to the extent of its applicability, the governing body of any municipality may authorize it to enter into any such contracts, leases and other arrangements with any persons, as provided in this section, for a period not exceeding 50 years, upon such terms and conditions as the governing body deems proper. The provisions of this subsection must not be used to circumvent the requirement set forth in subsection 2 of NRS 496.080 that the disposal of real property be made by public auction.*

4. Before entering into any such contract, lease or other arrangements, the municipality shall publish notice of its intention in general terms in a newspaper of general circulation within the municipality at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the municipality, the municipality shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting of the governing

body is to be held, at which meeting any interested person may appear. No such contract, lease or other arrangement may be entered into by the municipality until after the notice has been given and a meeting held as provided in this subsection.

5. Any member of a municipality's governing body may vote on any such contract, lease or other arrangement notwithstanding the fact that the term of the contract, lease or other arrangement may extend beyond his term of office.

Sec. 21. Section 10 of the Airport Authority Act for Battle Mountain, being Chapter 458, Statutes of Nevada 1983, as amended by Chapter 230, Statutes of Nevada 1991, at page 508, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.
2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. ~~[Sell.]~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. If the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

5. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be

consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

10. Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on its airports relating , but not limited to , speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

Sec. 22. Section 9 of the Airport Authority Act for Carson City, being Chapter 844, Statutes of Nevada 1989, at page 2026, is hereby amended to read as follows:

Sec. 9. Board: General powers. The Board may:

1. Acquire real and personal property by gift or devise for the purposes provided in this act.

2. With the approval of the Board of Supervisors:

(a) Acquire real and personal property by purchase or lease for the purposes provided in this act.

(b) ~~[Lease.]~~ *Except as otherwise provided in this paragraph, lease, sell or otherwise dispose of any property. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

3. Recommend to the Board of Supervisors any changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

4. Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

5. Provide emergency services for the Authority.

6. Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. Establish fees, rates and other charges for the use of the airport.

10. Regulate vehicular traffic at the airport.

11. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

12. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 23. Section 10 of the Airport Authority Act for Washoe County, being Chapter 474, Statutes of Nevada 1977, as last amended by Chapter 359, Statutes of Nevada 1997, at page 1299, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority has perpetual succession and may, by way of example and not of limitation:

1. Sue and be sued.

2. Plan, establish, acquire, construct, improve and operate one or more airports within Washoe County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. [~~Sell,~~] *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority. If the Authority sells real property, the Authority must obtain an appraisal of the property and the sale must be made by public auction unless the Authority:*

(a) Sells the property at its fair market value; or

(b) If the Authority will sell the property at less than its fair market value, the Board adopts a written finding by a majority of the entire Board as to the difference between the price at which the property will be sold and the fair market value of the property.

5. Acquire real property or any interest therein in areas most affected by the noise of aircraft for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Washoe County and the cities of Reno and Sparks to acquire, by lease, gift, purchase or otherwise, any airport of such county or municipality and to operate that airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted, within Washoe County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Study and recommend to the Board of County Commissioners of Washoe County and the city councils of the cities of Reno and Sparks zoning changes in the area of any airport operated by the Authority with respect to noise, height and aviation obstructions in order to enable the Authority to meet the requirements of any regulations of the Federal Aviation Administration.

10. Control its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Washoe County or the cities of Reno and Sparks, with the consent of the respective county or municipality, and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service. A person employed by the Authority to provide police service to the Authority has the powers and must have the training required of a law enforcement officer pursuant to Part 107 of Title 14 of the Code of Federal Regulations, as those provisions existed on January 1, 1997. A person employed by the Authority to provide police service shall be deemed to be a peace officer for the purposes of determining retirement benefits under the Public Employees' Retirement System.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of those carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on the public areas of its airports relating to , but not limited to , speed restrictions, turning movements and other moving violations. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

18. Adopt regulations governing parking, loading zones and ground transportation operations on its airports and governing traffic on restricted areas of its airports. The Authority may establish a system of:

(a) Administrative procedures for review of alleged violations of such regulations; and

(b) Remedies for violations of such regulations, including the imposition of administrative fines to be imposed upon and collected from persons violating such regulations.

Sec. 24. On or before February 1, 2007, the State Land Registrar, the board of county commissioners of each county, the governing body of each incorporated city, the Airport Authority of Battle Mountain, the Airport Authority of Carson City and the Airport Authority of Washoe County shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature a written report on the sales or leases of property owned by the respective entity during the period beginning October 1, 2005, and ending December 31, 2006.”

Amend the title of the bill, third line, by deleting “auction;” and inserting: “auction or upon sealed bids followed by oral offers;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction or upon sealed bids followed by oral offers. (BDR 26-1089)”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 312.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Gerhardt, Carpenter, and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 465.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 173, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Ohrenschaal, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 173.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Women and members of certain minority groups should be encouraged to obtain the skills and experience necessary to work in the construction industry through employment, apprenticeship programs and training related to the construction industry.

2. The construction industry should take active steps to encourage women and members of certain minority groups to obtain the training and experience necessary to succeed in the construction industry.

3. Upon receiving the training and experience required to succeed in the construction industry, both women and members of certain minority groups and the construction industry will mutually benefit from the greater inclusion of women and members of these groups in the construction industry.

Sec. 2. The Director of the Legislative Counsel Bureau shall prepare and transmit a copy of this act to:

1. The various chambers of commerce, high school vocation programs, community colleges and trade schools in this State;

2. The Association of General Contractors, the Associated Builders and Contractors and any other similar organization representing the construction industry; and

3. Any labor organization which represents workers in the construction industry and any other similar organization representing workers in the construction industry.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The men and women who work in the construction industry play a significant role in the growth of the economy of this State; and

WHEREAS, The construction industry in this State is rapidly growing, and the career opportunities for the men and women who work in the construction industry are abundant; and

WHEREAS, Due to the rapid growth of the construction industry in this State, the men and women who work in the construction industry are paid wages that exceed the average wage in this State and have access to other excellent employment benefits; and

WHEREAS, Women and members of certain minority groups are underrepresented in the construction industry as compared to their representation in the population of this State; and

WHEREAS, These women and members of certain minority groups should have access to the excellent wages, benefits and career opportunities available to a person working in the construction industry; and

WHEREAS, The construction industry will greatly benefit from the influx of trained women and members of certain minority groups into the construction industry; now, therefore,”

Amend the title of the bill to read as follows:

“AN ACT relating to employment; encouraging the construction industry and women and members of certain minority groups to take active steps to include women and members of those groups in the construction industry; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)”.

Assemblyman Parks moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Parks.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 461 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 570—AN ACT relating to taxation; preventing the issuance of additional allodial titles; eliminating the authority for an heir to transfer and reestablish an allodial title; eliminating the authority to delete or add additional allodial titleholders; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 571—AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 461.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1116.

Amend section 1, page 1, lines 5 and 12, by deleting "teachers" and inserting "licensed personnel".

Amend section 1, page 2, lines 3 and 6, by deleting "teachers" and inserting "licensed employees".

Amend section 1, page 2, line 11, after "(3)" by inserting: "A program for the mentoring of teachers that provides for the payment of increased compensation for mentor teachers and that includes criteria for the selection of mentor teachers and teachers who will be mentored.

(4)".

Amend section 1, page 2, line 12, by deleting "teachers" and inserting "licensed employees".

Amend section 1, page 2, by deleting line 14 and inserting: "and to retain licensed employees who teach in at-risk schools.

(5) The payment of signing bonuses and other financial incentives for licensed employees who:

(I) Are newly hired by the school district and have been employed by the school district for at least 30 days; and

(II) Have not been previously employed by a school district in this State.

(6) The payment of bonuses to licensed employees based upon the attainment of specified standards of achievement by pupils.

(7) Notwithstanding the provisions of NRS 391.165 to the contrary, the payment to licensed employees of the cost of purchasing service pursuant to subsection 2 of NRS 286.300 or the payment of equivalent financial incentives. If a school district makes payments pursuant to this subparagraph,

it shall be deemed to have complied with NRS 391.165 on behalf of each employee who is otherwise eligible for the purchase of service pursuant to that section for each year of the 2005-2007 biennium that the school district makes payments pursuant to this subparagraph.”.

Amend section 1, page 2, line 17, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 25, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, between lines 27 and 28, by inserting:

“4. The Department of Education shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1, 2005, and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

5. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining qualified licensed personnel. On or before February 1, 2007, the board of trustees shall submit a report of its evaluation and any recommendations to the:

(a) State Board of Education.

(b) Department of Education.

(c) Legislative Committee on Education.

(d) Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 3, page 2, by deleting line 32 and inserting:

“Sec. 3. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula defining at-risk schools and on July 1, 2005, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2005.”.

Amend the title of the bill, fifth line, by deleting “teachers;” and inserting “licensed personnel;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education for programs of performance pay and enhanced compensation for recruitment, retention and mentoring of licensed personnel. (BDR S-1391)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly recede from its action on Senate Bill No. 226.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Theile and Alec Theile.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Krysten Bartshe.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Gladis Diaz, Miguel Akiu, Estefan Arellano-Valdivia, Kyle Barnes, Lucas Bryant, Angelina Carrasco, Nasaria Cortez, Daniel De La Cruz, Jacob Dykman, Cristian Garcia Garcia, Rolando Gonzalez, Robert Johnson, Christian Maine-Niiranen, Briana Moore, Nicole Osborne, Brittany Perwein Higley, Roxanne Saxen-Vazquez, Gabriel Serafin Gonzalez, Elda Serrano, Nelson Stoelo Bonilla, Jacqueline Stille, Tiffany Syfers, Abraham Taberes Villalpando, Elias Teschera, Florence Vazquez-Vela, Samson Walsh, Jena Zimmerman, Kathy Lawrence, Leidy Cecilia Chavez, Ana-Sylvia Contreras, Edy Cortes, Andrea Cortez, Eduardo Cuevas, Dawson Dargay, Kendra Davis, Adrian Drummond, Jorge Duran, Dallas Geiger, Christina Gunyah, Charles Hayes, William Hogueison, Rachel Noland, Isaura Ortiz, Joseph Pelletier, Tyler Quinones, Megan Reed, Melissa Schroeder, Nicole Seward, Omar Valdez, Samantha Vest, Andrea Weakland, Taya Webb, Tiffany Wegley, William Protz, Thomas Acosta, Miranda Barton, Sandra Brauer, Edgar Cano, Cierra Clark, Caryssa Cook, Alexandria Dixon, Michael Dusten, Bryam Escobar Castellon, Samuel Gutierrez, Rachel Hobbs, Christopher Johnson, Kaitlyn Kersey, Toby Martinez, Joshua McKinney, David Miller, Joseph Morales, Eric Nitsch, Jessica Pfennig, Dalton Rahn, Harleyrose Stephenson,

Julio Valdivia, Ingrid Vargas Medina, Ricoardo Velazquez, Andrea Ward, and Jordan Zito.

Assemblyman Ocegüera moved that the Assembly adjourn until Wednesday, June 1, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:59 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), June 1, 2005

Assembly called to order at 12:25 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, our Maker and our Sustainer, guide us to the straight path. Show us truth in a clear way, and enable us to follow it, and defend it. Show us falsehood in an unmistakable way, and enable us to avoid it, and reject it. Almighty God, who taught all prophets and messengers, teach us from Your infinite knowledge; instill in our hearts the wisdom You instilled in theirs, and make it our guide in life. Almighty God, bless our nation, our leaders, and lawmakers in this Assembly with the best of Your guidance.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 77 and 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 526, Amendment No. 1056, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 51, Senate Amendment No. 801, and requests a conference, and appointed Senators Washington, Nolan and Care as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 390.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment Nos. 930, 1073 to Senate Bill No. 32; Assembly Amendment No. 886 to Senate Bill No. 41; Assembly Amendment Nos. 816, 1020 to Senate Bill No. 64; Assembly Amendment No. 824 to Senate Bill No. 83; Assembly Amendment No. 760 to Senate Bill No. 134; Assembly Amendment No. 940 to Senate Bill No. 146; Assembly Amendment No. 887 to Senate Bill No. 150; Assembly Amendment No. 873 to Senate Bill No. 155; Assembly Amendment No. 857 to Senate Bill No. 172; Assembly Amendment No. 1022 to Senate Bill No. 214; Assembly Amendment No. 855 to Senate Bill No. 234; Assembly Amendment No. 997 to Senate Bill No. 235; Assembly Amendment Nos. 907, 1090 to Senate Bill No. 262; Assembly Amendment No. 1066 to Senate Bill No. 267; Assembly Amendment No. 854 to Senate Bill No. 287; Assembly Amendment No. 717 to Senate Bill No. 293; Assembly Amendment No. 1080 to Senate Bill No. 343; Assembly Amendment Nos. 796, 1031 to Senate Bill No. 347; Assembly Amendment No. 786 to Senate Bill No. 411; Assembly Amendment No. 826 to Senate Bill No. 415; Assembly Amendment No. 910 to Senate Bill No. 421; Assembly Amendment No. 754 to Senate Bill No. 422; Assembly Amendment No. 882 to Senate Bill No. 432; Assembly Amendment No. 956 to Senate Bill No. 444; Assembly Amendment No. 814 to Senate Bill No. 450; Assembly Amendment No. 795 to Senate Bill No. 452; Assembly Amendment No. 943 to Senate Bill No. 458; Assembly Amendment No. 1005 to Senate Bill No. 466; Assembly Amendment No. 993 to Senate Bill No. 488; Assembly Amendment No. 955 to Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment Nos. 903, 1093 to Senate Bill No. 20; Assembly Amendment No. 1041 to Senate Bill No. 198; Assembly Amendment No. 929 to Senate Bill No. 212; Assembly Amendment No. 928 to Senate Bill No. 221; Assembly Amendment Nos. 942, 1042 to Senate Bill No. 296; Assembly Amendment No. 905 to Senate Bill No. 302; Assembly Amendment No. 1097 to Senate Bill No. 328; Assembly Amendment No. 815 to Senate Bill No. 338; Assembly Amendment No. 838 to Senate Bill No. 367; Assembly Amendment No. 889 to Senate Bill No. 426.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Assemblyman Bob Seale.

For: Assembly Bill No. 570.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 31, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 390.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Roll call on Assembly Bill No. 98:

YEAS—42.

NAYS—None.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Leslie moved that Assembly Bill No. 460 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 107 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 499 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 500 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 500.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1128.

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

“Sec. 40.5. NRS 281.4365 is hereby amended to read as follows:

281.4365 1. “Public officer” means a person elected or appointed to a position which is established by the Constitution of the State of Nevada, a statute of this State or an ordinance of any of its counties or incorporated

cities and which involves the exercise of a public power, trust or duty. As used in this section, “the exercise of a public power, trust or duty” means:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

(b) The expenditure of public money; and

(c) The ~~enforcement~~ *administration* of laws and rules of the State, a county or a city.

2. “Public officer” does not include:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

(d) A county health officer appointed pursuant to NRS 439.290.

3. “Public office” does not include an office held by:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or

(d) A county health officer appointed pursuant to NRS 439.290.”.

Amend the bill as a whole by deleting sections 41 through 51 and adding: “Secs. 41-51. (Deleted by amendment.)”.

Amend the title of the bill by deleting the fourteenth through eighteenth lines and inserting: “the provisions governing requests for bill drafts made by Legislators; revising the definition of “public officer” for the purposes of the Nevada Ethics in Government Law; providing a civil penalty; and providing other”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 499.

Bill read third time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1127.

Amend sec. 6, page 3, by deleting lines 3 through 6 and inserting:

“2. A district attorney has concurrent jurisdiction to investigate and prosecute a person who is alleged to have violated a provision of NRS 293.1755, 293.504, 293.5045, 293.505, 293.5235, subsection 1, 4 or 5 of NRS 293.800 or NRS 293.805, 293.810 or 293C.200.”

Amend the bill as a whole by renumbering sections 14 and 15 as sections 23 and 24 and adding new sections designated sections 14 through 22, following sec. 13, to read as follows:

“Sec. 14. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. ~~Except as otherwise provided in NRS 294A.345 and 294A.346, if~~ If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include any information in support of the alleged violation.

Sec. 15. NRS 281.461 is hereby amended to read as follows:

281.461 1. The Commission shall:

(a) At its first meeting and annually thereafter elect a Chairman and Vice Chairman from among its members.

(b) Meet regularly at least once in each calendar quarter, unless there are no requests made for an opinion pursuant to NRS 281.511, ~~[294A.345 or 294A.346,]~~ and at other times upon the call of the Chairman.

2. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission.

3. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.

Sec. 16. NRS 281.4635 is hereby amended to read as follows:

281.4635 1. In addition to any other duties imposed upon him, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281.511 . ~~[, 294A.345 or 294A.346.]~~

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the

panel appointed pursuant to NRS 281.462 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that he considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that he is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of his duties relating to:

- (a) The administration of the affairs of the Commission;
- (b) The review of statements of financial disclosure; and
- (c) The investigation of matters under the jurisdiction of the Commission.

Sec. 17. NRS 281.465 is hereby amended to read as follows:

281.465 1. The Commission has jurisdiction to investigate and take appropriate action regarding an alleged violation of {:

~~(a) This} this chapter by a public officer or employee or former public officer or employee in any proceeding commenced by:~~

~~{{(1)} (a) The filing of a request for an opinion with the Commission; or~~

~~{{(2)} (b) The Commission on its own motion.~~

~~{{(b) NRS 294A.345 or 294A.346 in any proceeding commenced by the filing of a request for an opinion pursuant thereto.}}~~

2. The provisions of ~~paragraph (a) of~~ subsection 1 apply to a public officer or employee who:

(a) Currently holds public office or is publicly employed at the commencement of proceedings against him.

(b) Resigns or otherwise leaves his public office or employment:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the alleged violation or reasonable discovery of the alleged violation.

Sec. 18. NRS 281.475 is hereby amended to read as follows:

281.475 1. The Chairman and Vice Chairman of the Commission may administer oaths.

2. The Commission, upon majority vote, may issue a subpoena to compel the attendance of a witness and the production of books and papers. Upon the request of the Executive Director or the public officer or public employee

who is the subject of a request for an opinion, the Chairman or, in his absence, the Vice Chairman, may issue a subpoena to compel the attendance of a witness and the production of books and papers.

3. Before issuing a subpoena to a public officer or public employee who is the subject of a request for an opinion, the Executive Director shall submit a written request to the public officer or public employee requesting:

- (a) His appearance as a witness; or
- (b) His production of any books and papers relating to the request for an opinion.

4. Each written request submitted by the Executive Director pursuant to subsection 3 must specify the time and place for the attendance of the public officer or public employee or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or public employee fails or refuses to attend at the time and place specified or produce the books and papers requested by the Executive Director within 5 business days after receipt of the request, the Chairman may issue the subpoena. Failure of the public officer or public employee to comply with the written request of the Executive Director shall be deemed a waiver by the public officer or public employee of the time set forth in subsections 3 and 4 of NRS 281.511.

5. If any witness refuses to attend, testify or produce any books and papers as required by the subpoena, the Chairman of the Commission may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

6. ~~{Except as otherwise provided in this subsection, upon}~~ Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced the books or papers before the Commission. ~~{If the witness has been subpoenaed by the Commission in response to a request for an opinion filed pursuant to NRS 294A.345 or 294A.346, the court shall direct the witness to appear before the court as expeditiously as possible to allow the Commission to render its opinion within the time required by NRS 281.477.}~~ A certified copy of the order must be served upon the witness.

7. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the

Commission, at the time and place fixed in the order, and testify or produce the required books and papers. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 19. NRS 281.521 is hereby amended to read as follows:

281.521 ~~[1.]~~ The Commission's opinions may include guidance to a public officer or employee on questions whether:

~~[(a)]~~ 1. A conflict exists between his personal interest and his official duty.

~~[(b)]~~ 2. His official duties involve the use of discretionary judgment whose exercise in the particular matter would have a significant effect upon the disposition of the matter.

~~[(c)]~~ 3. The conflict would materially affect the independence of the judgment of a reasonable person in his situation.

~~[(d)]~~ 4. He possesses special knowledge which is an indispensable asset of his public agency and is needed by it to reach a sound decision.

~~[(e)]~~ 5. It would be appropriate for him to withdraw or abstain from participation, disclose the nature of his conflicting personal interest or pursue some other designated course of action in the matter.

~~[2.—Except as otherwise provided in NRS 281.477, 294A.345 and 294A.346, the Commission's opinions may not include guidance to a public officer or employee on questions regarding the provisions of chapter 294A of NRS.]~~

Sec. 20. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed \$5,000 for a first willful violation of this chapter;

(b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511 ~~[.]~~ against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. ~~[In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any~~

~~person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.~~

~~5.]~~ If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, ~~fit~~ *the Commission* shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

~~{6.]~~ 5. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee:

(a) Relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) Was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) Took action that was not contrary to a prior published opinion issued by the Commission.

~~{7.]~~ 6. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

~~{8.]~~ 7. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

~~{9.]~~ 8. The imposition of a civil penalty pursuant to ~~subsections 1 to 4, inclusive,~~ *subsection 1, 2 or 3* is a final decision for the purposes of judicial review.

~~{10-}~~ 9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 21. NRS 281.477, 294A.345 and 294A.346 are hereby repealed.

Sec. 22. The amendatory provisions of sections 14 to 21, inclusive, of this act do not apply to conduct that occurred before October 1, 2005, or to the jurisdiction, duties, powers or proceedings of the Commission on Ethics relating to such conduct.”.

Amend sec. 15, page 7, line 28, after “14” by inserting:
“to 23, inclusive,”.

Amend the bill as a whole by adding the text of repealed sections, following sec. 15, to read as follows:

“

TEXT OF REPEALED SECTIONS

281.477 Public hearing on request for opinion as to whether person committed act to impede success of political campaign: Request; notice; response; continuance; actions of Commission; judicial review of final opinion.

1. If a request for an opinion is filed with the Commission pursuant to NRS 294A.345 or 294A.346, the Commission shall conduct a public hearing on the request. Except as otherwise provided in subsection 6, the hearing must be held as expeditiously as possible, but not later than 15 days after the receipt of the request for the opinion.

2. Such a request must be accompanied by all evidence and arguments to be offered by the requester concerning the issues related to the request. Except as otherwise provided in this subsection, if such evidence and arguments are not submitted with the request, the Commission may:

(a) Draw any conclusions it deems appropriate from the failure of the person or group of persons requesting the opinion to submit the evidence and arguments, other than a conclusion that a person alleged to have violated NRS 294A.345 acted with actual malice; and

(b) Decline to render an opinion.

The provisions of this subsection do not prohibit the Commission from considering evidence or arguments presented by the requester after submission of the request for an opinion if the Commission determines that consideration of such evidence or arguments is in the interest of justice.

3. The Commission shall immediately notify any person alleged to have violated NRS 294A.345 or 294A.346 that such an opinion has been requested by the most expedient means possible. If notice is given orally by telephone or in any other manner, a second notice must be given in writing not later than the next calendar day by facsimile machine or overnight mail. The notice must include the time and place of the Commission’s hearing on the matter.

4. A person notified pursuant to subsection 3 shall submit a response to the Commission not later than the close of business on the second business day following the receipt of the notice. The response must be accompanied by any evidence concerning the issues related to the request that the person has in his possession or may obtain without undue financial hardship. Except as otherwise provided in this subsection, if such evidence is not submitted within that time, the Commission may:

(a) Draw any conclusions it deems appropriate from the failure of that person to submit the evidence and argument; and

(b) Prohibit that person from responding and presenting evidence at the hearing.

The provisions of this subsection do not prohibit the Commission from allowing that person to respond and present evidence or arguments, or both, after the close of business on the second business day if the Commission determines that consideration of such evidence or arguments is in the interest of justice.

5. Except as otherwise provided in subsection 4, the Commission shall allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

(a) Be represented by counsel; and

(b) Hear the evidence presented to the Commission and respond and present evidence on his own behalf.

6. At the request of:

(a) The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346; or

(b) The person alleged to have violated the provisions of NRS 294A.345 or 294A.346,

the Commission may grant a continuance of a hearing held pursuant to the provisions of this section upon a showing of the existence of extraordinary circumstances that would prohibit the Commission from rendering a fair and impartial opinion. A continuance may be granted for not more than 15 days. Not more than one continuance may be granted by the Commission pursuant to this subsection.

7. The person or group of persons that filed the request for the opinion pursuant to NRS 294A.345 or 294A.346 has the burden of proving the elements of the offense, including that a person alleged to have violated NRS 294A.345 acted with actual malice. The existence of actual malice may not be presumed. A final opinion of the Commission rendered pursuant to this section must be supported by clear and convincing evidence. In addition to the other requirements for issuing an opinion pursuant to this subsection, the Commission shall not render a final opinion determining that a person has violated NRS 294A.345 unless the Commission makes specific findings that:

(a) The person caused to be published a false statement of fact concerning a candidate;

(b) The person acted with actual malice in causing the false statement to be published;

(c) The person acted with the intent to impede the success of the campaign of the candidate in causing the false statement to be published; and

(d) The publication of the false statement did in fact impede the success of the campaign of the candidate.

In addition to the other requirements for issuing an opinion pursuant to this subsection, the Commission shall not render a final opinion determining that a person has violated NRS 294A.345 or 294A.346 unless a finding that each of the elements of the offense has been proven receives the affirmative vote of two-thirds of the Commission.

8. The Commission shall render its opinion, or decline to render an opinion, as expeditiously as possible, but not later than 3 days after the date of the hearing. If additional time is required to determine the state of mind or the intent of the person alleged to have violated the provisions of NRS 294A.345 or 294A.346 or to determine the amount of any civil penalty that may be imposed pursuant to NRS 281.551, the Commission may continue its jurisdiction to investigate those issues but shall render its opinion as to the truth or falsity of the statement made concerning the candidate or the ballot question or its opinion as to whether the person impeded the success of the campaign or induced another person to impede the success of the campaign. If the Commission continues its jurisdiction pursuant to this subsection, it may render a final opinion after the time set forth in this subsection.

9. A final opinion of the Commission rendered pursuant to this section is subject to judicial review pursuant to NRS 233B.130. The district court shall give a petition for judicial review of a final opinion of the Commission priority over other civil matters that are not expressly given priority by law. Notwithstanding the provisions of NRS 233B.130, the court may provide for such expedited review of the final opinion, including shortened periods for filing documents, as it deems appropriate for the circumstances.

10. Each request for an opinion filed pursuant to NRS 294A.345 or 294A.346, each opinion rendered by the Commission pursuant thereto and any motion, evidence or record of a hearing relating to the request are public and must be open to inspection pursuant to NRS 239.010.

11. For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking any action related to the rendering of an opinion pursuant to this section.

12. Except as otherwise provided in this section, a meeting or hearing held by the Commission to carry out the provisions of this section and the Commission's deliberations on the information or evidence are not subject to any provision of chapter 241 of NRS.

13. As used in this section:

(a) "Actual malice" has the meaning ascribed to it in NRS 294A.345.

(b) "Publish" has the meaning ascribed to it in NRS 294A.345.

294A.345 Impeding success of campaign of candidate by causing publication of certain false statements of fact concerning candidate prohibited; civil penalty imposed by Commission on Ethics.

1. A person shall not, with actual malice and the intent to impede the success of the campaign of a candidate, impede the success of the candidate by causing to be published a false statement of fact concerning the candidate, including, without limitation, statements concerning:

- (a) The education or training of the candidate.
- (b) The profession or occupation of the candidate.
- (c) Whether the candidate committed, was indicted for committing or was convicted of committing a felony or other crime involving moral turpitude, dishonesty or corruption.
- (d) Whether the candidate has received treatment for a mental illness.
- (e) Whether the candidate was disciplined while serving in the military or was dishonorably discharged from service in the military.
- (f) Whether another person endorses or opposes the candidate.
- (g) The record of voting of a candidate if he formerly served or currently serves as a public officer.

2. Any candidate who alleges that a false statement of fact concerning the candidate has been published in violation of subsection 1 may file a request for an opinion with the Commission on Ethics pursuant to NRS 281.411 to 281.581, inclusive. Such a request must be filed with the Commission not later than 10 days after the date on which the false statement of fact is alleged to have been made. The Commission shall give priority to such a request over all other matters pending with the Commission.

3. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the Commission on Ethics pursuant to NRS 281.551.

4. As used in this section:

- (a) “Actual malice” means knowledge of the falsity of a statement or reckless disregard for whether a statement is true or false.
- (b) “Publish” means the act of printing, posting, broadcasting, mailing, speaking or otherwise disseminating.

294A.346 Impeding success or inducing another to impede success of campaign of candidate or for ballot question prohibited; civil penalty imposed by Commission on Ethics.

1. An employee, agent or volunteer of the campaign of a candidate shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

2. A person shall not willfully, to impede the success of the campaign of a candidate, offer or give an item of value to:

- (a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

3. An employee, agent or volunteer of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, shall not willfully perform any act in the course of his employment, agency or volunteering that impedes the success of that campaign.

4. A person shall not willfully, to impede the success of a campaign for the passage or defeat of a question on the ballot at any election, including any recall or special election, offer or give an item of value to:

(a) A person to induce him to obtain a position as an employee, agent or volunteer for that campaign and perform any act in the course of his employment, agency or volunteering to impede the success of that campaign; or

(b) An employee, agent or volunteer for that campaign to induce him to perform any act in the course of his employment, agency or volunteering to impede the success of that campaign.

5. Any candidate who alleges that a person has violated the provisions of subsection 1 or 2, and any person or group of persons that advocates the passage or defeat of a question on the ballot at any election, is required to file a report pursuant to NRS 294A.150, and alleges that a person has violated the provisions of subsection 3 or 4, may file a request for an opinion with the Commission on Ethics pursuant to NRS 281.411 to 281.581, inclusive. Such a request must be filed with the Commission not later than 10 days after the date of the election with respect to which the alleged violation occurred. The Commission shall give priority to such a request over all matters pending with the Commission.

6. A person who violates the provisions of this section is subject to a civil penalty that may be imposed by the Commission on Ethics pursuant to NRS 281.551.”.

Amend the title of the bill to read as follows:

“AN ACT relating to government; requiring an election board to have a copy of a list of all registered voters in the county who are eligible to vote in an election; providing that public high schools and public libraries must serve as a site at which a person may obtain an application to register to vote; revising the provisions relating to powers of a chairman of an election board; providing that a district attorney has concurrent jurisdiction with the Secretary of State to enforce certain provisions relating to elections; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to public office. (BDR 24-898)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 461.

Bill read third time.

Roll call on Assembly Bill No. 461:

YEAS—42.

NAYS—None.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Roll call on Senate Bill No. 89:

YEAS—42.

NAYS—None.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Roll call on Senate Bill No. 98:

YEAS—42.

NAYS—None.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 311:

YEAS—41.

NAYS—Angle.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1132.

Amend section 1, pages 3 and 4, by deleting lines 41 through 43 on page 3 and line 1 on page 4, and inserting:

"4. Except as otherwise provided in this section, the board of"

Amend section 1, page 4, by deleting lines 13 and 14 and inserting:
~~"vehicles in connection with those courses."~~ *or charter school, as applicable.*

5. *The board of trustees of each school district and the governing body of each charter school are encouraged to enter into agreements with vehicle dealers pursuant to which the vehicle dealers donate motor vehicles for use in that component of courses of automobile drivers' education which is conducted in a motor vehicle pursuant to this section. As used in this subsection, "vehicle dealer" has the meaning ascribed to it in NRS 482.020."*

Amend the bill as a whole by renumbering sections 2 through 6 as sections 3 through 7 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) ~~[Except as otherwise provided in paragraph (c), a]~~ A license to a person between the ages of 15 3/4 and 18 years if:

(1) He has completed a course:

(I) In automobile drivers' education pursuant to NRS 389.090; or

(II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the State Board of Education pursuant to NRS 389.090;

(2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;

(3) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the training and experience required by subparagraphs (1) and (2); and

(4) He has held an instruction permit for at least:

(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;

(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or

(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.

~~{(e) A license to a person who is between the ages of 15 3/4 and 18 years if:~~

~~(1) The public school in which he is enrolled is located in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000;~~

~~(2) The public school does not offer automobile drivers' education;~~

~~(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;~~

~~(4) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the experience required by subparagraph (3); and~~

~~(5) He has held an instruction permit for at least:~~

~~(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;~~

~~(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or~~

~~(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.]~~

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.”.

Amend sec. 4, page 6, line 27, by deleting “3” and inserting “4”.

Amend the title of the bill, sixth line, after “education;” by inserting: “encouraging school districts and charter schools to enter into agreements with vehicle dealers for the donation of motor vehicles for use in courses of automobile drivers’ education;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 464.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1130.

Amend sec. 18, page 4, by deleting lines 15 and 16 and inserting:

“Sec. 18. 1. *The Department may adopt regulations establishing:*

(a) *Reporting requirements for manufacturers and wholesale dealers; and*

(b) *Procedures for the electronic submission of reports required pursuant to any reporting requirements established under paragraph (a).*

2. *Any regulations adopted pursuant to subsection 1 relating to reporting requirements for manufacturers must provide for submission to the Department of periodic reports of:”.*

Amend sec. 18, page 4, by deleting line 30 and inserting:

“3. *Any regulations adopted pursuant to subsection 1 relating to reporting requirements for wholesale dealers must provide for submission to the Department of”.*

Amend sec. 18, page 5, by deleting line 35 and inserting:

“4. *Any reports required by regulations adopted pursuant to subsection 1 must be:”.*

Amend sec. 18, page 5, by deleting line 39 and inserting:

“5. *In each report required by regulations adopted pursuant to subsection 1, the information”.*

Amend sec. 18, pages 5 and 6, by deleting line 45 on page 5 and lines 1 through 5 on page 6, and inserting:

“6. *The reporting period for any reports required by regulations adopted pursuant to subsection 1 must be for a duration of not less than 1 month and not more than 3 months.”.*

Amend sec. 21, page 7, by deleting lines 22 through 26 and inserting: “*delivery sale; and*

(2) *A clear and conspicuous statement providing as follows:*”.

Amend sec. 22, page 7, by deleting lines 40 through 42 and inserting: *“calendar month, except a delivery service, shall create and maintain records containing the following information relating to every such delivery sale:”*.

Amend sec. 22, page 8, between lines 2 and 3, by inserting:

“ The records required by this section must be provided to the Department at the Department’s request and must be retained for not less than 3 years after the date of the applicable transaction unless the Department, in writing, authorizes the records to be removed or destroyed at an earlier time.”.

Amend sec. 23, page 8, by deleting lines 26 through 29.

Amend sec. 31, page 11, line 13, after *“delivered”* by inserting: *“, sold, exchanged, transported, distributed”*.

Amend sec. 44, page 17, by deleting lines 8 through 25 and inserting:

“(a) To alter, forge or counterfeit any license, stamp or cigarette tax meter impression provided for in this chapter;

(b) To have in his possession any forged, counterfeited, spurious or altered license, stamp or cigarette tax meter impression, with the intent to use the same, knowing or having reasonable grounds to believe the same to be such;

(c) To have in his possession one or more cigarette stamps or cigarette tax meter impressions which he knows have been removed from the pieces of packages or packages of cigarettes to which they were affixed;

(d) To affix to any piece of a package or package of cigarettes a stamp or cigarette tax meter impression which he knows has been removed from any other piece of a package or package of cigarettes; or

(e) To have in his possession for the purpose of sale cigarettes which do not bear indicia of the State of Nevada excise tax stamping. Presence of the cigarettes in a cigarette vending machine is prima facie evidence of the purpose to sell.”.

Amend the bill as a whole by deleting sec. 51 and adding new sections designated sections 51 and 52, following sec. 50, to read as follows:

“Sec. 51. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes, is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny, theft if it is punishable as a felony, or pandering;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.465, 202.265, 202.287, 205.473 to 205.513, inclusive, ~~and~~ 205.610 to 205.810, inclusive, 370.380 or section 26, 27 or 28 of this act, or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 52. 1. This section and sections 1 to 34, inclusive, 36 and 39 to 51, inclusive, of this act become effective upon passage and approval.

2. Sections 35 and 37 of this act become effective on January 1, 2006.

3. Section 38 of this act becomes effective on July 1, 2007."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 568.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1129.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 46, following the enacting clause, to read as follows:

“Section 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 40, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Arbitration” means a process of dispute resolution where the parties involved in an impasse or grievance dispute submit their dispute to a third party for a final and binding decision.*

Sec. 4. *“Board” means the Public Employment Relations Board created pursuant to NRS 288.080.*

Sec. 5. *“Confidential employee” means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of personnel policies or managerial policies concerning discussions of workplace relations or supplemental discussions of workplace relations.*

Sec. 6. *“Discussions of workplace relations” means a method to determine the terms and conditions of employment for all employees within a workplace relations unit through negotiation, mediation or arbitration between the Executive Department and the exclusive representative of the workplace relations unit pursuant to this chapter.*

Sec. 7. 1. *“Employee” means a person who:*

(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS, including, without limitation, persons employed in the classified service by the University and Community College System of Nevada; or

(b) Is employed by the Public Employees’ Retirement System and who is required to be paid in accordance with the pay plan for the classified service of the State.

2. *The term does not include:*

(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;

(b) An elected official and any person appointed to fill a vacancy in an elected office;

(c) A confidential employee;

(d) A temporary employee who is employed for a fixed period of 4 months or less;

(e) A commissioned officer and an enlisted member of the Nevada National Guard;

(f) A justice of the Supreme Court and a judge of a district court;

(g) Inmates of state institutions even though they may be receiving compensation for services performed for the institution; and

(h) Any person employed by the Legislature.

Sec. 8. "Exclusive representative" means an employee organization that, as a result of designation by the Board, has the exclusive right to represent all employees within a workplace relations unit and to negotiate with the Executive Department pursuant to this chapter concerning the terms and conditions of employment for those employees.

Sec. 9. "Executive Department" means an agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department of State Government.

Sec. 10. "Grievance" means an act, omission or occurrence which an employee or the exclusive representative feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 11. "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department and an exclusive representative through interpretation, suggestion and advice.

Sec. 12. "Professional employee" means an employee engaged in work that:

1. Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;

2. Involves the consistent exercise of discretion and judgment in its performance;

3. Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and

4. Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.

Sec. 13. "Supervisory employee" means an employee who has authority to:

1. Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or who has the responsibility to direct such employees; or

2. Adjust the grievances of other employees or effectively recommend such an action, if the exercise of that authority requires the use of independent judgment and is not of a routine or clerical nature.

The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday. Nothing in this section may be construed to mean that an employee who has been given incidental administrative duties is classified as a supervisory employee.

Sec. 14. "Terms and conditions of employment" includes, without limitation:

1. *Hours and working conditions;*
2. *Grievances;*
3. *Discipline and discharge; and*
4. *Any other term or condition of employment that does not require an appropriation from the Legislature to be given effect.*

Sec. 15. "Workplace relations unit" means a collection of employees that the Board has established as a workplace relations unit pursuant to section 25 of this act.

Sec. 16. 1. *The Legislature hereby finds and declares that there is a great need to:*

(a) Promote orderly and constructive relations between the State and its employees; and

(b) Increase the efficiency of State Government.

2. *It is therefore within the public interest that the Legislature enact provisions:*

(a) Granting certain state employees the right to associate with others in organizing and choosing representatives for the purpose of discussing workplace relations;

(b) Requiring the State to recognize, negotiate and discuss workplace relations with employee organizations that represent state employees and to enter into written agreements evidencing the result of discussions of workplace relations; and

(c) Establishing standards and procedures that protect the rights of state employees, the Executive Department and the people of the State.

Sec. 17. 1. *The Board may make rules governing:*

(a) Proceedings before it;

(b) Procedures for fact-finding;

(c) The recognition of exclusive representatives;

(d) The determination of workplace relations units; and

(e) Such other rules as are necessary for the Board to carry out its duties pursuant to this chapter.

2. *The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, an employee or an exclusive representative. The Board shall conduct a hearing within 90 days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by*

that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

Sec. 18. 1. For the purpose of hearing and deciding appeals or complaints, the Board may issue subpoenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.

2. The district court in and for the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board.

3. In the case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.

4. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court shall thereupon enter an order

that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 19. Every hearing and determination of an appeal or complaint by the Board is a contested case subject to the provisions of law which govern the administrative decision and judicial review of such cases.

Sec. 20. 1. For the purposes of discussions of workplace relations, supplemental discussions of workplace relations and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist employee organizations, engage in discussions of workplace relations and supplemental discussions of workplace relations through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Discussions of workplace relations and supplemental discussions of workplace relations entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to discuss workplace relations in good faith with respect to:

(a) The terms and conditions of employment;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

Sec. 21. 1. Each workplace relations agreement must be in writing and must include, without limitation:

(a) A procedure to resolve grievances which culminates in final and binding arbitration; and

(b) A provision which provides that an officer of the Executive Department may, upon written authorization by an employee within the workplace relations unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the workplace relations unit.

2. Except as otherwise provided in subsection 3, the procedure to resolve grievances required in an agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances related to the administration of the agreement.

3. An employee in a workplace relations unit may pursue a grievance related to any disciplinary action taken against him by his employer through the procedure:

(a) Provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) Any procedure available to him pursuant to the provisions of chapter 284 of NRS,

but once the employee has properly filed his grievance pursuant to paragraph (a) or (b), he may not proceed to file his grievance in the alternative manner.

4. In the event of a conflict between a provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provisions of the agreement prevail unless the provisions of the agreement are outside of the lawful scope of discussions of workplace relations.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 22. 1. It is a prohibited practice for the Executive Department or its designated representative willfully to:

(a) Refuse to engage in discussions of workplace relations or otherwise fail to discuss workplace relations in good faith with an exclusive representative, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to this chapter.

(c) Dominate, interfere with or assist in the formation or administration of an employee organization.

(d) Discriminate in regard to hiring, tenure or any terms and conditions of employment to encourage or discourage membership in an employee organization.

(e) Discharge or otherwise discriminate against an employee because the employee has:

(1) Signed or filed an affidavit, petition or complaint or has provided any information or given any testimony pursuant to this chapter; or

(2) Formed, joined or chosen to be represented by an employee organization.

(f) Discriminate because of race, color, religion, sex, sexual orientation, age, disability, national origin, or political or personal reasons or affiliations.

(g) Deny rights accompanying a designation as an exclusive representative.

2. It is a prohibited practice for an employee organization or its designated agent willfully to:

(a) When acting as an exclusive representative, refuse to engage in discussions of workplace relations or otherwise fail to discuss workplace relations in good faith with the Executive Department, including, without limitation, refusing to engage in mediation or arbitration.

(b) Interfere with, restrain or coerce an employee in the exercise of any right guaranteed pursuant to this chapter.

(c) Discriminate because of race, color, religion, sex, sexual orientation, age, disability, national origin, or political or personal reasons or affiliations.

Sec. 23. 1. To establish that a party committed a prohibited practice in violation of section 22 of this act, the party aggrieved by the practice must:

(a) File a complaint with the Board not later than 6 months after the alleged prohibited practice occurred; and

(b) Send a copy of the complaint to the other party by certified mail, return receipt requested, or by any other method authorized by the Board.

2. Not later than 10 days after receiving a complaint pursuant to paragraph (b) of subsection 1, a party shall file a response to the complaint with the Board.

3. The Board shall conduct a preliminary investigation of the complaint. Based on its investigation:

(a) If the Board determines that the complaint has no basis in law or fact, the Board must dismiss the complaint.

(b) If the Board determines that the complaint may have a basis in law or fact, the Board must order a hearing to be conducted in accordance with:

(1) The provisions of chapter 233B of NRS that apply to a contested case; and

(2) The rules established by the Board pursuant to section 17 of this act.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board may petition the district court for enforcement of its orders.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 24. 1. The Board may appoint a hearing officer to conduct a hearing which may be conducted by the Board pursuant to section 23 of this act.

2. A decision of the hearing officer may be appealed to the Board.

3. On appeal to the Board, the Board may consider the record of the hearing or conduct a hearing de novo. A hearing de novo conducted by the Board must be conducted in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) The rules established by the Board pursuant to section 17 of this act.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board may petition the district court for enforcement of its orders.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 days after being served with the order or decision of the Board.

Sec. 25. 1. The Board shall, in accordance with the rules established pursuant to section 17 of this act, establish workplace relations units on a statewide basis, including, without limitation, the workplace relations units described in subsection 2.

2. The Board shall establish one workplace relations unit for each of the following occupational groups, and each such workplace relations unit must include all supervisory employees at the working level of the occupational group:

(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.

(b) Administrative and clerical employees, including, without limitation, paralegals and employees whose work involves general office work, or keeping or examining records and accounts.

(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and crew supervisors.

(d) Professional employees, including, without limitation, physical therapists and other employees in medical and other professions related to health.

(e) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who care for children.

(f) Category I and category II peace officers.

(g) Category III peace officers.

(h) Supervisory employees not otherwise included in other workplace relations units.

(i) Employees of the University and Community College System of Nevada, except such employees who are category I peace officers.

(j) Employees of the State Department of Conservation and Natural Resources who:

(1) Perform emergency fire suppression; or

(2) Provide direct support to the employees described in subparagraph (1).

3. The Board shall, in accordance with the rules established pursuant to section 17 of this act, establish the exact classifications of employees within each workplace relations unit. The Board may assign a new classification to a workplace relations unit based upon the similarity of the new classification to other classifications within the workplace relations unit.

4. The Board shall not change an established workplace relations unit arbitrarily.

5. The Board shall determine whether the employment functions of any group of employees performing managerial functions preclude the inclusion of those employees in a workplace relations unit.

6. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

Sec. 26. If no employee organization is designated as the exclusive representative of a workplace relations unit and an employee organization files with the Board a list of its membership showing that the employee organization represents more than 50 percent of the employees within the workplace relations unit, the Board shall designate the employee organization as the exclusive representative of the workplace relations unit without ordering an election.

Sec. 27. 1. If no employee organization is designated as the exclusive representative of a workplace relations unit, the Board shall order an election to be conducted within the workplace relations unit if:

(a) An employee organization files with the Board a written request for an election which includes a list of its membership showing that it represents at least 30 percent but not more than 50 percent of the employees within the workplace relations unit; and

(b) No other election to choose, change or discontinue representation has been conducted within the workplace relations unit during the preceding 12 months.

2. If the Board designates an employee organization as the exclusive representative of a workplace relations unit pursuant to subsection 1 or section 26 of this act, the Board shall order an election if:

(a) Either:

(1) Another employee organization files with the Board a written request for an election which includes a list of its membership showing that the employee organization represents at least 50 percent of the employees within the workplace relations unit; or

(2) A group of employees within the workplace relations unit files with the Board a written request for an election which includes a list showing that more than 50 percent of the employees within the workplace relations unit have requested that an election be conducted to change or discontinue representation; and

(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days or not less than 225 days before the date on which the current workplace relations agreement in effect for the workplace relations unit expires; and

(c) No other election to choose, change or discontinue representation has been conducted within the workplace relations unit during the preceding 12 months.

Sec. 28. 1. If the Board orders an election within a workplace relations unit pursuant to section 27 of this act, the Board shall order that each of the following be placed as a choice on the ballot for the election:

(a) If applicable, the employee organization that requested the election pursuant to section 27 of this act and the employee organization that is presently designated as the exclusive representative of the workplace relations unit pursuant to section 27 of this act;

(b) Any other employee organization that, on or before the date that is prescribed by the rules established by the Board, files with the Board a written request to be placed on the ballot for the election and includes with the written request a list of its membership showing that the employee organization represents at least 30 percent of the employees within the workplace relations unit; and

(c) A choice for "no representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the workplace relations unit as being without representation.

4. If an employee organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the employee organization as the exclusive representative of the workplace relations unit.

Sec. 29. 1. The Board shall preside over all elections that are conducted pursuant to this chapter and shall determine the eligibility requirements for employees to vote in any such election.

2. An employee organization that is placed as a choice on the ballot for an election or any employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 days after the date on which the notice of the results of the election is given by the Board.

3. In response to a written objection filed pursuant to subsection 2 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 30. 1. Except as otherwise provided in subsection 2, an exclusive representative shall:

(a) Act as the agent and exclusive representative of all employees within each workplace relations unit that it represents; and

(b) In good faith and on behalf of each workplace relations unit that it represents, individually or collectively, engage in discussions of workplace relations with the Executive Department concerning the terms and conditions of employment for the employees within each workplace relations unit that it represents, including, without limitation, any terms and conditions of employment that are within the scope of supplemental discussions of workplace relations pursuant to section 38 of this act.

2. If an employee is within a workplace relations unit that has an exclusive representative, the employee has the right to present grievances to the Executive Department at any time and to have those grievances adjusted without the intervention of the exclusive representative if:

(a) The exclusive representative is given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance; and

(b) The adjustment of the grievance is not inconsistent with the provisions of the workplace relations agreement or any supplemental workplace relations agreement then in effect.

Sec. 31. If the Board designates an employee organization as the exclusive representative of a workplace relations unit pursuant to this chapter, an officer of the Executive Department may not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of an employee within the workplace relations unit to pay dues or similar fees to an employee organization other than the employee organization that is the exclusive representative of the workplace relations unit.

Sec. 32. The Executive Department and an exclusive representative shall begin negotiations concerning a workplace relations agreement within 60 days after one party notifies the other party of the desire to negotiate.

Sec. 33. 1. If the parties do not reach a workplace relations agreement within 120 days after the date on which the parties began negotiations or any later date which is set by agreement of the parties, either party may request a mediator from the Federal Mediation and Conciliation Service.

2. The mediator shall bring the parties together as soon as possible after his appointment and shall attempt to settle each issue in dispute within 30 days after his appointment or any later date which is set by agreement of the parties.

Sec. 34. 1. If the mediator determines that his services are no longer helpful or if the parties do not reach a workplace relations agreement through mediation within 30 days after the appointment of the mediator or

any later date which is set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.

2. If the parties do not agree upon an impartial arbitrator within 5 days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date which is set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. The parties shall select an arbitrator from this list by alternately striking one name until the name of only one arbitrator remains, and that arbitrator must hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings within 60 days after his selection or any later date which is set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by the rules established by the Board. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of subpoenas in the same manner as the Board pursuant to section 18 of this act, and except as otherwise provided in subsection 6, the provisions of section 18 of this act apply to subpoenas issued by the arbitrator.

6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 35. 1. For each separate issue that is in dispute after arbitration proceedings are held pursuant to section 34 of this act, the arbitrator shall incorporate either the final offer of the Executive Department or the final offer of the exclusive representative into his decision. The arbitrator shall not revise or amend the final offer of either party on any issue.

2. To determine which final offers to incorporate into his decision, the arbitrator shall assess the reasonableness of:

- (a) The position of each party as to each issue in dispute; and
- (b) The contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the terms and conditions of employment for the employees within the workplace relations unit with the terms and conditions of employment for other employees performing similar services and for other employees generally:

- (1) In public employment in comparable communities; and
- (2) In private employment in comparable communities; and

(b) Consider, without limitation, such other factors as are normally or traditionally used as part of discussions of workplace relations, mediation, arbitration or other methods of dispute resolution to determine the terms and conditions of employment for employees in public or private employment.

4. The arbitrator shall render a written decision within 45 days after the conclusion of the arbitration proceedings or before any later date which is set by agreement of the parties.

5. Except as otherwise provided in section 36 of this act, each provision that is included in a decision of the arbitrator is final and binding upon the parties.

Sec. 36. 1. Except as otherwise provided in this section, a party may seek judicial review in the district court of the decision of an arbitrator made pursuant to section 35 of this act based upon jurisdictional grounds or upon the grounds that the decision:

- (a) Was procured by fraud, collusion or other similar unlawful means; or
- (b) Was not supported by competent, material and substantial evidence on the whole record and based upon the factors set forth in section 35 of this act.

2. If a party seeks judicial review pursuant to this section, the district court may stay the contested portion of the decision of the arbitrator until the court rules on the matter.

3. The district court may affirm or reverse the contested portion of the decision of the arbitrator, in whole or in part, but the court may not remand the matter to the arbitrator or require any additional fact-finding or decision making by the arbitrator.

4. If the district court reverses any part of the contested portion of the decision of the arbitrator, the court shall enter an order invalidating that part of the decision of the arbitrator, and that part of the decision of the arbitrator is void and must not be given effect.

Sec. 37. 1. If a provision of a workplace relations agreement does not require an amendment to existing statute by the Legislature to be given effect, the provision becomes effective pursuant to the provisions of the workplace relations agreement.

2. If a provision of the workplace relations agreement requires an amendment to existing statute by the Legislature to be given effect, the provision becomes effective, if at all, on the date on which the necessary amendment to existing statute becomes effective.

Sec. 38. 1. Except as otherwise provided in this section, the Executive Department and the exclusive representative of the workplace relations unit may engage in supplemental discussions of workplace relations concerning any terms and conditions of employment which are peculiar to or which uniquely affect fewer than all the employees within the workplace relations unit if such supplemental terms and conditions of employment are not included in any provision of the workplace relations agreement then in effect between the Executive Department and the workplace relations unit.

2. The Executive Department and an exclusive representative may engage in supplemental discussions of workplace relations pursuant to subsection 1 for fewer than all the employees within two or more workplace

relations units that the exclusive representative represents if the requirements of subsection 1 are met for each such workplace relations unit.

3. If the parties reach a supplemental workplace relations agreement pursuant to this section, the provisions of the supplemental workplace relations agreement:

(a) Must be in writing; and

(b) Shall be deemed to be incorporated into the provisions of each workplace relations agreement then in effect between the Executive Department and the employees who are subject to the supplemental workplace relations agreement if the provisions of the supplemental workplace relations agreement do not conflict with the provisions of the workplace relations agreement.

4. If any provision of the supplemental workplace relations agreement conflicts with any provision of the workplace relations agreement, the provision of the supplemental workplace relations agreement is void and the provision of the workplace relations agreement must be given effect.

5. The provisions of the supplemental workplace relations agreement expire at the same time as the other provisions of the workplace relations agreement into which they are incorporated.

6. The Executive Department and an exclusive representative may, during discussions of workplace relations conducted pursuant to this chapter, negotiate and include in a workplace relations agreement any terms and conditions of employment that would otherwise be within the scope of supplemental workplace relations conducted pursuant to this section.

Sec. 39. 1. Except as otherwise provided by specific statute, an employee organization and the Executive Department may sue or be sued as an entity pursuant to this chapter.

2. If any action or proceeding is brought by or against an employee organization pursuant to this chapter, the district court for the county in which the employee organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his assets are not subject to liability for any judgment awarded pursuant to this chapter against the Executive Department or an employee organization.

Sec. 40. The terms of any workplace relations agreement remain in effect until a new workplace relations agreement takes effect.

Sec. 41. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (b), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ *Except as otherwise provided in section 31 of this act, employee organizations and labor organizations.*

(b) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 42. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. *To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms or conditions of employment that are properly within the scope of and subject to the provisions of a workplace relations agreement or a supplemental workplace relations agreement that is enforceable pursuant to the provisions of sections 2 to 40, inclusive, of this act. As used in this subsection, "terms and*

conditions of employment” has the meaning ascribed to it in section 14 of this act.

Sec. 43. NRS 288.030 is hereby amended to read as follows:

288.030 “Board” means the ~~[Local Government Employee Management]~~ Public Employment Relations Board.

Sec. 44. NRS 288.080 is hereby amended to read as follows:

288.080 1. The ~~[Local Government Employee Management]~~ Public Employment Relations Board is hereby created, consisting of three members, broadly representative of the public and not closely allied with any employee organization, the State or any local government employer, not more than two of whom may be members of the same political party. The term of office of each member is 4 years.

2. The Governor shall appoint the members of the Board.

Sec. 45. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board.

2. In preparing the supplements to the Nevada Administrative Code, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board.

Sec. 46. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state employees; authorizing discussions of workplace relations for certain state employees; changing the name of the Local Government Employee-Management Relations Board to the Public Employment Relations Board; expanding the duties of the Board to include discussions of workplace relations for certain state employees; providing for workplace relations units of state employees and for their representatives; establishing procedures for discussing workplace relations and for making, revising and amending workplace relations agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes discussions of workplace relations for certain state employees. (BDR 23-1476)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 64.

The following Senate amendment was read:

Amendment No. 872.

Amend sec. 2, page 3, lines 9 and 10, by deleting: “entitled to receive ~~annual compensation of \$6,000 or more~~ compensation other than travel and per diem expenses for serving” and inserting: “entitled to receive annual compensation of \$6,000 or more for serving”.

Amend the title of the bill, by deleting the fourth through eighth lines and inserting: “exempting a person”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 64.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

The following Senate amendment was read:

Amendment No. 981.

Amend the resolution, pages 3 and 4, by deleting lines 24 through 44 on page 3 and lines 1 through 3 on page 4, and inserting:

“2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters *from each congressional district in this State* equal to 10 percent or more of the number of voters who voted at the last preceding general election in ~~not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.~~ *the congressional district. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.*”

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before”.

Amend the resolution, page 4, by deleting lines 37 through 43 and inserting: “be taken on such petition. If the Legislature rejects such proposed statute”.

Amend the resolution, page 5, by deleting lines 18 through 34 and inserting:

“4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning”.

Amend the resolution, page 6, line 15, by deleting: “4 or 5, ~~for 6,~~” and inserting: “5 or 6.”.

Amend the resolution, page 6, line 18, by deleting “[5.] 4.” and inserting “5.”.

Amend the resolution, page 6, line 33, by deleting “[6.] 5.” and inserting “6.”.

Amend the resolution, page 7, by deleting lines 1 through 22.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Joint Resolution No. 5.

Remarks by Assemblyman Conklin.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 688.

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: "otherwise affecting:

1. The right of a person to bring an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

2. The rights, remedies, obligations, duties and liabilities set forth in the provisions of NRS 624.606 to 624.630, inclusive."

Amend sec. 2, page 2, line 4, by deleting: "2 and 3" and inserting: "3 to 4.5, inclusive,".

Amend the bill as whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *"Work of improvement" has the meaning ascribed to it in NRS 108.22188."*

Amend sec. 4, page 2, by deleting lines 7 and 8 and inserting:

"Sec. 4. 1. *"Owner" means an owner or lessee of real property or any improvements thereon who enters into an oral or written agreement with a prime contractor pursuant to which the prime contractor agrees to provide work, materials or equipment for a work of improvement.*

2. *The term includes, without limitation, an owner of a planned unit development who enters into one or more oral or written agreements to construct a work of improvement in the planned unit development in the manner described in subsection 5 of NRS 624.020."*

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *"Prime contractor" means a contractor who enters into an oral or written agreement with an owner pursuant to which the prime contractor agrees to provide work, materials or equipment for a work of improvement."*

Amend sec. 5, page 2, line 12, by deleting "section 2" and inserting: "sections 3 and 3.5".

Amend sec. 6, page 2, by deleting lines 40 through 43 and inserting:

"5. *A contractor does not include an owner of a planned unit development who enters into one or more oral or written agreements with one or more general building contractors or general engineering contractors to construct a work of improvement in the planned unit development if the general building contractors or general engineering contractors are licensed*

pursuant to this chapter and contract with the owner of the planned unit development to construct the entire work of improvement.”.

Amend sec. 7, page 3, lines 3 and 4, by deleting “section 4” and inserting: “sections 4 and 4.5”.

Amend the bill as whole by adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

“Sec. 8. NRS 624.620 is hereby amended to read as follows:

624.620 1. Except as otherwise provided in this section, any money remaining unpaid for the construction of a work of improvement is payable to the contractor within 30 days after:

(a) Occupancy or use of the work of improvement by the owner or by a person acting with the authority of the owner; or

(b) The availability of a work of improvement for its intended use. The contractor must have given a written notice of availability to the owner on or before the day on which he claims that the work of improvement became available for use or occupancy.

2. If the owner has complied with subsection 3, the owner may:

(a) Withhold payment for the amount of:

(1) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is sought;

(2) The costs and expenses reasonably necessary to correct or repair any work that is not materially in compliance with the contract to the extent that such costs and expenses exceed 50 percent of the amount of retention being withheld pursuant to the terms of the contract; and

(3) Money the owner has paid or is required to pay pursuant to an official notice from a state agency, or employee benefit trust fund, for which the owner is liable for the contractor or his subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS.

(b) Require, as a condition precedent to the payment of any unpaid amount under the construction contract, that lien releases be furnished by the contractor’s subcontractors, suppliers or employees. For purposes of this paragraph:

(1) If the amount due is paid with a check or is not paid concurrently with the owner’s receipt of the lien releases, the lien releases must be conditioned upon the check clearing the bank upon which it is drawn and the receipt of payment and shall be deemed to become unconditional upon the receipt of payment; and

(2) The lien releases must be limited to the amount of the payment received.

3. If, pursuant to paragraph (a) of subsection 2, an owner intends to withhold any amount from a payment to be made to a contractor, the owner must, on or before the date the payment is due, give written notice to the contractor of any amount that will be withheld. The written notice must:

(a) Identify the amount that will be withheld from the contractor;

(b) Give a reasonably detailed explanation of the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the contract, and any documents relating thereto, and the applicable building code, law or regulation with which the contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A contractor who receives a notice pursuant to subsection 3 may provide written notice to the owner of the correction of a condition described in the notice received pursuant to subsection 3. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition and be signed by an authorized representative of the contractor. If an owner receives a written notice from the contractor of the correction of a condition described in an owner's notice of withholding pursuant to subsection 3, the owner must, within 10 days after receipt of such notice:

(a) Pay the amount withheld by the owner for that condition; or

(b) Object to the scope and manner of the correction of the condition in a written statement that sets forth the reason for the objection and complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition, he shall nevertheless pay to the contractor, along with payment made pursuant to the contractor's next payment request, the amount withheld for the correction of conditions to which the owner no longer objects.

5. The partial occupancy or availability of a building requires payment in direct proportion to the value of the part of the building which is partially occupied or partially available. For projects which involve more than one building, each building must be considered separately in determining the amount of money which is payable to the contractor.

6. Unless otherwise provided in the construction contract, any money which is payable to a contractor pursuant to this section accrues interest at a rate equal to the lowest daily prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding:

(a) The time the contract was signed; or

(b) If the contract was oral, the time the terms of the contract were agreed to by the parties,
plus 2 percent.

7. This section does not apply to:

(a) Any residential building; or

(b) Public works.

~~[8. As used in this section, unless the context otherwise requires, "work of improvement" has the meaning ascribed to it in NRS 108.22188.]~~

Sec. 9. This act becomes effective on July 1, 2005."

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 193.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 190.

The following Senate amendment was read:

Amendment No. 740.

Amend section 1, page 2, by deleting lines 24 and 25 and inserting:

“3. *This section does not apply to:*

(a) *A law enforcement officer conducting a criminal investigation or surveillance;*

(b) *A building inspector, building official or other similar authority employed by a governmental body while performing his duties; or*

(c) *An employee of a public utility while performing his duties.”.*

Amend the title of the bill by deleting the fifth and sixth lines and inserting: “law enforcement officers, building inspectors and employees of a public utility performing their duties from the prohibition;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits certain persons from entering upon certain property with intent to surreptitiously conceal themselves on property and peer, peep or spy through opening in building or other structure used as dwelling. (BDR 15-631)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 190.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 219.

The following Senate amendment was read:

Amendment No. 1009.

Amend sec. 5, page 2, line 32, after “*Chairman.*” by inserting: “*At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District or Seventh Judicial District.*”.

Amend sec. 6, page 3, line 3, after “2.” by inserting: “*The Council shall:*

(a) *Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and*

(b) *With the assistance of the Court Administrator, based upon the study and review conducted pursuant to paragraph (a), prepare and submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau, on or before February 1 of each odd-numbered year, for transmittal to the next regular session of the Legislature. In preparing the report, the Council shall solicit comments and recommendations from*

district judges, municipal judges and justices of the peace in rural Nevada and include in its report, as a separate section, all comments and recommendations that are received by the Council.

3.”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 219.

Remarks by Assemblymen Anderson and Ohrenschall.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 528.

The following Senate amendment was read:

Amendment No. 802.

Amend section 1, page 1, line 14, after “*restraint*,” by inserting “*or*”.

Amend section 1, pages 1 and 2, by deleting lines 15 through 17 on page 1 and lines 1 through 10 on page 2.

Amend section 1, page 2, line 11, by deleting “*(i)*” and inserting “*(d)*”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 528.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 531.

The following Senate amendment was read:

Amendment No. 804.

Amend section 1, page 1, line 10, by deleting: “*a first responder*” and inserting “*another person*”.

Amend section 1, page 2, line 1, by deleting: “*while performing his official duties*”.

Amend section 1, page 2, line 4, after “*person*” by inserting: “*who committed the offense*”.

Amend section 1, page 2, by deleting line 16 and inserting: “*compounded, another person suffers death*”.

Amend section 1, page 2, line 17, by deleting “*official duties*”.

Amend section 1, pages 2 and 3, by deleting lines 34 through 44 on page 2 and lines 1 through 9 on page 3, and inserting:

“4. As used in this section, “*premises*” means:”.

Amend section 1, page 3, line 10, by deleting “*(1)*” and inserting “*(a)*”.

Amend section 1, page 3, line 14, by deleting “*(2)*” and inserting “*(b)*”.

Amend sec. 2, page 3, line 31, by deleting “*subsection 1*” and inserting “*subsection 2*”.

Amend the title of the bill, second line, by deleting “*first responder*” and inserting “*person*”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides additional or alternative penalty if person suffers substantial bodily harm or death during discovery or cleanup of premises wherein certain controlled substances were unlawfully manufactured or compounded. (BDR 40-105)”.

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 531.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 198, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter, and Conklin as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 198.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 338, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Carpenter, and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 338.

Mr. Speaker appointed Assemblymen Anderson, Allen, and Ocegüera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 51.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 296.

The following Senate amendment was read:

Amendment No. 894.

Amend section 1, page 1, line 5, by deleting: “*subsections 2 and 3*” and inserting “*subsection 2*”.

Amend section 1, page 1, line 7, by deleting “care by” and inserting: “care:

(1) By”.

Amend section 1, page 1, line 9, after “NRS;” by inserting “and”.

Amend section 1, page 1, by deleting line 10 and inserting:

“(2) Pursuant to:

(I) *A policy or protocol followed by the operator of the ambulance or air ambulance or the fire-fighting agency that was issued by the county or district board of health and which required the patient to be transported to that major hospital, regardless of whether the patient was admitted to the hospital; or*

(II) *The request of the patient to be transported to the nearest hospital, if the patient was admitted to the hospital; and”.*

Amend section 1, page 1, by deleting line 11 and inserting:

“(b) *Has a policy of health insurance or other contractual provision”.*

Amend section 1, page 2, by deleting lines 2 through 8 and inserting: “*through a contract between the entity that issues the policy of health insurance and at least 50 percent of the hospital systems in the county or through a contract between the third party and at least 50 percent of the hospital systems in the county;*

(2) *That does not provide coverage for emergency services and care provided by the major hospital to which the patient was transported through a contract between the entity that issues the policy of health insurance and the major hospital or through a contract between the third party and the major hospital; and*

(3) *That provided coverage for emergency services and care provided by the major hospital to which the patient was transported through a contract between the entity that issues the policy of health insurance and the major hospital which terminated within 18 months before the patient was transported or through a contract between the third party and the major hospital which terminated within 18 months before the patient was transported.”.*

Amend section 1, page 2, by deleting lines 11 through 13 and inserting:

“(a) *Shall accept as payment in full for such services and care that are provided to the patient before the patient’s condition has been stabilized to a degree that allows the transfer of the patient to another hospital without an additional risk to the patient a rate of 175 percent of the amount the entity that issued the policy of health insurance of the patient or the third party that provides coverage for the patient would have paid for such services and care pursuant to the most recent contract between the entity that issued the policy of health insurance of the patient and the major hospital or pursuant to the contract between the third party that provides coverage for the patient and the major hospital; and”.*

Amend section 1, page 2, by deleting lines 24 and 25 and inserting:

“(c) “Emergency services and care” means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital, regardless of the area of the hospital in which the services and care are provided. As used in this paragraph:

(1) “Active labor” means, in relation to childbirth, labor that occurs when:

(I) There is inadequate time before delivery to transfer the patient safely to another hospital; or

(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.

(2) “Emergency medical condition” means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(I) Placing the health of the patient in serious jeopardy;

(II) Serious impairment of bodily functions; or

(III) Serious dysfunction of any bodily organ or part.”.

Amend section 1, page 2, after “(e)” by inserting: ““Health insurance” means insurance offered pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C or 695G of NRS.

(f) “Hospital system” means a business entity or governmental entity that owns or operates one or more hospitals in a county, at least one of which has 100 or more beds.

(g)”.

Amend section 1, page 2, by deleting lines 32 and 33 and inserting: “the Department pursuant to NRS 450B.237.”.

Amend section 1, page 2, line 34, by deleting “(f)” and inserting “(h)”.

Amend section 1, page 2, by deleting line 35 and inserting:

“(1) An entity that offers policies of health insurance;”.

Amend section 1, page 2, by deleting line 43 and inserting:

“(4) Any other health insurer or organization providing comprehensive health”.

Amend section 1, page 2, after line 44, by inserting:

“The term “third party” does not include an insurer or organization that provides coverage for emergency services and care only incidentally to providing other coverage, including, without limitation, coverage issued as a supplement to liability insurance and automobile medical payment insurance.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. The Legislative Committee on Health Care shall:

(a) Include in any comprehensive plan concerning the provision of health care in this State that it develops during the interim a review of the coverage of and payment for emergency services and care provided in this State; and

(b) Determine whether any legislation is needed to address issues concerning the coverage of and payment for emergency services and care provided in this State and submit any recommendations for such legislation to the 74th Session of the Nevada Legislature.

2. As used in this section, "emergency services and care" has the meaning ascribed to it in paragraph (c) of subsection 3 of section 1 of this act."

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 894 to Assembly Bill No. 296.

Remarks by Assemblywoman Leslie.

Motion carried.

The following Senate amendment was read:

Amendment No. 1047.

Amend section 1, page 2, line 27, before "services" by inserting "emergency".

Amend section 1, page 2, by deleting lines 30 through 37 and inserting: "another hospital without an additional risk to the patient the product of:

(1) *One hundred and twenty-five percent of the overall payment rate for billed charges provided for in the most recent contract between the entity that issued the policy of health insurance of the patient and the major hospital or provided for in the most recent contract between the third party that provides coverage for the patient and the major hospital; and*

(2) *The amount of billed charges of the hospital for such emergency services and care on the date on which the most recent contract between the entity that issued the policy of health insurance of the patient and the major hospital or the contract between the third party that provides coverage for the patient and the major hospital expired or was terminated; and"*

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 1047 to Assembly Bill No. 296.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 694.

Amend the bill as a whole by renumbering sec. 3 as sec. 10 and adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

"Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more*

than one time for furnishing a duplicate driver's license to a homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a homeless person pursuant to subsection 1, the homeless person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the homeless person:

- (a) Applies to the Department for the renewal of his driver's license; and
- (b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to homeless persons.

Sec. 5. 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to a homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a homeless person pursuant to subsection 1, the homeless person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the homeless person:

- (a) Applies to the Department for the renewal of his identification card; and
- (b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to homeless persons.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 6. NRS 483.010 is hereby amended to read as follows:

483.010 The provisions of NRS 483.010 to 483.630, inclusive, and section 4 of this act may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 7. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 4 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 8. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of his return, surrender the temporary license and obtain a license which bears his photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if he surrenders the temporary license, obtains a license which bears his photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) ~~By~~ *Except as otherwise provided in sections 4 and 5 of this act*, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section."

Amend sec. 3, page 3, line 38, by deleting "6," and inserting: "6 ~~[]~~ *and section 4 of this act*,".

Amend sec. 3, page 4, line 20, by deleting "The" and inserting: "~~[The]~~ *Except as otherwise provided in section 4 of this act, the*".

Amend sec. 3, page 4, by deleting lines 27 through 33 and inserting:

“6. The Department may not charge a fee for the reinstatement of a driver’s license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.”.

Amend the bill as a whole by renumbering sec. 4 as sec. 14 and adding new sections designated sections 11 through 13, following sec. 3, to read as follows:

“Sec. 11. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver’s license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver’s license;

(c) To lend his driver’s license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one’s own any driver’s license not issued to him;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver’s license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver’s license issued to him;

(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive ~~to~~, *and section 4 of this act*; or

(h) To photograph, photostat, duplicate or in any way reproduce any driver’s license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver’s license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

Sec. 12. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and section 4 of this act*, or other law of this State, declared to be a felony.

Sec. 13. NRS 483.630 is hereby amended to read as follows:

483.630 NRS 483.010 to 483.630, inclusive, *and section 4 of this act* shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.”.

Amend sec. 4, page 4, line 43, after “inclusive,” by inserting: “*and section 5 of this act*”.

Amend sec. 4, page 5, line 6, by deleting “*subsection 3,*” and inserting: “*section 5 of this act,*”.

Amend sec. 4, page 5, line 24, by deleting the brackets and strike-through.

Amend sec. 4, page 5, by deleting lines 26 through 29 and inserting: “age or older.”.

Amend sec. 4, page 5, line 30, by deleting “The” and inserting: “[~~The~~ *Except as otherwise provided in section 5 of this act, the*”.

Amend the bill as a whole by renumbering sec. 5 as sec. 16 and adding a new section designated sec. 15, following sec. 4, to read as follows:

“Sec. 15. The Department of Motor Vehicles shall:

1. Encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers’ licenses and identification cards pursuant to NRS 483.347 to waive the cost it charges the Department to produce photographs for duplicate drivers’ licenses or identification cards furnished to homeless persons pursuant to subsection 2 of section 4 of this act and subsection 2 of section 5 of this act.

2. Prepare a report concerning the provision of duplicate drivers’ licenses and identification cards without a fee to homeless persons and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.”.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 84.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 369.

The following Senate amendment was read:

Amendment No. 850.

Amend section 1, page 1, line 2, by deleting “11,” and inserting “17,”.

Amend sec. 2, page 1, line 4, by deleting “11,” and inserting “17,”.

Amend sec. 2, page 1, line 6, by deleting “*and 4*” and inserting: “*to 6, inclusive,*”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. “*Emotionally disturbed child*” has the meaning ascribed to it in NRS 433B.080.”.

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

“Sec. 4. “Facility” means a psychiatric hospital or facility which provides residential treatment for mental illness that has a unit in the hospital or facility capable of being locked to prevent an emotionally disturbed child from leaving the hospital or facility.”.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

“Sec. 5. “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433A.018.”.

Amend the bill as a whole by renumbering sections 5 through 10 as sections 9 through 14 and adding new sections designated sections 7 and 8, following sec. 4, to read as follows:

“Sec. 7. A proceeding for a court-ordered admission of a child alleged to be an emotionally disturbed child who is in the custody of an agency which provides child welfare services to a facility may be commenced by the filing of a petition with the clerk of the court which has jurisdiction in proceedings concerning the child. The petition may be filed by the agency which provides child welfare services without the consent of a parent of the child. The petition must be accompanied:

1. By a certificate of a physician, psychiatrist or licensed psychologist stating that he has examined the child alleged to be emotionally disturbed and has concluded that the child is emotionally disturbed and, because of that condition is likely to harm himself or others if allowed his liberty; or

2. By a sworn written statement by the petitioner that:

(a) The petitioner has, based upon his personal observation of the child alleged to be emotionally disturbed, probable cause to believe that the child is emotionally disturbed and, because of that condition is likely to harm himself or others if allowed his liberty; and

(b) The child alleged to be emotionally disturbed has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

Sec. 8. 1. Except as otherwise provided in section 9 of this act, if the court finds, after proceedings for the court-ordered admission of a child alleged to be an emotionally disturbed child who is in the custody of an agency which provides child welfare services to a facility:

(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held exhibits observable behavior such that he is likely to harm himself or others if allowed his liberty, the court shall enter its finding to that effect and the child must not be admitted to a facility.

(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is in need of treatment in a facility and is likely to harm himself or others if allowed his liberty, the court may order the admission of the child for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the admission, the child is unconditionally released from the facility pursuant to section 16 of this act.

2. *Before issuing an order for admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the child, or other persons professionally qualified in the field of psychiatric mental health, which, the court believes may be in the best interests of the child.”.*

Amend sec. 5, page 2, line 3, after “1.” by inserting: “An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned the court for the court-ordered admission of the child to a facility pursuant to section 7 of this act.

2. *If a petition for the court-ordered admission of a child filed pursuant to section 7 of this act is accompanied by the information described in subsection 2 of section 7 of this act, the court shall order a psychological evaluation of the child.*

3.”.

Amend sec. 5, page 2, line 4, by deleting: “NRS 433A.200 for the involuntary” and inserting: “section 7 of this act for the”.

Amend sec. 5, page 2, line 7, by deleting: “3 of NRS 433A.310” and inserting: “2 of section 8 of this act”.

Amend sec. 5, page 2, line 13, by deleting “2;” and inserting “4;”.

Amend sec. 5, page 2, line 18, after “professionals” by inserting: “or any adult caretakers”.

Amend sec. 5, page 2, by deleting line 20 and inserting:

“4. *If a petition for the court-ordered admission of*”.

Amend sec. 5, page 2, line 22, by deleting “NRS 433A.200.” and inserting: “section 7 of this act:”.

Amend sec. 5, page 2, line 24, by deleting “involuntary”.

Amend sec. 5, page 2, by deleting lines 32 through 36.

Amend sec. 6, page 2, by deleting lines 39 and 40 and inserting: “*been admitted to a facility pursuant to section 8 of this act, the agency which provides child welfare services shall*”.

Amend sec. 6, page 2, line 41, by deleting: “rights pursuant to NRS 433.472” and inserting: “legal rights and the provisions of NRS 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and sections 2 to 17, inclusive, of this act”.

Amend sec. 6, pages 2 and 3, by deleting lines 44 and 45 on page 2 and lines 1 and 2 on page 3, and inserting: “*that includes a physician, psychiatrist or licensed psychologist other than a physician, psychiatrist or licensed psychologist who performed an original examination which authorized the court to order the admission of the child to the facility.*”.

Amend sec. 7, page 3, line 12, by deleting “NRS 433A.310” and inserting: “sections 8 and 12 of this act”.

Amend sec. 7, page 3, line 13, by deleting “involuntary”.

Amend sec. 7, page 3, line 19, by deleting: “*social worker or teacher*” and inserting: “*licensed clinical social worker or other professional or any adult caretaker*”.

Amend sec. 7, page 3, line 26, by deleting “*involuntary*” and inserting “*court-ordered*”.

Amend sec. 8, page 3, line 30, by deleting “*involuntary*”.

Amend sec. 8, page 3, lines 32 and 33, by deleting: “*NRS 433A.310, the involuntary*” and inserting: “*section 8 of this act, the*”.

Amend sec. 8, page 3, line 35, by deleting “*NRS 433A.390.*” and inserting: “*section 16 of this act.*”

Amend sec. 8, page 3, line 39, by deleting “*detention*” and inserting “*admission*”.

Amend sec. 9, page 4, line 1, by deleting “*involuntarily*”.

Amend sec. 9, page 4, line 2, by deleting “*NRS 433A.310*” and inserting: “*section 8 of this act*”.

Amend sec. 9, page 4, line 7, by deleting “*involuntarily*”.

Amend sec. 9, page 4, line 8, by deleting “*NRS 433A.310*” and inserting: “*section 8 of this act*”.

Amend sec. 9, page 4, line 9, by deleting “*8*” and inserting “*12*”.

Amend sec. 10, page 4, line 26, by deleting “*433.482,*” and inserting: “*433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and sections 2 to 17, inclusive, of this act.*”.

Amend the bill as a whole by renumbering sec. 11 as sec. 17 and adding new sections designated sections 15 and 16, following sec. 10, to read as follows:

“Sec. 15. 1. *Except as otherwise provided in subsection 3, any child who is admitted to a facility by a court pursuant to section 8 of this act may be conditionally released from the facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the child and will not be detrimental to the public welfare. The medical director or his designee of the facility shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment specified pursuant to section 12 of this act.*

2. *When a child is conditionally released pursuant to subsection 1, the State or a county, or any of its agents or employees, are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the child.*

3. *A child who was admitted by a court because he was likely to harm others if allowed to remain at liberty may be conditionally released only if, at the time of the release, written notice is given to the court which admitted him and to the attorney of the agency which provides child welfare services that initiated the proceedings for admission.*

4. *Except as otherwise provided in subsection 6, the administrative officer of a facility or his designee shall order a child who is conditionally*

released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that child's treatment team who is professionally qualified in the field of psychiatric mental health determine that the conditional release is no longer appropriate because that child presents a clear and present danger of harm to himself or others. Except as otherwise provided in this subsection, the administrative officer or his designee shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the child to the facility. If an emergency exists in which the child presents an imminent threat of danger of harm to himself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the child who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for court-ordered admissions, but in no event later than 5 judicial days after the child is returned to the facility. The administrative officer or his designee shall give written notice to the agency which provides child welfare services, the child who was ordered to return to the facility and to the child's attorney of the time, date and place of the hearing and of the facts necessitating that child's return to the facility.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Sec. 16. 1. When a child who is admitted to a facility by a court pursuant to section 8 of this act is released at the end of the court-ordered period of treatment specified pursuant to section 12 of this act, written notice must be given to the admitting court at least 10 days before the release of the child. The child may then be released without requiring further orders of the court.

2. A child who is admitted to a facility by a court pursuant to section 8 of this act may be unconditionally released before the court-ordered period of treatment specified in section 12 of this act when:

(a) An evaluation team, including, without limitation, an evaluation team that conducts an examination pursuant to section 10 of this act, or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the child has recovered from his emotional disturbance or has improved to such an extent that he is no longer considered to present a clear and present danger of harm to himself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the facility authorizes the release and gives written notice to the admitting court at least 10 days before the release of the child."

Amend sec. 11, page 4, line 42, by deleting "11," and inserting "17,".

Amend the bill as a whole by renumbering sec. 12 as sec. 19 and adding a new section designated sec. 18, following sec. 11, to read as follows:

“Sec. 18. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. ~~{A}~~ *Except as otherwise provided in section 7 of this act*, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he has examined the person alleged to be mentally ill and has concluded that the person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon his personal observation of the person alleged to be mentally ill, probable cause to believe that the person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty; and

(2) The person alleged to be mentally ill has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. ~~{H}~~ *Except as otherwise provided in section 7 of this act*, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.”.

Amend sec. 12, page 5, line 2, by deleting “section 5” and inserting: “sections 8 and 9”.

Amend sec. 12, page 5, lines 20 and 25, by deleting “8” and inserting “12”.

Amend the bill as a whole by deleting sections 13 and 14 and renumbering sec. 15 as sec. 20.

Amend the title of the bill to read as follows:

“AN ACT relating to children; authorizing an agency which provides child welfare services to file a petition for the court-ordered admission to certain facilities of a child who is alleged to be an emotionally disturbed child and who is in the custody of the agency; requiring a court which is hearing such a petition to place the child in a less restrictive environment under certain circumstances; establishing a maximum period of days for which such children may be ordered by a court to be admitted to certain facilities; establishing certain rights for such children who are admitted to certain facilities; establishing procedures for the conditional and unconditional

release of such children under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes certain procedures and requirements for court-ordered admission of emotionally disturbed children who are in custody of agencies which provide child welfare services to certain facilities. (BDR 38-717)”.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 369.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 342.

The following Senate amendment was read:

Amendment No. 849.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 6 as sections 1 through 4.

Amend sec. 4, page 3, line 34, by deleting “Each” and inserting: “~~Each~~ Except as otherwise provided in subsection 5, each”.

Amend sec. 4, page 3, between lines 38 and 39 by inserting:

“5. The Director may exempt a hospital from the requirements of subsection 4 if requiring the hospital to comply with the requirements would cause the hospital financial hardship.”.

Amend sec. 5, page 4, by deleting lines 2 through 10 and inserting: “~~Each such institution]~~

2. Each hospital with 100 or more beds shall file with the Department in a form and at intervals specified by the Director but at least annually, a ~~proposed operating budget for the following fiscal year at least 30 days before the start of that fiscal year.~~

~~2.]~~ capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.”.

Amend sec. 5, page 4, line 11, by deleting “~~2.]~~”.

Amend sec. 5, page 4, line 12, by deleting: “in this State” and inserting: “with 100 or more beds”.

Amend sec. 5, page 4, by deleting lines 15 through 30 and inserting:

“(a) The corporate home office allocation methodology of the hospital, if any.

(b) The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the

community in which it is located. For the purposes of this paragraph, “community benefits” includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that”.

Amend sec. 5, page 4, by deleting line 34 and inserting: “receive full reimbursement.

(c) A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

(d) A statement of its policies regarding patients’ account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients’ account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information.”.

Amend sec. 5, page 4, line 35, by deleting “4.” and inserting “5.”.

Amend sec. 5, page 4, by deleting lines 39 and 40 and inserting: “accurate and complete ~~to~~

~~3-],~~ to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require the filing of all reports by”.

Amend sec. 5, page 5, line 3, by deleting “6.” and inserting “7.”.

Amend sec. 5, page 5, by deleting lines 7 through 9.

Amend sec. 6, page 5, by deleting line 22 and inserting:

“(b) A summary of the trends of the audits of hospitals in this”.

Amend sec. 6, page 5, line 27, by deleting “policies” and inserting “methodologies”.

Amend sec. 6, page 5, line 28, by deleting “and”.

Amend sec. 6, page 5, line 33, by deleting “manner.” and inserting: “manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance; and

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals.”.

Amend sec. 6, pages 5 and 6, by deleting lines 37 through 45 on page 5 and lines 1 through 4 on page 6 and inserting:

“(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.”.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 6, to read as follows:

“Sec. 5. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; expanding the classification of hospitals that the Director of the Department of Human Resources is required to audit to ensure compliance with various provisions to restrain the costs of health care; expanding the classification of hospitals that are required to provide information to the Department in a specific form; making various changes concerning the reporting of financial information by certain hospitals to the Department; making various changes concerning the reporting of information by the Department; requiring the Legislative Committee on Health Care to develop a plan concerning the provision of health care in this State; and providing other matters properly relating thereto.”.

Amend the bill as a whole by adding the following Assemblyman as a primary sponsor: Assemblyman Perkins.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 342.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 454.

The following Senate amendment was read:

Amendment No. 736.

Amend sec. 6, page 2, between lines 34 and 35, by inserting:

“3. For each regulation adopted pursuant to sections 2 to 12, inclusive, of this act, and submitted to the Legislative Counsel pursuant to NRS 233B.067 for review by the Legislative Commission, the Division shall set forth in the informational statement prepared pursuant to NRS 233B.066 that accompanies the regulation any supported living arrangement services that the regulation authorizes persons to provide pursuant to NRS 632.340 when the persons would otherwise be prohibited from providing such services pursuant to NRS 632.315.”.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 454.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 315.

The following Senate amendment was read:

Amendment No. 1000.

Amend section 1, pages 1 and 2, by deleting lines 6 through 13 on page 1 and lines 1 and 2 on page 2, and inserting:

“vehicle. The disclosure must include, if applicable, a statement that the event recording device:

(a) Records the direction and rate of speed at which the motor vehicle travels;

(b) Records a history of where the motor vehicle travels;

(c) Records steering performance;

(d) Records brake performance, including, without limitation, whether the brakes were applied before an accident;

(e) Records the status of the driver’s safety belt; and

(f) If an accident involving the motor vehicle occurs, is able to transmit information concerning the accident to a central communications system.”.

Amend section 1, page 2, line 3, by deleting “3.” and inserting “2.”.

Amend section 1, page 2, line 24, by deleting “5” and inserting “4”.

Amend section 1, page 2, line 25, by deleting “4.” and inserting “3.”.

Amend section 1, page 2, line 26, by deleting “3” and inserting “2”.

Amend section 1, page 2, line 29, by deleting “5.” and inserting “4.”.

Amend section 1, page 2, line 31, by deleting “7” and inserting “6”.

Amend section 1, page 2, line 35, by deleting “6.” and inserting “5.”.

Amend section 1, page 2, line 37, by deleting “7.” and inserting “6.”.

Amend section 1, page 3, between lines 10 and 11, by inserting:

“(d) “Owner” means:

(1) A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not he lends, rents or creates a security interest in the motor vehicle;

(2) A person entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(3) A person entitled to possession of the motor vehicle as a lessee pursuant to a lease agreement if the term of the lease is more than 3 months.”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 315.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 729.

Amend section 1, page 2, line 10, by deleting “registered”.

Amend section 1, page 2, line 13, by deleting: “most recent registered”.

Amend section 1, page 2, by deleting lines 17 through 26 and inserting:
"1 and if the registration of the vehicle has not expired, the Department shall send by registered or certified mail, return receipt requested, a written notice to the owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.

3. *If an owner receives a notice pursuant to subsection 2, the owner may submit to the Department an affidavit which states that the owner has taken action which meets the requirements of paragraph (a) or (b) of subsection 2 of NRS 487.220. If the owner submits such an affidavit, the Department:*

- (a) Shall maintain a record of the affidavit; and*
- (b) Shall not suspend the registration of each vehicle currently registered to that owner as otherwise required by subsection 4.*

4. *If an owner:*

- (a) Receives a notice pursuant to subsection 2;*
- (b) Fails to remove or cause the vehicle to be removed within the 30-day period set forth in that notice; and*
- (c) Does not submit an affidavit as described in subsection 3,*
the Department shall suspend the registration of each vehicle currently registered to the owner pursuant to chapter".

Amend section 1, page 3, line 4, by deleting "4." and inserting "5."

Amend section 1, page 3, line 5, by deleting "3," and inserting "4,".

Amend section 1, page 3, line 14, by deleting "5." and inserting "6.".

Amend sec. 3, pages 3 and 4, by deleting lines 41 through 44 on page 3 and line 1 on page 4, and inserting: "by the registered owner thereof. ~~{The}~~ Except as otherwise provided in section 1 of this act, the registered owner may ~~{not}~~ rebut this presumption by showing that ~~{he}~~ :

(a) He transferred his interest in the abandoned vehicle ~~{unless he complied with}~~ :

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive ~~{-}~~ ; or

(2) As indicated by a bill of sale for the vehicle".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 487.230 is hereby amended to read as follows:

487.230 1. ~~{Any}~~ *Except as otherwise provided in section 1 of this act, any sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Manufactured Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town, or a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125 who has reason to believe that a vehicle has been abandoned on public property in*

his jurisdiction may remove the vehicle from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:

(1) The state agency or political subdivision making the request, if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property, if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “under which the owner of an abandoned vehicle may rebut the presumption that he”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate Amendment No. 729 to Assembly Bill No. 169.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 1064.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 487.475 is hereby amended to read as follows:

487.475 1. A card authorizing a dealer of new or used motor vehicles or a rebuilder to bid to purchase a vehicle from an operator of a salvage pool must contain:

- (a) The dealer’s or rebuilder’s name and signature;
- (b) His business name;
- (c) His business address;
- (d) His business license number issued by the Department; and
- (e) A picture of the dealer or rebuilder.

2. A dealer or rebuilder may obtain one or two cards for his business. *If a dealer obtains two cards for his business, one of the cards may be issued to a salesman who is an employee of the dealer and who is:*

- (a) *Licensed pursuant to NRS 482.362; and*

(b) *Acting as an agent for the dealer in the purchase of a vehicle from an operator of a salvage pool.*

3. The Department shall charge a fee of \$50 for each card issued.

4. A card issued pursuant to this section expires on December 31 of the year in which it was issued. The dealer or rebuilder must submit to the Department an application for renewal accompanied by a renewal fee of \$25 for each card. The application must be made on a form provided by the Department and contain such information as the Department requires.

5. Fees collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.”.

Amend the title of the bill, fifth line, after “vehicle;” by inserting: “allowing a card authorizing a dealer of motor vehicles to bid to purchase a vehicle from an operator of a salvage pool to be issued to a salesman who is employed by the dealer;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to removal and disposal of motor vehicles. (BDR 43-967)”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 169.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 240.

The following Senate amendment was read:

Amendment No. 1013.

Amend section 1, page 2, line 14, by deleting: “*Within 30 days after*” and inserting: “*Not later than 5 days before*”.

Amend section 1, page 2, line 17, by deleting “*makes*” and inserting: “*intends to make*”.

Amend section 1, page 2, by deleting line 19 and inserting: “*the Authority not later than 5 days before the date on which those changes are to become effective. Notwithstanding any provision of this chapter to the contrary, schedules and tariffs submitted by the owner or operator to the Authority pursuant to this section, and the rates set forth in those schedules and tariffs, are not subject to hearing or approval by the Authority.*”.

Amend sec. 4, page 4, line 15, before “*Notwithstanding*” by inserting “*1.*”.

Amend sec. 4, page 4, line 17, by deleting “*or*” and inserting “*and*”.

Amend sec. 4, page 4, line 18, by deleting “*November 1,*” and inserting “*October 10,*”.

Amend sec. 4, page 4, line 20, by deleting “*1.*” and inserting “*(a)*”.

Amend sec. 4, page 4, line 25, by deleting “*2.*” and inserting “*(b)*”.

Amend sec. 4, page 4, line 26, by deleting “*operator.*” and inserting: “*operator and which will be effective on October 10, 2005. If the owner or*

operator intends to make a change to its schedule or tariff which is scheduled to become effective on or after October 11, 2005, and before October 16, 2005, the owner and operator shall also include a copy of the updated schedule and tariff.

2. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which begins operations in this State on or after October 1, 2005, and before October 6, 2005, shall, on or before October 10, 2005, submit to the Transportation Services Authority:

(a) Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

(b) A copy of its schedule or tariff setting forth the rates established by the owner or operator.”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 240.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 255.

The following Senate amendment was read:

Amendment No. 862.

Amend section 1, page 2, line 5, by deleting “6” and inserting “7”.

Amend the bill as a whole by renumbering sections 2 through 11 as sections 3 through 12 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 365 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department may, by regulation, establish a procedure requiring suppliers to submit tax returns electronically when due pursuant to this chapter.”.

Amend sec. 2, page 2, line 14, by deleting: “3 to 6,” and inserting: “4 to 7,”.

Amend sec. 4, page 2, line 22, by deleting “and” and inserting “or”.

Amend sec. 7, page 3, line 17, by deleting: “3, 4 and 5” and inserting: “4, 5 and 6”.

Amend the bill as a whole by renumbering sections 12 and 13 as sections 14 and 15 and adding a new section designated sec. 13, following sec. 11, to read as follows:

“Sec. 13. NRS 366.383 is hereby amended to read as follows:

366.383 1. Each special fuel supplier shall, not later than the last day of each month:

~~{1-}~~ (a) Submit to the Department a tax return which sets forth:

~~{(a)}~~ (1) The number of gallons of special fuel he received during the previous month;

~~{(b)}~~ (2) The number of gallons of special fuel he sold, distributed or used in this State during the previous month; and

~~{(c)}~~ (3) The number of gallons of special fuel he sold, distributed or used in this State in which dye was added during the previous month.

~~{2-}~~ (b) Pay to the Department the tax imposed pursuant to NRS 366.190 on all special fuel sold, distributed or used during the previous month for which dye was not added in the manner prescribed in this chapter.

2. *The Department may, by regulation, establish a procedure requiring special fuel suppliers to submit tax returns required by this section electronically.”.*

Amend sec. 13, page 6, lines 16, 21 and 25, by deleting “6” and inserting “7”.

Amend the bill as a whole by renumbering sec. 14 as sec. 18 and adding new sections designated sections 16 and 17, following sec. 13, to read as follows:

“Sec. 16. NRS 373.080 is hereby amended to read as follows:

373.080 All motor vehicle fuel taxes collected during any month by the Department pursuant to a contract with ~~{any county shall}~~ a county must be transmitted each month by the Department to ~~{such}~~ the county and the Department shall , *in accordance with the terms of the contract*, charge the county for the Department’s services specified in this section and in NRS 373.070 . ~~{such amount as will reimburse the Department for the cost to it of rendering the services.}~~

Sec. 17. Notwithstanding any amendatory provisions of sections 2 and 13 of this act to the contrary, the Department of Motor Vehicles shall not require a supplier or special fuel supplier to submit a tax return electronically before July 1, 2006.”.

Amend the title of the bill, ninth line, after “action;” by inserting: “authorizing the Department to adopt regulations that require the electronic filing of certain tax returns;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to taxation of fuels. (BDR 32-1258)”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 255.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 938.

Amend section 1, page 1, lines 6 and 10, by deleting “infrared”.

Amend section 1, page 2, by deleting lines 3 through 7 and inserting:

“2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:”.

Amend section 1, page 2, lines 9 and 15, by deleting *“infrared”*.

Amend section 1, page 2, line 23, by deleting *“3.”* and inserting *“4.”*.

Amend section 1, page 2, line 25, by deleting *“2”* and inserting *“3”*.

Amend section 1, page 2, by deleting line 28 and inserting:

“5. Except as otherwise provided in subsection 8, the”.

Amend section 1, page 2, line 30, by deleting *“infrared”*.

Amend section 1, pages 2 and 3, by deleting lines 36 through 44 on page 2 and lines 1 through 6 on page 3, and inserting:

“6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

7. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

8. The provisions of this section do not:

(a) Except as otherwise provided in subsection 7, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

9. As used in this section:

(a) “Mobile transmitter” means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) “Provider of mass transit” means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 373.1165.

(c) “Response agency” means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a

nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) “Signal preemption device” means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) “Signal prioritization device” means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).

(f) “Traffic-control signal” means a traffic-control signal, as defined in NRS 484.205, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.”.

Amend the title of the bill to read as follows:

“AN ACT relating to traffic laws; prohibiting the operation of, and the operation of a vehicle equipped with, any device or mechanism capable of interfering with or altering the signal of a traffic-control signal; prohibiting the sale in this State of such devices and mechanisms; providing certain exceptions for response agencies and providers of mass transit; providing a penalty; providing for an increased penalty under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits unauthorized sale or use of device or mechanism capable of interfering with or altering signal of traffic-control signal. (BDR 43-38)”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 416.

The following Senate amendment was read:

Amendment No. 731.

Amend section 1, page 2, line 6, by deleting “[seven] eight” and inserting “seven”.

Amend section 1, page 2, line 14, by deleting “Two representatives” and inserting “One representative”.

Amend sec. 3, page 4, line 10, by deleting “Four” and inserting “Three”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 416.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 407.

The following Senate amendment was read:

Amendment No. 789.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 565 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any provision of this chapter to the contrary, if a governmental entity seizes any privately owned animals subject to brand inspection pursuant to this chapter, the Department or its authorized inspector shall not issue brand inspection clearance certificates or permits to remove the animals from a brand inspection district or for the transfer of ownership of the animals by sale or otherwise unless:*

(a) Before the seizure, the governmental entity obtains approval for the seizure from a court of competent jurisdiction; and

(b) The governmental entity submits a copy of the order approving the seizure to the Department or its authorized inspector.

2. *The provisions of this section do not apply to:*

(a) An estray, as defined in NRS 569.0075;

(b) Feral livestock, as defined in NRS 569.008;

(c) A wild horse or burro, as defined in 16 U.S.C. § 1332;

(d) An animal that is impounded or sold by the Department pursuant to NRS 575.060; or

(e) An animal that is seized by a governmental entity to protect the health and safety of the public or to prevent cruelty to animals.”.

Amend the title of the bill to read as follows:

“AN ACT relating to animals; prohibiting the State Department of Agriculture or its authorized inspector from issuing a brand inspection clearance certificate or permit to remove animals from a brand inspection district under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits State Department of Agriculture from issuing brand inspection clearance certificate or permit to remove animals from brand inspection district under certain circumstances. (BDR 50-685)”.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 407.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 168.

The following Senate amendment was read:

Amendment No. 762.

Amend section 1, page 3, by deleting line 23 and inserting:

“7. If the State Board denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

8. If the State Board denies ~~[the application,]~~ an application after it has been resubmitted pursuant to subsection 7, the applicant may,”.

Amend section 1, page 3, between lines 26 and 27, by inserting:

“9. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district or the State Board during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.”.

Amend the title of the bill, third line, after “Education;” by inserting: “requiring the Superintendent of Public Instruction to submit a report to the Legislature concerning the applications to form charter schools that were submitted during the preceding biennium;”.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 168.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 180.

The following Senate amendment was read:

Amendment No. 765.

Amend sec. 2, page 9, line 38, by deleting: “located. If applicable,” and inserting: “located [~~—If applicable,~~] , or a”.

Amend sec. 2, page 10, by deleting lines 24 through 27 and inserting: “not more than 30 days after receipt of the written notice of denial. ~~[If an applicant proposes to form a charter school exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, the]~~ An applicant may also submit the written”.

Amend sec. 5, page 14, line 15, by deleting the comma and inserting: “located in a county whose population is 100,000 or more,”.

Amend sec. 10, page 22, line 2, after “used” by inserting: “as the only criteria”.

Amend sec. 12, page 24, line 14, by deleting “1” and inserting “2”.

Amend sec. 13, page 24, line 20, by deleting “6” and inserting “7”.

Amend the title of the bill by deleting the sixth through ninth lines and inserting: “trustees of a larger school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; revising the provisions governing the licensed personnel of a charter school; revising provisions governing the use of certain accountability information in the evaluation of teachers; revising the provisions”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing charter schools and automated system of accountability information for public schools. (BDR 34-1034)”.

Assemblywoman Parnell moved that the Assembly do not concur in the Senate Amendment No. 765 to Assembly Bill No. 180.

Remarks by Assemblywoman Parnell.

Motion carried.

The following Senate amendment was read:

Amendment No. 1105.

Amend sec. 10, page 22, by deleting line 24 and inserting: “(e) may be used for the purpose of improving the achievement of pupils and improving classroom instruction but must not be used for the purpose of”.

Amend the title of the bill, by deleting the tenth and eleventh lines and inserting: “governing the use of certain accountability information; revising the provisions”.

Assemblywoman Parnell moved that the Assembly do not concur in the Senate Amendment No. 1105 to Assembly Bill No. 180.

Remarks by Assemblywoman Parnell.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

The following Senate amendment was read:

Amendment No. 1104.

Amend sec. 2, page 2, line 10, after "*institution.*" by inserting: "*The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.*".

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. *The Board of Regents may appoint a student adviser who has been elected by the Nevada Student Alliance. If the Board appoints such an adviser to the Board, the Board shall determine the duties of the adviser, who is not a member of the Board and may not vote on matters before the Board.*".

Amend sec. 5, page 3, line 17, by deleting: "*and research services*" and inserting "*facilities*".

Amend sec. 5, page 3, line 19, after "*the*" by inserting "*library*".

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. NRS 396.560 is hereby amended to read as follows:

396.560 1. Upon the recommendation of a president of a branch within the System, the Board of Regents shall issue to those who worthily complete the full course of study in the school of mines or in the school of agriculture, or in the school of liberal arts, or in any equivalent course that may hereafter be prescribed, a diploma of graduation, conferring the proper academic degree, from the System.

2. The Board of Regents shall not issue such a diploma to a ~~{person}~~ student who has not completed the full course of study as set forth in ~~{subsection 1.}~~ this section.

3. *For the purposes of this section, a student at a university or state college within the System completes the full course of study for a diploma of graduation if, in accordance with the policy of the Board of Regents, he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time the student:*

(a) *First enrolls in the university or state college or is admitted to the academic program or department of the student's major if the program or department has a formal process for admitting students to the program or department; or*

(b) *Graduates,*

whichever the student elects. A student who changes his major must elect the catalog of the year of the latest change of the major or the year of

graduation. A student may not elect a catalog that is more than 10 years old at the time of his graduation.”.

Amend sec. 7, page 4, line 13, by deleting “A” and inserting: “Pursuant to the policy of the Board of Regents, a”.

Amend sec. 7, page 4, by deleting lines 18 through 22 and inserting:

“3. All credits earned toward the completion of a degree of associate of arts, associate of science or associate of business must automatically transfer toward the course work required for the award of a baccalaureate degree upon the graduation of the student from any university or college within the System.

If the transfer of credit pursuant to this section is denied and the student believes that the credit should be applied to his degree, he may appeal the decision. The appeal process must be made available to all students and may be posted on the website of the System.”.

Amend the bill as a whole by deleting sec. 8.

Amend sec. 11, page 8, by deleting lines 12 and 13 and inserting:

“Sec. 11. 1. This section and sections 1 to 5, inclusive, 8, 9 and 10 of this act become effective upon passage and approval.

2. Section 7 of this act becomes effective on July 1, 2005.”

Amend sec. 11, page 8, line 14, by deleting “2.” and inserting “3.”.

Amend the title of the bill to read as follows:

“AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the education of teachers are instructed in the academic standards required for high school pupils; authorizing the Board of Regents to appoint a student advisor who has been elected by the Nevada Student Alliance; requiring access to library facilities for students enrolled at an institution within the University and Community College System of Nevada; specifying that a student at a university or state college within the System completes a full course of study for the issuance of a diploma of graduation from the System if he satisfies the requirements for graduation and a degree as set forth in the catalog of the university or state college that is in effect at the time of enrollment or at the time of graduation, whichever the student elects; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved that the Assembly concur in the Senate Amendment No. 1104 to Assembly Bill No. 280.

Remarks by Assemblywoman Parnell.

Motion carried.

The following Senate amendment was read:

Amendment No. 1114.

Amend the bill as a whole by deleting sec. 4 and adding:

“Sec. 4. (Deleted by amendment.)”.

Amend the title of the bill by deleting the fifth through seventh lines and inserting: "school pupils; requiring access to library facilities for".

Assemblywoman Parnell moved that the Assembly concur in the Senate Amendment No. 1114 to Assembly Bill No. 280.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 142.

The following Senate amendment was read:

Amendment No. 841.

Amend sec. 5, page 2, by deleting lines 21 through 24 and inserting: "*must obtain an order of a court that requires the county assessor to maintain the personal information of the person in a confidential manner. Such an order must be based on a sworn affidavit by the person, which affidavit:*

(a) *States that the affiant qualifies as a person listed in section 6 of this act; and*

(b) *Sets forth sufficient justification for the request for confidentiality.*".

Amend sec. 8, page 4, lines 5 and 6, by deleting: "*station for a journalistic purpose.*" and inserting "*station.*".

Amend sec. 8, page 4, line 7, by deleting "A" and inserting: "*Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a*".

Amend the bill as a whole by deleting sec. 16 and renumbering sec. 17 as sec. 16.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 142.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 355.

The following Senate amendment was read:

Amendment No. 845.

Amend section 1, page 1, by deleting lines 11 through 15 and inserting: "*the premises during the pendency of the action, the person shall pay the rent and comply with all other provisions set forth in the underlying contract for possession of the premises. If the person fails to pay such rent or comply with the other provisions of the contract, the landlord may initiate proceedings for eviction. If the person is evicted, the housing authority is not required to issue a new voucher for housing assistance to the person unless and until the person prevails in the action for judicial review.*".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 355.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 780.

Amend section 1, page 3, by deleting lines 21 through 25.

Amend section 1, page 3, line 26, by deleting “8.” and inserting “7.”.

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting: to a contract with a design-build team; revising the”.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 456.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegeura moved that Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.

Remarks by Assemblyman Ocegura.

Motion carried unanimously.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 1:43 p.m.

ASSEMBLY IN SESSION

At 4:39 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 562; Senate Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was re-referred Assembly Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 1058.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chairman and 10 members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chairman of the Commission;

(b) One member of the Board, designated by the Chairman of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) Five members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; and

(3) One representative of restricted gaming licensees.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. ~~{Except as otherwise provided in subsection 6, the}~~ The Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are advisory and not binding on the Board or the Commission in the performance of their duties and functions.

~~{6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (c) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.}~~”

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 4 through 7, following sec. 2, to read as follows:

“Sec. 4. NRS 463.3086 is hereby amended to read as follows:

463.3086 1. If the location of a proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

the Commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.

2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:

(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and

(b) Is not within a gaming enterprise district,

the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

(a) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed establishment, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

(d) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.

6. At the hearing, the petitioner must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities and related services to the location are adequate;

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) On the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and

(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; ~~and~~

(g) The proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

whose property line is within 2,500 feet from the property line of the proposed establishment ~~[-]~~; and

(h) *The proposed establishment will be located within a gaming enterprise district that will be located entirely within the boundaries of a master planned community.*

7. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

8. *If the governing body of the county, city or town grants the petition to designate the location of the proposed establishment a gaming enterprise district, the governing body shall, at the hearing held pursuant to this section, establish limitations on the height and size of the proposed establishment.*

9. A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

~~[9.]~~ 10. As used in this section:

(a) “Developed residential district” means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) “Master planned community” means a contiguous area of land that:

(1) Contains at least 750 acres owned or controlled by a single entity;

(2) Contains a mix of land uses that include residential, commercial, employment and public uses;

(3) Contains not more than one gaming enterprise district and not more than one establishment that holds a nonrestricted license; and

(4) Has not more than 75 acres designated as a gaming enterprise district.

(c) “Private school” has the meaning ascribed to it in NRS 394.103.

~~[(c)]~~ (d) “Public school” has the meaning ascribed to it in NRS 385.007.

Sec. 5. NRS 463.3088 is hereby repealed.

Sec. 6. 1. Notwithstanding the provisions of paragraph (b) of subsection 4 of NRS 463.302, as amended by section 3 of this act, the

Nevada Gaming Control Board may, in its sole and absolute discretion, allow a licensee to move the location of its establishment and transfer its restricted or nonrestricted license pursuant to the provisions of NRS 463.302, as amended by section 3 of this act, if:

(a) The establishment holds a nonrestricted license on the effective date of this act but is not a resort hotel;

(b) The establishment is located in a county whose population is 400,000 or more and is located within a redevelopment area of the county on the effective date of this act;

(c) The establishment is acquired, displaced or relocated pursuant to a redevelopment project undertaken by an agency created pursuant to NRS 279.382 to 279.685, inclusive;

(d) The establishment is to be relocated within the redevelopment area of the county to a proposed location that is within 200 feet of the existing location of the establishment;

(e) The establishment will have a casino area that is less than or equal to the size of the casino area of the existing establishment; and

(f) The redevelopment agency and the board of county commissioners approve the move of the location of the establishment at a public hearing that is conducted in compliance with the provisions of subsection 2.

2. A public hearing to consider the move of the location of an establishment must comply with the following requirements:

(a) At least 10 days before the date of the public hearing, a notice of the hearing must be mailed to:

(1) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed location of the establishment;

(2) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed location of the establishment, to the extent this notice does not duplicate the notice given pursuant to any other provision of this paragraph;

(3) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed location of the establishment; and

(4) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed location of the establishment.

(b) The notice mailed pursuant to paragraph (a) must be written in language that is easy to understand and must set forth the date, time, place and purpose of the public hearing and contain a physical description or map of the proposed location of the establishment.

(c) The licensee shall pay the costs of providing the notice that is required pursuant to paragraph (a).

(d) Any interested person is entitled to be heard at the public hearing.

Sec. 7. 1. The amendatory provisions of section 4 of this act do not apply to an establishment that holds a nonrestricted license for a resort hotel on the effective date of this act and all parcels of land that are adjacent to the property line of the establishment or adjacent to a street or highway that is adjacent to the property line of such an establishment, if such parcels are owned or leased by the same person or entity, or any affiliate of the person or entity, which owns or leases the property on which the establishment is located.

2. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086, as amended by section 4 of this act, by an establishment described in subsection 1:

- (a) The petitioner may appeal to the Committee if the petition is denied; or
- (b) An aggrieved party may appeal to the Committee if the petition is granted.

3. A notice of appeal must be filed with the Committee not later than 10 days after the date of the decision on the petition.

4. The Committee may hear only one appeal from the decision on the petition.

5. The Committee shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the Committee shall consolidate the appeals of all persons who the Committee determines are aggrieved parties.

6. If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the Committee.

7. If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.

8. The Committee shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The Committee may accept written briefs or hear oral arguments, or both. The Committee shall not receive additional evidence and shall confine its review to the record. In reviewing the record, the Committee may substitute its judgment for that of the county, city or town and may make its own determinations as to the sufficiency and weight of the evidence on all questions of fact or law.

9. The Committee shall issue its decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The Committee shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with its affirmance or reversal.

10. Any party to the appeal before the Committee may appeal the decision of the Committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the Committee.

11. The Committee may take any action that is necessary to carry out the provisions of this section. Any action that is taken by the Committee pursuant to this section must be approved by a majority vote of the membership of the Committee.

12. As used in this section, "Committee" means the Review Panel of the Gaming Policy Committee which consists of the members of the Gaming Policy Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 of NRS 463.021 and subparagraph (1) of paragraph (f) of subsection 2 of NRS 463.021."

Amend the bill as a whole by adding the text of the repealed section, following sec. 3, to read as follows:

"

TEXT OF REPEALED SECTION

463.3088 Gaming enterprise district: Procedure for appealing denial or grant of petition to designate location outside of Las Vegas Boulevard gaming corridor and rural Clark County gaming zone.

1. After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086:

(a) The petitioner may appeal to the Committee if the petition is denied; or

(b) An aggrieved party may appeal to the Committee if the petition is granted.

2. A notice of appeal must be filed with the Committee not later than 10 days after the date of the decision on the petition.

3. The Committee may hear only one appeal from the decision on the petition.

4. The Committee shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the Committee shall consolidate the appeals of all persons who the Committee determines are aggrieved parties.

5. If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the Committee.

6. If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.

7. The Committee shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The Committee may accept written briefs or hear oral arguments, or both. The Committee shall not receive additional evidence and shall confine its review to the record. In reviewing the record, the Committee may substitute its judgment for that of the county, city or town and may make its own determinations as to the sufficiency and weight of the evidence on all questions of fact or law.

8. The Committee shall issue its decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The Committee shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with its affirmance or reversal.

9. Any party to the appeal before the Committee may appeal the decision of the Committee to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the Committee.

10. The Committee may take any action that is necessary to carry out the provisions of this section. Any action that is taken by the Committee pursuant to this section must be approved by a majority vote of the membership of the Committee.

11. As used in this section, "Committee" means the Review Panel of the Gaming Policy Committee as provided in subsection 6 of NRS 463.021."

Amend the title of the bill, sixth line, after "location;" by inserting: "revising provisions governing the designation of gaming enterprise districts;"

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1058 to Assembly Bill No. 485.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1095.

Amend sec. 7, page 7, line 26, by deleting: "on the effective date of this act".

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1095 to Assembly Bill No. 485.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1106.

Amend the bill as a whole by renumbering section 1 of the bill as sec. 1.7 and adding new sections designated sections 1 through 1.5, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. 1. *After a county, city or town makes a decision on a petition filed pursuant to NRS 463.3086:*

(a) *The petitioner may appeal to the arbitrator if the petition is denied; or*

(b) *An aggrieved party may appeal to the arbitrator if the petition is granted.*

2. *A notice of appeal must be filed with the arbitrator not later than 10 days after the date of the decision on the petition.*

3. *The arbitrator may hear only one appeal from the decision on the petition.*

4. *The arbitrator shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the arbitrator shall consolidate the appeals of all persons who the arbitrator determines are aggrieved parties.*

5. *If the petitioner files a notice of appeal, the county, city or town that denied the petition shall be deemed to be the opposing party, and the county, city or town may elect to defend its decision before the arbitrator.*

6. *If a notice of appeal is filed by the petitioner or an aggrieved party, the petitioner shall request the court reporter to prepare a transcript of the report of the hearing on the petition, and the petitioner shall pay the costs of preparing the transcript.*

7. *The arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if:*

(a) The county, city or town failed to comply with the requirements pertaining to notice and hearing of the petition in accordance with the provisions of subsections 3, 4 and 5 of NRS 463.3086;

(b) The county, city or town granted the petition without complying with the provisions of subsection 7, 8 or 9 of NRS 463.3086; or

(c) There is no evidence in the record to support the decision of the county, city or town.

8. *The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall affirm or reverse the decision of the county, city or town and shall grant or deny the petition in accordance with the affirmance or reversal.*

9. *Any party to the appeal before the arbitrator may appeal the decision of the arbitrator to grant or deny the petition to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the arbitrator.*

10. *The arbitrator may take any action that is necessary to carry out the provisions of this section.*

11. *As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules.*

Sec. 1.5. 1. *If a county, city or town decides to authorize an increase in the height or size of a proposed establishment, an aggrieved party may appeal the decision to the arbitrator.*

2. A notice of appeal must be filed with the arbitrator not later than 10 days after the date of the decision.

3. The arbitrator may hear only one appeal from the decision.

4. The arbitrator shall determine whether a person who files a notice of appeal is an aggrieved party. If more than one person files a notice of appeal, the arbitrator shall consolidate the appeals of all persons who the arbitrator determines are aggrieved parties.

5. If an aggrieved party files a notice of appeal, the proposed establishment and the county, city or town that authorized the increase in the height or size of the proposed establishment shall be deemed to be the opposing parties, and the proposed establishment and the county, city or town may elect to defend the decision before the arbitrator.

6. If a notice of appeal is filed by an aggrieved party, the proposed establishment shall request the court reporter to prepare a transcript of the report of the hearing on the decision, and the proposed establishment shall pay the costs of preparing the transcript.

7. The arbitrator shall consider the appeal not later than 30 days after the date the notice of appeal is filed. The arbitrator may accept written briefs or hear oral arguments, or both. The arbitrator shall not receive additional evidence and shall confine his review to the record. In reviewing the record, the arbitrator shall not substitute his judgment for that of the county, city or town. The arbitrator may reverse the decision of the county, city or town only if there is not substantial evidence in the record to support the decision of the county, city or town.

8. The arbitrator shall issue his decision and written findings not later than 30 days after the appeal is heard or is submitted for consideration without oral argument. The arbitrator shall affirm or reverse the decision of the county, city or town.

9. Any party to the appeal before the arbitrator may appeal the decision of the arbitrator to the district court. A party must file such an appeal not later than 20 days after the date of the decision of the arbitrator.

10. The arbitrator may take any action that is necessary to carry out the provisions of this section.

11. As used in this section, "arbitrator" means an arbitrator appointed by the arbitration commissioner in accordance with the provisions of the Nevada Arbitration Rules."

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. NRS 463.3074 is hereby amended to read as follows:

463.3074 The provisions of NRS 463.3072 to 463.3094, inclusive, and sections 1.3 and 1.5 of this act apply to establishments and gaming enterprise districts that are located in a county whose population is 400,000 or more."

Amend sec. 7, pages 7 and 8, by deleting lines 35 through 44 on page 7 and lines 1 through 36 on page 8, and inserting:

“(a) If the petition is denied, the petitioner may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act; or

(b) If the petition is granted, an aggrieved party may appeal the decision of the county, city or town in accordance with the provisions of section 1.3 of this act.”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1106 to Assembly Bill No. 485.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its actions on Senate Bill No. 296, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parnell, Gerhardt, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 296.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Leslie moved that Assembly Bill No. 460 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Leslie.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 87.

The following Senate amendment was read:

Amendment No. 924.

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 608.250 is hereby amended to read as follows:

608.250 1. Except as otherwise provided in this section, the *minimum wage which may be paid to employees in private employment within the State who are 18 years of age or older is \$6.40 per hour or the amount established by federal law, whichever is greater.*

2. *The Labor Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State ~~[-] who are under 18 years of age.~~ The Labor Commissioner shall prescribe increases in ~~the~~ that minimum wage in accordance with those prescribed by federal law, unless he determines that those increases are contrary to the public interest.*

~~[-]~~ 3. The provisions of ~~subsection~~ subsections 1 and 2 do not apply to:

- (a) Casual babysitters.
- (b) Domestic service employees who reside in the household where they work.
- (c) Outside salespersons whose earnings are based on commissions.
- (d) Employees engaged in an agricultural pursuit for an employer who did not use more than 500 man-days of agricultural labor in any calendar quarter of the preceding calendar year.
- (e) Taxicab and limousine drivers.
- (f) Severely handicapped persons whose disabilities have diminished their productive capacity in a specific job and who are specified in certificates issued by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.

~~[-]~~ 4. It is unlawful for any person to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that ~~established by the Labor Commissioner~~ required to be paid to the person pursuant to the provisions of this section.

Sec. 2. NRS 608.260 is hereby amended to read as follows:

608.260 If any employer pays any employee a lesser amount than the minimum wage ~~prescribed by regulation of the Labor Commissioner~~ required to be paid to the employee pursuant to the provisions of NRS 608.250, the employee may, at any time within 2 years, bring a civil action to recover the difference between the amount paid to the employee and the amount of ~~the~~ that minimum wage. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

Sec. 3. At the General Election on November 7, 2006, a question must be submitted to the registered voters of this State in substantially the following form:

Shall the minimum wage which may be paid to employees in private employment within the State who are 18 years of age or older be established by statute at \$6.40 per hour or the amount established by federal law, whichever is greater, subject to certain statutory exceptions?

Sec. 4. 1. This section and section 3 of this act become effective on October 1, 2005.

2. Sections 1 and 2 of this act become effective on October 1, 2006.

3. Sections 1 and 2 of this act expire by limitation on December 1, 2006:

(a) Unless the voters, at the General Election on November 7, 2006, approve the question submitted pursuant to section 3 of this act; or

(b) If the voters, at the General Election on November 7, 2006, approve the question amending the Nevada Constitution to raise the minimum wage paid to employees that was presented in the initiative petition entitled “Raise the Minimum Wage for Working Nevadans.””.

Amend the title of the bill to read as follows:

“AN ACT relating to employment; establishing a statutory minimum wage for certain employees in this State; providing for the adjustment of the minimum wage; requiring the submission to the voters of a question regarding the minimum wage; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 87.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

The following Senate amendment was read:

Amendment No. 858.

Amend section 1, page 3, line 9, by deleting “*promotional*” and inserting: “*promotional, rebate, incentive*”.

Amend section 1, page 3, by deleting lines 38 through 40 and inserting: “*record*.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 19.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 183.

The following Senate amendment was read:

Amendment No. 860.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

“Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. “*Licensed practical nurse*” has the meaning ascribed to it in NRS 632.016.

Sec. 3. “*Nursing assistant*” has the meaning ascribed to it in NRS 632.0166.

Sec. 4. “*Registered nurse*” has the meaning ascribed to it in NRS 632.019.

Sec. 5. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 449.205 is hereby amended to read as follows:

449.205 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against ~~an~~ :

(a) *An employee of the medical facility or a person acting on behalf of the employee who in good faith:*

~~{(a)}~~ (1) Reports to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

~~{(b)}~~ (2) Reports a sentinel event to the Health Division pursuant to NRS 439.835; or

~~{(c)}~~ (3) Cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners, the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in ~~paragraph (a) or (b).~~ subparagraph (1) or (2).

(b) *A registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility and who, in accordance with the policy, if any, established by the medical facility:*

(1) *Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and*

(2) *Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the registered nurse, licensed practical nurse or nursing assistant concerning his competence to provide various nursing services, he does not possess the knowledge, skill or experience to comply with the assignment to provide nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in chapter 632 of NRS or any regulations adopted pursuant thereto.*

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility or a registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility because the employee, registered nurse, licensed practical nurse or nursing assistant has taken an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility or a registered nurse, licensed practical nurse or nursing assistant who is employed by or

contracts to provide nursing services for the medical facility to take an action described in subsection 1.

4. As used in this section:

(a) “Physician” means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(b) “Retaliate or discriminate”:

(1) Includes, without limitation, the following action if such action is taken solely because the employee *or the registered nurse, licensed practical nurse or nursing assistant* took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the employee works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include action described in ~~{subparagraphs}~~ *subparagraphs* (I) to (X), inclusive, of ~~{paragraph}~~ *subparagraph* (1) if the action is taken in the normal course of employment or as a form of discipline.

Sec. 7. NRS 449.207 is hereby amended to read as follows:

449.207 An employee of a medical facility *or a registered nurse, licensed practical nurse or nursing assistant who is employed by or contracts to provide nursing services for the medical facility* who believes that he has been retaliated or discriminated against in violation of NRS 449.205 may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.”.

Amend the title of the bill to read as follows:

“AN ACT relating to nursing; prohibiting medical facilities from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination may file an action in a court of competent jurisdiction for appropriate relief; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits medical facilities from retaliating or discriminating unfairly against certain nurses for refusing to provide nursing services under certain circumstances. (BDR 40-927)”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 183.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 186.

The following Senate amendment was read:

Amendment No. 861.

Amend section 1, page 2, lines 31 through 33, by deleting: “, *including, without limitation, any amount of money that the Administrator has determined is required to fund the payments required pursuant to section 2 of this act,*”.

Amend section 1, pages 2 and 3, by deleting line 39 on page 1 and line 1 on page 2, and inserting: “expenditures for claims of each group of insurers. After allocating the”.

Amend sec. 2, page 3, line 41, by deleting “4.” and inserting “3.”.

Amend sec. 2, page 4, by deleting lines 3 through 24 and inserting: “*the payments calculated pursuant to subsection 3.*”.

Amend sec. 2, page 4, line 25, by deleting “4.” and inserting “3.”.

Amend sec. 2, page 4, by deleting lines 26 and 27 and inserting: “*method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must*”.

Amend sec. 2, page 4, line 29, by deleting: “*collected from the assessment*”.

Amend sec. 2, page 4, line 35, by deleting “5.” and inserting “4.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. Notwithstanding the provisions of subsection 4 of section 2 of this act, the Administrator shall make the first payment required by section 2 of this act to each claimant and dependant of the claimant who is entitled to the payment not later than December 31, 2005.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 186.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 455.

The following Senate amendment was read:

Amendment No. 1089.

Amend section 1, page 2, by deleting line 2 and inserting: “thereto a new section to read as follows:

1. *A county clerk may provide the form for the application to register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to a candidate, major political party, minor political party or any other person submitting a request pursuant to subsection 2.*

2. A candidate, major political party, minor political party or other person shall:

(a) Submit a request for forms for the application to register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for the application to register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he provided in response to the request. The county clerk shall maintain a request for multiple applications with his records.”.

Amend the bill as a whole by deleting sections 2 through 4 and adding:

“Secs. 2-4. (Deleted by amendment.)”.

Amend sec. 5, page 3, lines 19 and 20, by deleting: “[~~made available~~] designated” and inserting “made available”.

Amend sec. 5, page 3, by deleting lines 24 through 30 and inserting: “of a building governed by this subsection shall designate and approve the area required by this subsection for the building.”.

Amend sec. 5, page 3, by deleting lines 37 and 38 and inserting:

“3. A person aggrieved by a decision made by a”.

Amend sec. 5, pages 3 and 4, by deleting lines 43 and 44 on page 3 and lines 1 and 2 on page 4, and inserting: “subsection 1 ~~[.]~~ or 2. If the Secretary of State determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

4. The decision of the Secretary of State is a final”.

Amend sec. 5, page 4, line 13, by deleting “petition.” and inserting: “petition, but in no event may the deadline be extended for a period of more than 5 days.”.

Amend the bill as a whole by deleting sec. 6 and adding:

“Sec. 6. (Deleted by amendment.)”.

Amend sec. 7, page 5, lines 18 and 19, by deleting: “[~~second~~] fourth Tuesday in [~~July~~] April” and inserting: “second Tuesday in [~~July~~] June”.

Amend sec. 7, page 5, line 26, by deleting: “[~~first~~] third Tuesday in [~~June~~] March” and inserting: “first Tuesday in [~~June~~] May”.

Amend sec. 7, page 5, line 27, by deleting: “[~~fourth~~] second Tuesday in [~~July~~] May.” and inserting: “fourth Tuesday in [~~July~~] June.”.

Amend sec. 7, page 5, line 41, by deleting: “[~~second~~] fourth Tuesday in [~~July~~] April” and inserting: “second Tuesday in [~~July~~] June”.

Amend sec. 7, page 5, by deleting lines 42 and 43 and inserting: “before 5 p.m. ~~{of the second Tuesday in September}~~ *on the first Tuesday after the primary election* must be filled by the person who receives the next”.

Amend sec. 7, page 6, by deleting lines 2 and 3 and inserting: “election after 5 p.m. ~~{of the second Tuesday in September}~~ *on the first Tuesday after the primary election* of the year in which the general”.

Amend sec. 7, page 6, by deleting lines 8 and 9 and inserting: “or before 5 p.m. on the ~~{second Tuesday in September}~~ *first Tuesday after the primary election*. In each case, the statutory filing fee must be”.

Amend sec. 8, page 6, by deleting lines 37 and 38 and inserting:

“2. No change may be made on the ballot after the ~~{second Tuesday in September}~~ *first Tuesday after the primary election* of the year in”.

Amend sec. 8, page 6, by deleting lines 42 and 43 and inserting: “be filed with the Secretary of State before 5 p.m. ~~{of the second Tuesday in September}~~ *on the first Tuesday after the primary election*, and the”.

Amend the bill as a whole by deleting sections 9 and 10 and adding:

“Secs. 9 and 10. (Deleted by amendment.)”.

Amend sec. 11, page 8, by deleting lines 18 and 19 and inserting:

“293.175 1. The primary election must be held on the ~~{first Tuesday of September}~~ *twelfth Tuesday before the general election* in each even-numbered year.”.

Amend the bill as a whole by deleting sections 13 through 27 and adding:

“Secs. 13-27. (Deleted by amendment.)”.

Amend sec. 28, page 21, by deleting line 23 and inserting: “before 5 p.m. on the ~~{third Thursday in August}~~ *second Thursday before the primary election* and”.

Amend sec. 29, page 21, lines 29 and 30, by deleting: “~~{second}~~ *fourth* Tuesday in ~~{July}~~ *May*,” and inserting: “second Tuesday in ~~{July}~~ *June*,”.

Amend sec. 29, page 21, lines 43 and 44, by deleting: “of the ~~{second}~~ *first* Tuesday in ~~{September}~~ *July*,” and inserting: “~~{of the second Tuesday in September}~~ *on the first Tuesday after the primary election*,”.

Amend the bill as a whole by deleting sections 30 and 31 and adding:

“Secs. 30 and 31. (Deleted by amendment.)”.

Amend sec. 32, page 25, by deleting line 34 and inserting:

“(a) *If the person who assists an elector with completing the form*”.

Amend sec. 32, page 25, line 35, by deleting “vote,” and inserting: “*vote retains the form*,”.

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

“Sec. 34. NRS 293B.063 is hereby amended to read as follows:

293B.063 No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the Federal Election Commission ~~{ }~~ *pursuant to federal law*.

Sec. 34.5. NRS 293B.104 is hereby amended to read as follows:

293B.104 The Secretary of State shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the Federal Election Commission ~~[]~~ *pursuant to federal law.*”.

Amend sec. 35, page 27, line 45, by deleting “April” and inserting “June”.

Amend the bill as a whole by deleting sections 36 through 51 and adding: “Secs. 36–51. (Deleted by amendment.)”.

Amend sec. 52, page 40, by deleting line 8 and inserting: “~~[first Tuesday in September preceding the]~~ *date fixed by the election laws of this State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next*”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that a primary election must be conducted on the twelfth Tuesday before a general election in an even-numbered year; revising the provisions governing areas at public buildings for the use in gathering of signatures on a petition; revising the provision governing the form for application to register to vote; revising the provisions governing registering to vote before an election; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 455.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 384.

The following Senate amendment was read:

Amendment No. 869.

Amend sec. 2, page 1, line 5, by deleting: “3 to 21,” and inserting: “2.5 to 21.5,”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. 1. “Automated loan machine” means any machine or other device, regardless of the name given to it or the technology used, that:

(a) Is automated;

(b) Is designed or intended to allow a customer, without any additional assistance from another person, to receive or attempt to receive a deferred deposit loan or short-term loan through the machine or other device; and

(c) Is set up, installed, operated or maintained by or on behalf of the person making the loan or any agent, affiliate or subsidiary of the person.

2. The term does not include any machine or other device used directly by a customer to access the Internet unless the machine or other device is made available to the customer by the person making the loan or any agent, affiliate or subsidiary of the person.”.

Amend sec. 8, page 2, by deleting lines 30 and 31 and inserting: *“the extension or repayment plan does not violate the provisions of this chapter.”*.

Amend sec. 9, page 2, line 35, by deleting “written” and inserting “loan”.

Amend sec. 9, page 3, line 2, by deleting “the electronic” and inserting “an electronic”.

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

“Sec. 15.5. *“Refund anticipation loan” means a loan offered or made to a taxpayer by a lender or through a facilitator based on the taxpayer’s anticipated federal income tax refund.”*.

Amend sec. 16, page 3, by deleting lines 32 and 33 and inserting:

“Sec. 16. *“Regulation Z” means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.”*.

Amend sec. 17, page 3, by deleting lines 37 through 43 and inserting:

“(a) Charges an annual percentage rate of more than 40 percent; and

(b) Requires the loan to be paid in full in less than 1 year.

2. The term does not include:

(a) A deferred deposit loan;

(b) A title loan; or

(c) A refund anticipation loan.”.

Amend sec. 19, page 4, by deleting lines 5 through 11 and inserting: *“pursuant to a loan agreement which, under its original terms:*

(a) Charges an annual percentage rate of more than 35 percent; and

(b) Requires the customer to secure the loan by giving possession of the title to a vehicle legally owned by the customer to the person making the loan, or to any agent, affiliate or subsidiary of the person, whether or not the person making the loan or taking possession of the title perfects a security interest in the vehicle by having the person’s name noted on the title as a lienholder.

2. The term does not include:

(a) A loan which creates a purchase-money security interest in a vehicle or the refinancing of any such loan; or

(b) Any other loan for which a vehicle is used as security or collateral if the person making the loan.”.

Amend sec. 21, page 4, by deleting lines 17 through 19 and inserting:

“Sec. 21. *“Title to a vehicle” or “title” means a certificate of title or ownership issued pursuant to the laws of this State that identifies the legal owner of a vehicle or any similar”*.

Amend the bill as a whole by adding new sections designated sections 21.2 through 21.8, following sec. 21, to read as follows:

“Sec. 21.2. *“Truth in Lending Act” means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.*

Sec. 21.5. 1. “Vehicle” means any vehicle, whether or not self-propelled, that is designed or intended for land transportation if the legal owner of the vehicle is required to have a title.

2. The term includes, without limitation:

- (a) Passenger vehicles;
- (b) Recreational vehicles; and
- (c) House trailers and travel trailers.

3. The term does not include:

- (a) Farm vehicles;
- (b) Vehicles of a common or contract carrier;
- (c) Commercial vehicles;
- (d) Construction vehicles;
- (e) Military vehicles;
- (f) Vehicles used exclusively upon stationary rails or tracks; or
- (g) Any other vehicles which are similar in nature to the vehicles listed in paragraphs (a) to (f), inclusive, and which the Commissioner, by regulation, excludes from the definition of “vehicle.”

Sec. 21.8. 1. As used in this chapter, unless the context otherwise requires, the following terms have the meanings ascribed to them in the Truth in Lending Act and Regulation Z:

- (a) “Amount financed.”
- (b) “Annual percentage rate.”
- (c) “Finance charge.”
- (d) “Payment schedule.”
- (e) “Total of payments.”

2. For the purposes of this chapter, proper calculation of the amount financed, annual percentage rate and finance charge for a loan must be made in accordance with the Truth in Lending Act and Regulation Z.”.

Amend sec. 23, page 4, line 28, before “loan,” by inserting: “loan or an extension of a”.

Amend sec. 23, page 4, line 30, by deleting: “fees or interest” and inserting: “additional fees or additional interest”.

Amend sec. 27, page 6, between lines 6 and 7, by inserting:

“15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service.”.

Amend sec. 28, page 6, by deleting lines 7 through 13 and inserting:

“Sec. 28. 1. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

2. The Commissioner shall adopt any other regulations as are”.

Amend sec. 29, page 6, line 24, by deleting “means.” and inserting: “means, except that the person shall not operate such a service through any automated loan machine in violation of the provisions of subsection 3.

3. *A person shall not operate a deferred deposit loan service or short-term loan service through any automated loan machine, and the Commissioner shall not issue a license that authorizes the licensee to conduct business through any automated loan machine.”.*

Amend sec. 30, page 6, by deleting lines 26 through 29 and inserting: *“every location at which he conducts business under his license:*

(a) A notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, short-term loan services or title loan services.

(b) A notice that states a toll-free telephone number to the Office of the Commissioner to handle concerns or complaints of customers.

The Commissioner shall adopt regulations prescribing the form and size of the notices required by this subsection.”.

Amend sec. 30, page 6, line 33, after *“means,”* by inserting: *“except for an automated loan machine prohibited by section 29 of this act,”.*

Amend sec. 31, page 7, by deleting lines 11 through 25 and inserting:

“(b) The nature of the security for the loan, if any;

(c) The date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z;

(d) A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;

(e) A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;

(f) A disclosure stating that, if the customer defaults on the loan, the customer has the opportunity within 30 days of the date of default to enter into a repayment plan with a term of at least 90 days, and that the licensee must offer the repayment plan to the customer before the licensee commences any civil action or process of alternative dispute resolution or, if appropriate for the loan, before the licensee repossesses a vehicle; and

(g) Any other disclosures required under the Truth in Lending Act and Regulation Z or under any other applicable federal or state statute or regulation.”.

Amend sec. 32, page 7, line 30, after *“Act,”* by inserting *“as amended,”.*

Amend sec. 32, page 7, line 33, by deleting *“initiates”* and inserting *“commences”.*

Amend sec. 32, page 7, line 39, by deleting *“is”* and inserting *“was”.*

Amend sec. 32, page 7, after line 45, by inserting:

“3. Notwithstanding any provision of NRS 66.010 to the contrary, if:

(a) A licensee intends to commence a civil action in a justice’s court against a customer to collect a debt; and

(b) The customer resides in the county where the loan was made,

the licensee is required to commence the civil action in the justice's court for the township where the loan was made unless, after the date of default and before the licensee commences the civil action, the customer signs an affidavit agreeing to try the action in another justice's court having jurisdiction over the subject matter and the parties. A licensee shall not, directly or indirectly, require, intimidate, threaten or coerce a customer to sign such an affidavit."

Amend sec. 33, page 8, line 12, after "Garnish" by inserting: "*or threaten to garnish*".

Amend sec. 33, page 8, line 14, after "Contact" by inserting: "*or threaten to contact*".

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. 1. A licensee shall not:

(a) *Make a deferred deposit loan that exceeds 25 percent of the expected gross monthly income of the customer when the loan is made; or*

(b) *Make a short-term loan which, under the terms of the loan agreement, requires any monthly payment that exceeds 25 percent of the expected gross monthly income of the customer.*

2. *A licensee is not in violation of the provisions of this section if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that:*

(a) *For a deferred deposit loan, the loan does not exceed 25 percent of his expected gross monthly income when the loan is made; or*

(b) *For a short-term loan, the monthly payment required under the terms of the loan agreement does not exceed 25 percent of his expected gross monthly income."*

Amend sec. 34, page 8, by deleting lines 19 through 38 and inserting:

"Sec. 34. A licensee shall not make more than one deferred deposit loan or short-term loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:

1. *The customer is seeking multiple loans that do not exceed the limits set forth in section 33.5 of this act;*

2. *The licensee charges the same or a lower annual percentage rate for any additional loans as he charged for the initial loan;*

3. *Except for that part of the finance charge which consists of interest only, the licensee does not impose any other charge or fee to initiate any additional loans, except that a licensee who makes deferred deposit loans or short-term loans in accordance with the provisions of subsection 2 of section 43 of this act may charge a reasonable fee for preparing documents in an amount that does not exceed \$50; and*

4. *If the additional loans are deferred deposit loans and the"*

Amend sec. 35, page 9, line 2, by deleting "motor".

Amend sec. 35, page 9, by deleting lines 7 through 22 and inserting:

“(d) More than one check or written authorization for an electronic transfer of money for each deferred deposit loan.

(e) A check or written authorization for an electronic transfer of money for any deferred deposit loan in an amount which exceeds the total of payments set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer.

2. Take any note or promise to pay which does not disclose the date and amount of the loan, amount financed, annual percentage rate, finance charge, total of payments, payment schedule and a description and the amount of every fee charged, regardless of the name given to the fee and regardless of whether the fee is required to be included in the finance charge under the Truth in Lending Act and Regulation Z.

3. Take any instrument, including a check or written authorization for an electronic transfer of money, in which blanks”.

Amend sec. 36, page 9, by deleting lines 36 through 38 and inserting:

“2. Commence a civil action or any process of alternative dispute resolution or repossession of a vehicle before the customer defaults under the original term of a loan agreement or before the customer defaults under any repayment plan, extension or grace period negotiated and agreed”.

Amend sec. 36, page 10, line 2, before “payment” by inserting “the”.

Amend the bill as a whole by adding a new section designated sec. 36.5, following sec. 36, to read as follows:

“Sec. 36.5. Notwithstanding any other provision of this chapter to the contrary:

1. The original term of a title loan must not exceed 30 days.

2. The title loan may be extended for not more than six additional periods of extension, with each such period not to exceed 30 days, if:

(a) Any interest or charges accrued during the original term of the title loan or any period of extension of the title loan are not capitalized or added to the principal amount of the title loan during any subsequent period of extension;

(b) The annual percentage rate charged on the title loan during any period of extension is not more than the annual percentage rate charged on the title loan during the original term; and

(c) No additional origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fees, are charged in connection with any extension of the title loan.”.

Amend sec. 37, page 10, line 18, by deleting “motor”.

Amend sec. 37, page 10, by deleting line 27 and inserting: “obligations, employment and ownership of the vehicle; and”.

Amend sec. 38, page 10, line 30, by deleting “chapter,” and inserting “section,”.

Amend sec. 38, page 10, line 35, by deleting: “to commence a legal action”.

Amend sec. 38, page 10, lines 36, 40, 41 and 43, by deleting “motor”.

Amend sec. 38, page 11, lines 1 and 3, by deleting “motor”.

Amend sec. 38, page 11, by deleting lines 4 through 15 and inserting:
“before he entered into the title loan.

3. *If a vehicle is repossessed pursuant to this section:*

(a) *By the licensee or his employees, the licensee shall make reasonably available to the customer any personal property in or upon the vehicle; or*

(b) *By a third party acting on behalf of the licensee, the licensee shall instruct the third party to make reasonably available to the customer any personal property in or upon the vehicle.*

4. *If a customer uses fraud to secure a title loan or if the customer wrongfully transfers any interest in the vehicle to a third party before the title loan is repaid, the licensee may bring a civil action against the customer for any or all of the following relief:*

(a) *The amount of the loan obligation, including, without limitation, the aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer as permitted under this chapter, less any prior payments made by the customer;”.*

Amend sec. 38, page 11, line 24, by deleting “motor”.

Amend sec. 39, page 11, line 31, by deleting “loan:” and inserting “loan;”.

Amend sec. 39, page 12, line 6, by deleting “motor”.

Amend sec. 40, page 12, line 14, by deleting “customer,” and inserting:
“customer as permitted under this chapter;”.

Amend sec. 40, page 12, line 23, by deleting “motor”.

Amend sec. 42, pages 13 and 14, by deleting lines 7 through 45 on page 13 and lines 1 through 22 on page 14, and inserting:

“Sec. 42. 1. *Before a licensee attempts to collect the outstanding balance on a loan in default by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, the licensee shall offer the customer an opportunity to enter into a repayment plan. The licensee:*

(a) *Is required to make the offer available to the customer for a period of at least 30 days after the date of default; and*

(b) *Is not required to make such an offer more than once for each loan.*

2. *Not later than 15 days after the date of default, the licensee shall provide to the customer written notice of the opportunity to enter into a repayment plan. The written notice must:*

(a) *Be in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish;*

(b) *State the date by which the customer must act to enter into a repayment plan;*

(c) *Explain the procedures the customer must follow to enter into a repayment plan;*

(d) If the licensee requires the customer to make an initial payment to enter into a repayment plan, explain the requirement and state the amount of the initial payment and the date the initial payment must be made;

(e) State that the customer has the opportunity to enter into a repayment plan with a term of at least 90 days after the date of default; and

(f) Include the following amounts:

(1) The total of payments or the remaining balance on the original loan;

(2) Any payments made on the loan;

(3) Any charges added to the loan amount allowed pursuant to the provisions of this chapter; and

(4) The total amount due if the customer enters into a repayment plan.

3. Under the terms of any repayment plan pursuant to this section:

(a) The customer must enter into the repayment plan not later than 30 days after the date of default, unless the licensee allows a longer period;

(b) The licensee must allow the period for repayment to extend at least 90 days after the date of default, unless the customer agrees to a shorter term;

(c) The licensee may require the customer to make an initial payment of not more than 20 percent of the total amount due under the terms of the repayment plan;

(d) For a deferred deposit loan:

(1) The licensee may require a customer to provide, as security, one or more checks or written authorizations for an electronic transfer of money which equal the total amount due under the terms of the repayment plan;

(2) The licensee shall, if the customer makes a payment in the amount of a check or written authorization taken as security for that payment, return to the customer the check or written authorization stamped "void" or destroy the check or written authorization; and

(3) The licensee shall not charge any fee to the customer pursuant to section 45 of this act for a check which is provided as security during the repayment plan and which is not paid upon presentment if, in connection with that loan, the licensee has previously charged at least one such fee.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

(a) Except as otherwise provided by this chapter, charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

(1) Any interest, regardless of the name given to the interest, other than the interest charged pursuant to the original loan agreement at a rate which does not exceed the annual percentage rate charged during the term of the original loan agreement; or

(2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

(b) Except as otherwise provided in this section, accept any additional security or collateral from the customer to enter into the repayment plan;

(c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

(d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in section 33.5 of this act;

(e) During the term of the repayment plan, attempt to collect the outstanding balance by commencing any civil action or process of alternative dispute resolution or by repossessing a vehicle, unless the customer defaults on the repayment plan; or

(f) Attempt to collect an amount that is greater than the amount owed under the terms of the repayment plan.

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

(a) Prepare a written agreement establishing the repayment plan; and

(b) Give the customer a copy of the written agreement. The written agreement must:

(1) Be signed by the licensee and customer; and

(2) Contain all of the terms of the repayment plan, including, without limitation, the total amount due under the terms of the repayment plan.”.

Amend sec. 42, page 14, between lines 35 and 36, by inserting:

“7. If the customer defaults on the repayment plan, the licensee may, to collect the outstanding balance, commence any civil action or process of alternative dispute resolution or repossess a vehicle as otherwise authorized pursuant to this chapter.”.

Amend sec. 43, page 14, by deleting lines 36 through 41 and inserting:

“Sec. 43. 1. Except as otherwise provided in subsection 2, if a customer agrees to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new deferred deposit loan or short-term loan to pay the balance of the outstanding loan, the licensee shall not establish or extend such a period beyond 60 days after the expiration of the initial loan period.

2. This section does not apply to a deferred deposit loan or short-term loan if the licensee:

(a) Makes the deferred deposit loan or short-term loan to a customer pursuant to a loan agreement which, under its original terms:

(1) Charges an annual percentage rate of less than 200 percent;

(2) Requires the customer to make a payment on the loan at least once every 30 days;

(3) Requires the loan to be paid in full in not less than 150 days; and

(4) Provides that interest does not accrue on the loan at the annual percentage rate set forth in the loan agreement after the date of maturity of the loan;

(b) Performs a credit check of the customer with a major consumer reporting agency before making the loan;

(c) Reports information relating to the loan experience of the customer to a major consumer reporting agency;

(d) Gives the customer the right to rescind the deferred deposit loan or short-term loan within 5 days after the loan is made without charging the customer any fee for rescinding the loan;

(e) Participates in good faith with a counseling agency that is:

(1) Accredited by the Council on Accreditation for Services for Families and Children, Inc., or its successor organization; and

(2) A member of the National Foundation for Credit Counseling, or its successor organization; and

(f) Does not commence any civil action or process of alternative dispute resolution on a defaulted loan or any extension or repayment plan thereof.”

Amend sec. 44, pages 14 and 15, by deleting lines 42 through 45 on page 14 and lines 1 through 12 on page 15, and inserting:

“Sec. 44. 1. Except as otherwise provided in section 36.5 of this act, if a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The principal amount of the loan.

(b) The interest accrued before the expiration of the initial loan period at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by section 43 of this act.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate”.

Amend sec. 44, page 15, lines 17 and 18, by deleting “12 weeks.” and inserting “90 days.”

Amend sec. 44, page 15, line 24, by deleting “1,” and inserting: “1 and any other charges expressly permitted pursuant to sections 34, 36.5 and 42 of this act.”

Amend sec. 48, page 17, line 21, by deleting “business,” and inserting: “business under the license.”

Amend sec. 48, page 17, line 25, by deleting “means.” and inserting: “means, except that the applicant shall not propose to do business through any automated loan machine prohibited by section 29 of this act.”

Amend sec. 48, page 17, between lines 40 and 41, by inserting:

“4. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.”.

Amend sec. 49, page 17, by deleting lines 44 and 45 and inserting: *“the State of Nevada in the amount of \$50,000 plus an additional \$5,000 for each branch location at which the applicant proposes to do business under the license. Thereafter, each licensee shall maintain the surety bond so that the amount of the surety bond is \$50,000 plus an additional \$5,000 for each branch location at which the licensee does business under the license. The surety bond required by this section is for the use and benefit of any customer receiving the services of the licensee at any location at which the licensee does business under the license.”.*

Amend sec. 51, page 19, line 39, by deleting *“means.”* and inserting: *“means, except that the applicant shall not conduct business in this State through any automated loan machine prohibited by section 29 of this act.”.*

Amend sec. 52, page 19, line 43, by deleting *“section”* and inserting: *“sections 53.5 and”.*

Amend the bill as a whole by adding a new section designated sec. 53.5, following sec. 53, to read as follows:

“Sec. 53.5. 1. In addition to any other requirements set forth in this chapter, each applicant must submit proof satisfactory to the Commissioner that the applicant:

(a) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(b) Has not made a false statement of material fact on the application for the license.

(c) Has not committed any of the acts specified in subsection 2.

(d) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) If the applicant is a natural person:

(1) Is at least 21 years of age; and

(2) Is a citizen of the United States or lawfully entitled to remain and work in the United States.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) *Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.*

(b) *Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.*

(c) *Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.*

(d) *Has falsified any of the information submitted to the Commissioner in support of the application for the license.”.*

Amend sec. 54, page 20, line 21, by deleting “*that the*” and inserting: “*that*”:

(a) *The”.*

Amend sec. 54, page 20, by deleting line 25 and inserting: “*efficiently; and*

(b) *the applicant has satisfied the requirements set forth in section 53.5 of this act.”.*

Amend sec. 54, page 20, line 41, by deleting “*means.*” and inserting: “*means, except that the Commissioner shall not issue any license that would authorize the licensee to operate through any automated loan machine prohibited by section 29 of this act.”.*

Amend sec. 54, page 20, line 44, by deleting “*shall:*” and inserting “*must:*”.

Amend sec. 57, page 21, line 41, after “*Sec. 57.*” by inserting “*1.*”.

Amend sec. 57, page 22, between lines 2 and 3, by inserting:

“*2. A licensee must obtain the approval of the Commissioner before using or changing a business name.*

3. A licensee shall not:

(a) *Use any business name which is identical or similar to a business name used by another licensee under this chapter or which may mislead or confuse the public.*

(b) *Use any printed forms which may mislead or confuse the public.”.*

Amend sec. 59, page 23, line 8, by deleting “*means.*” and inserting: “*means, except that the licensee shall not operate any automated loan machine prohibited by section 29 of this act.”.*

Amend sec. 60, page 23, line 12, after “*separate*” by inserting: “*written or electronic*”.

Amend sec. 64, page 25, line 1, after “*Sec. 64.*” by inserting “*1.*”.

Amend sec. 64, page 25, between lines 6 and 7, by inserting:

“*2. If, after auditing one or more branch locations of the licensee, the Commissioner or his authorized representatives conclude that the loans, disclosures, loan practices, computer processes, filing systems and records are identical at each branch location, the Commissioner may make an examination of only those branch locations he deems necessary.”.*

Amend the bill as a whole by adding a new section designated sec. 65.5, following sec. 65, to read as follows:

“Sec. 65.5. In addition to any other lawful reasons, the Commissioner may suspend or revoke a license if the licensee has engaged in any act that would be grounds for denying a license pursuant this chapter.”.

Amend the bill as a whole by adding a new section designated sec. 73.5, following sec. 73, to read as follows:

“Sec. 73.5. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 upon a person who, without a license, conducts any business or activity for which a license is required pursuant to the provisions of this chapter.”.

Amend sec. 74, page 28, by deleting lines 9 through 21 and inserting:

“Sec. 74. 1. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, if a person violates any provision of section 29, 31 to 47, inclusive, 49, 50, 57 or 58 of this act or any regulation adopted pursuant thereto, the customer may bring a civil action against the person for any or all of the following relief:

- (a) Actual and consequential damages;*
- (b) Punitive damages, which are subject to the provisions of NRS 42.005;*
- (c) Reasonable attorney’s fees and costs; and*
- (d) Any other legal or equitable relief that the court deems appropriate.*

2. Subject to the affirmative defense set forth in subsection 3, in addition to any other remedy or penalty, the customer may bring a civil action against a person pursuant to subsection 1 to recover an additional amount, as statutory damages, which is equal to \$1,000 for each violation if the person knowingly:

(a) Operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service without a license, in violation of section 29 of this act;

(b) Fails to include in a loan agreement a disclosure of the right of the customer to rescind the loan, in violation of section 31 of this act;

(c) Violates any provision of section 33 of this act;

(d) Accepts collateral or security for a deferred deposit loan, in violation of section 35 of this act, except that a check or written authorization for an electronic transfer of money shall not be deemed to be collateral or security for a deferred deposit loan;

(e) Uses or threatens to use the criminal process in this State or any other state to collect on a loan made to the customer, in violation of section 36 of this act;

(f) Includes in any written agreement a promise by the customer to hold the person harmless, a confession of judgment by the customer or an assignment or order for the payment of wages or other compensation due the customer, in violation of section 36 of this act;

(g) Violates any provision of section 44 of this act; or

(h) Violates any provision of section 45 of this act.

3. *A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the violation:*

- (a) Was not intentional;*
- (b) Was technical in nature; and*
- (c) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.*

4. *For the purposes of subsection 3, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to the person's obligations under this chapter is not a bona fide error."*

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

"Sec. 75.5. NRS 41.620 is hereby amended to read as follows:

41.620 1. ~~[Any]~~ *Except as otherwise provided in section 45 of this act, any person who:*

(a) Makes, utters, draws or delivers a check or draft for the payment of money drawn upon any financial institution or other person, when he has no account with the drawee of the instrument or has insufficient money, property or credit with the drawee to pay; or

(b) Uses a credit card or debit card to obtain money, goods, property, services or anything of value, when he knows or should have known the credit card or debit card is no longer valid, and who fails to pay the amount in cash to the payee, issuer or other creditor within 30 days after a demand therefor in writing is mailed to him by certified mail, is liable to the payee, issuer or other creditor for the amount of the check, draft or extension of credit, and damages equal to three times the amount of the check, draft or extension of credit, but not less than \$100 nor more than \$500.

2. *As used in this section, unless the context otherwise requires:*

- (a) "Credit card" has the meaning ascribed to it in NRS 205.630;*
- (b) "Debit card" has the meaning ascribed to it in NRS 205.635; and*
- (c) "Issuer" has the meaning ascribed to it in NRS 205.650."*

Amend sec. 80, page 32, line 44, by deleting "*act.*" and inserting: "*act with regard to those services regulated pursuant to sections 2 to 74, inclusive, of this act.*".

Amend sec. 83, page 33, line 39, by deleting "A" and inserting: "Except as otherwise provided in subsections 3 and 4, a".

Amend sec. 83, page 34, between lines 6 and 7, by inserting:

"3. A person described in subsection 1 is not required to comply with the following provisions of sections 2 to 74, inclusive, of this act sooner than October 1, 2005, or the date of any extension granted by the Commissioner of Financial Institutions pursuant to subsection 4:

- (a) Any provision requiring the use of the Spanish language; and*

(b) Any provision requiring changes to or replacement of existing computer software or major modifications to existing business processes, as determined by the Commissioner.

4. If the person is unable to comply with any provision described in paragraph (a) or (b) of subsection 3 by October 1, 2005, the person may request an extension from the Commissioner. The Commissioner may grant such an extension, to a date not later than January 1, 2006, if the person establishes that compliance by October 1, 2005:

- (a) Is not economically feasible;
- (b) Is prevented by factors beyond the control of the person; or
- (c) Is prevented by any other factors that the Commissioner deems to be an appropriate justification for an extension.”.

Amend the title of the bill to read as follows:

“AN ACT relating to financial services; revising the standards and procedures for the licensing and regulation of check-cashing services, deferred deposit loan services, certain short-term loan services and title loan services; repealing provisions governing check-cashing services and deferred deposit loans to conform with the revised standards and procedures; revising provisions relating to certain unfair lending practices; providing remedies and administrative penalties; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 384.

Remarks by Assemblywoman Buckley.

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

I want to read a couple comments about the amendment into the record, in hopes that I never have to do another payday loan bill again.

A new section 21.8 was written to clarify that financial terms have the meaning ascribed to them in federal law, the Truth in Lending Act (TILA) and Regulation Z. It is the intent that case law interpreting this federal law, and particularly Ninth Circuit case law, be relied on in construing such terms.

Section 31 was amended to clarify that the written loan agreement must disclose every type of fee or charge, regardless of the name given to it and regardless of whether TILA would require disclosure of same as part of the finance charge. The written loan agreement must also disclose the customer's opportunity to enter into a repayment plan on default.

In Section 34, it has now been made even more clear that if more than one loan is made to a customer at any one time, the lender cannot raise the interest rate on a subsequent loan, and cannot charge any fee whatsoever on a subsequent loan. There is one exception to the no-fee rule for lenders who meet some very narrow criteria in Section 43 of the bill.

In Section 35, it has now been made clearer that a licensee must disclose, in the written loan agreement, not only all that is required to be disclosed under the federal Truth in Lending Act (TILA), but also a description and amount of every fee charged. There are a few fees which under TILA need not be included and disclosed as part of the finance charge. This section is to make it very clear that even if TILA does not require that a fee be included in calculating a finance charge, that state law requires disclosure of every fee or charge in the loan agreement.

In Section 38, the title lender's right to self-help repossession as it exists today under NRS Chapter 104 was restored. Basically, insofar as concerns a default on a title loan, the rights and obligations of the parties under Chapter 104 remain the same with the exception that this bill

provides the lender may not seek any deficiency from the customer after a default, repossession, and sale of the vehicle. Even though subsection (3) was deleted from the First Reprint, providing for a return to the customer of any surplus proceeds from the sale of the vehicle, no adverse intent should be inferred therefrom, because existing law under NRS Chapter 104 already provides that a surplus must be returned to the debtor.

Section 44, which is the most important portion of the bill, was rewritten to make it even more clear that after default, the lender may only collect what was legally owed at the time of the default, minus payments, plus interest at prime plus 10 percent. That is it. In other words, no late fees or any other type of fees no matter what innovative term is used to describe them. Treble damages for a bad check cannot be sought. Only one \$25 returned check fee can be sought. Interest cannot continue to accrue at the contract rate for an indefinite time because rollovers are limited to 60 days and because, upon default, the interest rate drops to prime plus 10 percent, and the prime plus 10 percent rate is not indefinite either; it is limited to 90 days. At that point, no interest can be charged. Even though, under existing law, treble damages cannot be charged, this was added to make it even clearer that such a legal argument is specious and not allowed.

Lastly, Section 74, which provides for a private right of action for violations of the law, was written. Subparagraph (1) provides a private right of action for violations of certain sections of the act, and for recovery of actual and consequential damages, punitive damages, and attorney's fees and costs. Subparagraph (2) provides for the recovery of statutory damages for violations of certain sections of the act, in addition to any other remedy or penalty. Subparagraphs (3) and (4) provide an affirmative defense and were taken from the language provided in the Federal Truth in Lending Act, at 15 U.S.C. § 1640 (c). It is the intent that case law interpreting that TILA section, and particularly Ninth Circuit case law interpreting that section, be relied on in construing these subparagraphs.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 493.

The following Senate amendment was read:

Amendment No. 893.

Amend sec. 2, page 1, line 7, by deleting "*of*" and inserting "*or*".

Amend sec. 9, page 4, by deleting lines 36 and 37 and inserting: "to 428.255, inclusive, *and section 7 of this act*, and".

Amend sec. 14, page 6, by deleting lines 27 through 30 and inserting: "428.115 to 428.255, inclusive ~~{ }~~, *and section 7 of this act*."

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 493.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 495.

The following Senate amendment was read:

Amendment No. 1057.

Amend section 1, page 2, line 2, by deleting "12," and inserting "11,".

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 through 15 as sections 12 through 14.

Amend sec. 13, page 6, line 22, by deleting "and" and inserting "~~and~~".

Amend sec. 13, page 6, line 23, by deleting "5" and inserting "2.025".

Amend sec. 13, page 6, by deleting lines 27 and 28, and inserting: “in NRS 439.625 ~~to 439.690, inclusive,~~ and 439.630;

(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive; and

(d) Not more than 0.125 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of sections 2 to 11, inclusive, of this act.”.

Amend sec. 15, page 10, line 25, by deleting: “*section 12 of this act,*”.

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 15, to read as follows:

“Sec. 15. 1. The Department of Human Resources shall:

(a) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit so that each Medicare beneficiary who is eligible for or enrolled in such a state program maintains his present coverage for prescription drugs and pharmaceutical services to the extent allowed by federal law; and

(b) Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit in a manner that:

(1) Maximizes coverage for prescription drugs and pharmaceutical services for persons in this State;

(2) Minimizes disruptions in the enrollment of persons in this State in state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(3) Minimizes disruptions in the eligibility of persons in this State for state and federal programs that provide coverage for prescription drugs and pharmaceutical services;

(4) Minimizes out-of-pocket expenses for prescription drugs and pharmaceutical services for Medicare beneficiaries in this State; and

(5) Maximizes federal funding for coverage of prescription drugs and pharmaceutical services for persons in this State.

2. The Department of Human Resources shall submit a plan for coordinating the state programs with the Medicare Part D benefit as required by subsection 1 to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.

3. The Department of Human Resources may adopt such regulations as may be required to carry out the provisions of this section.”.

Amend sec. 17, page 10, line 41, before “This” by inserting “1.”.

Amend sec. 17, page 10, after line 41, by inserting:

“2. Section 15 of this act expires by limitation on July 1, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public health; establishing a program for the provision of prescription drugs and pharmaceutical services for certain persons with disabilities; changing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources; making various changes concerning the allocation of the money in the Fund for a Healthy Nevada; requiring the Department to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance to certain Medicare pharmaceutical benefits; repealing the requirement that the Department apply to the Federal Government to establish programs to extend coverage for prescription drugs and other related services for certain persons; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved that the Assembly concur in the Senate amendment to Assembly Bill No. 495.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 540.

The following Senate amendment was read:

Amendment No. 1091.

Amend section 1, page 1, line 10, after “crane;” by inserting “and”.

Amend section 1, pages 1 and 2, by deleting lines 13 through 17 on page 1 and lines 1 through 16 on page 2, and inserting: “they continue to be in use .
[; and

~~5. Establishment]~~

2. *Except as otherwise provided in subsection 3:*

(a) *The Division shall adopt regulations requiring the establishment and implementation of programs for the [training and] certification of [crane operators.] all persons who operate:*

(1) *Tower cranes; or*

(2) *Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater.*

(b) *A person shall not operate a tower crane or a mobile crane described in subparagraph (2) of paragraph (a) unless the person holds certification as a crane operator issued pursuant to this subsection for the type of crane being operated.*

(c) *An applicant for certification as a crane operator must hold a certificate which:*

(1) *Is issued by an organization whose program of certification for crane operators:*

(I) *Is accredited by the National Commission for Certifying Agencies or an equivalent accrediting body approved by the Division; or*

(II) *Meets other criteria established by the Division; and*

(2) *Certifies that the person has met the standards to be a crane operator established by the American Society of Mechanical Engineers in its standards B30.3, B30.4 or B30.5 as adopted by regulation of the Division.*

3. *The provisions of subsection 2 do not apply to a person who:*

(a) *Is an employee of a utility while the person is engaged in work for or at the direction of the utility;*

(b) *Operates an electric or utility line truck that is regulated pursuant to 29 C.F.R. § 1910.269 or 29 C.F.R. Part 1926, Subpart V; or*

(c) *Operates an aerial or lifting device, whether or not self-propelled, that is designed and manufactured with the specific purpose of lifting one or more persons in a bucket or basket or on a ladder or platform and holding those persons in the lifted position while they perform tasks. Such devices include, without limitation:*

(1) *A bucket truck or lift;*

(2) *An aerial platform;*

(3) *A platform lift; or*

(4) *A scissors lift.*

4. *As used in this section, "utility" means any public or private utility, whether or not the utility is subject to regulation by the Public Utilities Commission of Nevada, that provides, at wholesale or retail:*

(a) *Electric service;*

(b) *Gas service;*

(c) *Water or sewer service;*

(d) *Telecommunication service, including, without limitation, local exchange service, long distance service and personal wireless service; or*

(e) *Television service, including, without limitation, community antenna television service."*

Amend sec. 2, page 2, line 19, by deleting "date." and inserting: "date and are superseded by the regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to subsection 2 of NRS 618.880, as amended by this act."

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 540.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 868.

Amend section 1, page 2, line 5, by deleting "5" and inserting "6".

Amend sec. 2, page 2, line 21, by deleting "5" and inserting "6".

Amend the bill as a whole by renumbering sections 3 through 11 as sections 4 through 12 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 616B.630 is hereby amended to read as follows:

616B.630 1. ~~[An insurer of a contractor]~~ *The Administrator shall , not later than 10 days after receiving notice from the advisory organization that a contractor’s coverage has lapsed, notify the State Contractors’ Board [within 10 days after the contractor’s coverage has lapsed.] of that fact.*

2. The Commissioner shall notify the Administrator and the State Contractors’ Board within 10 days after a contractor’s certificate of qualification as a self-insured employer is cancelled or withdrawn or he is no longer a member of an association of self-insured public or private employers.”.

Amend sec. 3, page 2, line 28, by deleting: “4, 5 and 6” and inserting: “5, 6 and 7”.

Amend sec. 4, page 2, line 29, after “4.” by inserting “1.”.

Amend sec. 4, page 2, line 31, by deleting “a quarterly” and inserting “an annual”.

Amend sec. 4, page 2, line 33, by deleting “1.” and inserting “(a)”.

Amend sec. 4, page 2, line 36, by deleting “2.” and inserting “(b)”.

Amend sec. 4, page 2, line 38, by deleting “3.” and inserting “(c)”.

Amend sec. 4, page 2, line 40, by deleting “4.” and inserting “(d)”.

Amend sec. 4, page 2, line 43, by deleting “(a)” and inserting “(1)”.

Amend sec. 4, page 2, line 44, by deleting “(b)” and inserting “(2)”.

Amend sec. 4, page 2, line 45, by deleting “(c)” and inserting “(3)”.

Amend sec. 4, page 2, after line 45, by inserting:

“2. *An injured employee may request in writing from the insurer an accounting described in subsection 1. The accounting must cover the period from the date on which the most recent annual accounting was provided to the injured employee pursuant to subsection 1 to the date on which the written request is made. The insurer shall provide the accounting to the injured employee not later than 30 days after receiving the written request for the accounting from the injured employee. Any accounting provided by an insurer to an injured employee pursuant to this subsection must be provided in addition to, and not in lieu of, the annual accountings required pursuant to subsection 1.*”.

Amend sec. 5, page 3, line 1, after “5.” by inserting “1.”.

Amend sec. 5, page 3, by deleting line 3 and inserting:

“(a) *The claim was closed and the claimant was not scheduled for an*”.

Amend sec. 5, page 3, line 5, by deleting “2.” and inserting “(b)”.

Amend sec. 5, page 3, line 7, by deleting: “eligible to receive compensation” and inserting: “qualified to be scheduled for an evaluation”.

Amend sec. 5, page 3, line 9, by deleting “3.” and inserting “(c)”.

Amend sec. 5, page 3, between lines 10 and 11, by inserting:

“2. *The demonstration required pursuant to paragraph (b) of subsection 1 must be made with documentation that existed at the time that the case was closed.*

3. Notwithstanding any specific statutory provision to the contrary, the consideration of whether a claimant is entitled to payment of compensation for a permanent partial disability for a claim that is reopened pursuant to this section must be made in accordance with the provisions of the applicable statutory and regulatory provisions that existed on the date on which the claim was closed, including, without limitation, using the edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that was applicable on the date the claim was closed."

Amend sec. 6, page 3, by deleting lines 11 through 16 and inserting:

"Sec. 7. 1. If the employer of a vocational rehabilitation counselor is also the entity administering an injured employee's case, the vocational rehabilitation counselor shall not provide services as a vocational rehabilitation counselor to the injured employee, including, without limitation, completing a written assessment pursuant to NRS 616C.550, unless, before the commencement of such services, the injured employee is provided with a written disclosure that:

(a) Discloses the relationship between the vocational rehabilitation counselor and the entity administering the injured employee's case; and

(b) Informs the injured employee of his right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case.

2. After receiving the written disclosure required pursuant to subsection 1, the injured employee has a right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case. To be assigned an alternate vocational rehabilitation counselor, the injured employee must submit a written request to the entity administering the injured employee's case before the commencement of vocational rehabilitation services. Not later than 10 days after receiving such a request, the entity administering the injured employee's case shall assign the injured employee an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case."

Amend sec. 7, page 3, line 18, by deleting "5" and inserting "6".

Amend sec. 8, page 5, line 45, by deleting "5" and inserting "6".

Amend sec. 9, page 7, line 14, by deleting "6" and inserting "7".

Amend sec. 11, page 10, line 32, by deleting "5" and inserting "6".

Amend the title of the bill to read as follows:

"AN ACT relating to industrial insurance; revising provisions relating to the notices required when a contractor's coverage lapses; requiring an insurer that makes payments of compensation to an injured employee for a permanent total disability to provide certain accountings to the injured employee; requiring an insurer to reopen a claim to consider the payment of compensation for a permanent partial disability under certain circumstances; authorizing an insurer or an injured employee to request a vocational

rehabilitation counselor to prepare a written assessment of the injured employee under certain circumstances; prohibiting a vocational rehabilitation counselor who is employed by the entity administering an injured employee's case from providing services to the injured employee under certain circumstances; providing an injured employee with the right to be assigned an alternate vocational rehabilitation counselor who is not affiliated with the entity administering the injured employee's case; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 364.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 340.

The following Senate amendment was read:

Amendment No. 927.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 18, following the enacting clause, to read as follows:

“Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Customer” means a person who, in connection with the preparation or filing of a tax return, applies for a refund anticipation loan or receives the proceeds of a refund anticipation loan.*

Sec. 4. 1. *“Facilitator of a refund anticipation loan” or “facilitator” means a person who:*

(a) Receives or accepts for delivery an application for a refund anticipation loan;

(b) Delivers a check in payment of the proceeds of a refund anticipation loan; or

(c) In any other manner, acts to allow or facilitates the offering or making of a refund anticipation loan.

2. *The term includes, without limitation, a tax preparer who engages in any of the acts described in subsection 1.*

3. *The term does not include:*

(a) A bank, thrift, savings association, industrial bank or credit union operating under the laws of the United States or this State;

(b) An affiliate, other than a tax preparer, that is a servicer for such an entity; or

(c) Any person who acts solely as an intermediary and does not deal with a customer in the making of a refund anticipation loan.

Sec. 5. “Internal Revenue Service” means the Internal Revenue Service of the United States Department of the Treasury.

Sec. 6. “Lender” means a person who offers to extend or extends credit to a customer in the form of a refund anticipation loan.

Sec. 7. 1. “Refund anticipation loan” means a loan offered or made to a customer by a lender or through a facilitator based on the customer’s anticipated federal income tax refund.

2. The term includes, without limitation, a refund anticipation loan offered or made using electronic commerce.

Sec. 8. 1. “Refund anticipation loan fee” means any fee, charge or other consideration imposed by a lender or a facilitator for a refund anticipation loan.

2. The term does not include any fee, charge or other consideration usually imposed by a facilitator in the ordinary course of business for nonloan services, such as fees for preparing tax returns and fees for the electronic filing of tax returns.

Sec. 9. 1. “Refund anticipation loan fee schedule” means a listing or table of refund anticipation loan fees charged by a lender or a facilitator for three or more representative refund anticipation loan amounts.

2. A refund anticipation loan fee schedule must:

(a) List separately each fee or charge imposed and a total of all fees and charges imposed which are related to the making of refund anticipation loans; and

(b) Include, for each representative loan amount, the estimated annual percentage rate calculated under the guidelines established by the Truth in Lending Act and Regulation Z.

Sec. 10. “Regulation Z” means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.

Sec. 11. “Tax preparer” means a person who engages in the business of preparing or filing tax returns for any fee, charge or other consideration.

Sec. 12. “Tax return” means a federal income tax return.

Sec. 13. “Truth in Lending Act” means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.

Sec. 14. A facilitator of a refund anticipation loan shall post the refund anticipation loan fee schedule used by the facilitator in a conspicuous place in every location at which the facilitator conducts business.

Sec. 15. 1. If a facilitator of a refund anticipation loan offers a customer an opportunity to apply for a refund anticipation loan, the facilitator shall provide to the customer, before the customer completes the application process, the following disclosures:

(a) The refund anticipation loan fee schedule used by the facilitator; and

(b) A written statement or, if the transaction is conducted using electronic commerce, an electronic statement, in at least 10-point type, containing the following information:

(1) A disclosure that the refund anticipation loan is a loan which creates a legally enforceable debt and that the loan is not the customer's actual tax refund;

(2) A disclosure that the customer may file a tax return electronically without applying for the refund anticipation loan;

(3) A disclosure of the average times, according to the Internal Revenue Service, within which a person who does not obtain a refund anticipation loan can expect to receive a tax refund if the person:

(I) Files a tax return electronically and the person's tax refund is directly deposited to the person's account or mailed to the person; or

(II) Mails a tax return to the Internal Revenue Service and the person's tax refund is directly deposited to the person's account or mailed to the person;

(4) A disclosure that the Internal Revenue Service does not guarantee that a person will be paid the full amount of an anticipated tax refund and does not guarantee that an anticipated tax refund will be deposited into a person's account or mailed to a person on a specific date;

(5) A disclosure that the customer is responsible for repayment of the refund anticipation loan and related fees and charges if the anticipated tax refund is not paid or paid in full;

(6) A disclosure of the estimated time within which the proceeds of the refund anticipation loan will be paid to the customer if the loan is approved; and

(7) A disclosure of the fee or charge that will be imposed, if any, if the refund anticipation loan is not approved.

2. In addition to the disclosures required pursuant to subsection 1, the facilitator shall provide to the customer, before the loan transaction is completed, the following additional disclosures:

(a) The estimated total fees and charges for obtaining the refund anticipation loan; and

(b) The estimated annual percentage rate for the refund anticipation loan calculated under the guidelines established by the Truth in Lending Act and Regulation Z.

Sec. 16. A facilitator of a refund anticipation loan shall not:

1. Misrepresent a material factor or condition of a refund anticipation loan;

2. Fail to process the application for a refund anticipation loan promptly after the customer applies for the loan;

3. Engage in any dishonest, fraudulent, unfair, unconscionable or unethical practice or conduct in connection with a refund anticipation loan;

4. Arrange for a lender to take a security interest in any property of the customer, other than the proceeds of the customer's tax refund and the

account into which that tax refund is deposited, to secure payment of the loan; or

5. Offer a refund anticipation loan to a customer in an amount that, when added to the refund anticipation loan fees and any other fees or charges related to the loan or the preparation of the tax return, exceeds the amount of the customer's anticipated tax refund.

Sec. 17. Any person who knowingly and willfully violates any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$500 for each violation.

Sec. 18. 1. The remedies, penalties, duties and prohibitions set forth in this chapter are not exclusive and are in addition to any other remedies, penalties, duties and prohibitions provided by law.

2. Any violation of this chapter constitutes a deceptive trade practice for the purposes of the civil and administrative remedies and penalties set forth in NRS 598.0903 to 598.0999, inclusive.”.

Amend the title of the bill to read as follows:

“AN ACT relating to financial transactions; establishing certain requirements and prohibitions relating to refund anticipation loans; providing remedies and penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 340.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 343.

The following Senate amendment was read:

Amendment No. 673.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. If a repair to a manufactured home may affect life, health or safety and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not allow a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.”.

Amend sec. 4, page 2, by deleting lines 24 through 26 and inserting:

“Sec. 4. If a landlord bills a tenant individually for utility charges derived from a utility bill for the manufactured home park which represents utility usage for multiple tenants, the landlord shall post in a”.

Amend sec. 4, page 2, by deleting lines 29 and 30 and inserting: “common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:

1. A copy of the utility bill for the park; and
2. A statement indicating the portion of the utility bill”.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. If a person owns a manufactured home on a manufactured home lot and the person, either directly or through an agent, leases the manufactured home to another person, the rental agreement or lease must include, in addition to any other information required by law, the following information:

1. The name and address of the person who owns the manufactured home;
2. The year the manufactured home was manufactured;
3. The year the manufactured home was moved into the manufactured home park;
4. The year the person acquired the manufactured home; and
5. The date of each inspection of the manufactured home.

Sec. 6. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

(a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or

(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.”.

Amend the bill as a whole by deleting sections 7 through 9 and adding: “Secs. 7–9. (Deleted by amendment).”.

Amend the bill a whole by deleting sec. 9.3 and adding a new section designated sec. 9.3, following section 9.1, to read as follows:

“Sec. 9.3. NRS 118B.095 is hereby amended to read as follows:

118B.095 1. The landlord shall authorize each manager and assistant manager to make repairs himself or enter into a contract with a third party for

the repairs. *If the repairs are subject to the provisions of section 2 of this act, the repairs must be made in compliance with the provisions of that section.*

2. Except as otherwise provided in subsection 3, the manager shall contract with a third party to provide emergency repairs for the tenants on the occasions when the manager and assistant manager are not physically present in the park. The manager shall notify each tenant of the telephone number of the third party who will make the repairs, and direct the tenants to call him when an emergency repair is needed and the manager and assistant manager are not physically present in the park. The telephone number so provided must be that of the third party directly. The provision of the telephone number of an answering service does not fulfill this requirement. If the manager or assistant manager is present in the park, any request for repairs must be made to him and not the third party.

3. The provisions of subsection 2 do not apply to a manufactured home park that is owned by:

(a) A nonprofit organization; or

(b) A housing authority,

if the nonprofit organization or housing authority has established an alternative method to provide emergency repairs for tenants in a timely manner.

4. As used in this section, “repairs” means only repairs to the property of the owner of the manufactured home park.”.

Amend sec. 9.5, page 5, by deleting lines 32 and 33 and inserting: “~~the~~ , or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the”.

Amend sec. 9.7, page 6, by deleting lines 28 and 29 and inserting: “body . ~~[-and:]~~ In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:”.

Amend sec. 9.7, page 7, by deleting line 14 and inserting:

“~~[2-]~~ 3. Notice sent pursuant to paragraph (a) of subsection ~~[1]~~ 2 or an”.

Amend sec. 9.7, page 7, line 16, by deleting “1” and inserting “~~[1]~~ 2”.

Amend sec. 9.7, page 7, line 18, by deleting “3.” and inserting “~~[3-]~~ 4.”.

Amend sec. 9.7, page 7, line 22, by deleting “4.” and inserting “~~[4-]~~ 5.”.

Amend sec. 9.9, page 7, by deleting lines 28 through 30 and inserting:

“commission or governing body . ~~[-and:]~~ In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local

governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:.”

Amend sec. 9.9, page 7, line 34, by deleting: “2 or 3,” and inserting: “~~{2 or 3}~~ 3 or 4.”.

Amend sec. 9.9, page 7, line 42, by deleting “2.” and inserting “~~{2}~~ 3.”.

Amend sec. 9.9, page 8, line 10, by deleting “3.” and inserting “~~{3}~~ 4.”.

Amend sec. 9.9, page 8, line 18, by deleting “4.” and inserting “~~{4}~~ 5.”.

Amend sec. 9.9, page 8, line 21, by deleting “5.” and inserting “~~{5}~~ 6.”.

Amend sec. 9.9, page 8, line 29, by deleting “6.” and inserting “~~{6}~~ 7.”.

Amend sec. 11, page 9, line 22, by deleting: “12 to 13.7,” and inserting: “11.3 to 13.8,”.

Amend the bill as a whole by adding new sections designated sections 11.3 through 11.7, following sec. 11, to read as follows:

“Sec. 11.3. 1. *The Division shall:*

(a) Provide to each owner of a mobile home park a checklist of the provisions of this chapter which must include, without limitation:

(1) Contact information regarding the Division; and

(2) A simple description of each provision of this chapter; and

(b) Update the checklist each time a provision of this chapter is added, amended or repealed.

2. Each owner of a mobile home park shall provide a copy of the checklist to each manager and assistant manager of the mobile home park.

3. In preparing the checklist pursuant to this section, the Division may consult with any public or private entities, including, without limitation, the representatives of owners and tenants of mobile home parks.

4. As used in this section, “manager” has the meaning ascribed to it in NRS 118B.0145.

Sec. 11.5. A city or county shall not issue a business license for a mobile home park unless the person applying for the business license provides written proof from the agency for enforcement that the mobile home park is in compliance with all applicable fire, health and safety codes and regulations and the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 11.7. 1. If a person applies for the initial business license for a mobile home park or acquires ownership of a mobile home park, the person shall, within 3 business days, notify the local fire department within whose jurisdiction the mobile home park is located.

2. Upon receiving notice pursuant to subsection 1, the local fire department shall inspect the mobile home park for fire hazards and compliance with applicable fire codes and regulations and shall notify the Administrator of any violations.”.

Amend sec. 12, page 9, line 26, before “health” by inserting “applicable”.

Amend sec. 12, page 9, line 31, by deleting “*that 3*” and inserting: “*than 3 business*”.

Amend sec. 12, page 9, line 34, before “*days*” by inserting “*business*”.

Amend sec. 13, page 9, lines 36 and 37, by deleting: “*State Health Officer or the*”.

Amend sec. 13, page 9, line 41, by deleting: “*State Health Officer or the*”.

Amend sec. 13, page 10, by deleting line 1 and inserting: “*inspection, the city, county or district board of health shall*”.

Amend sec. 13, page 10, by deleting line 5 and inserting:

“4. *The governing body of a city or county or the city, county or district board of health may*”.

Amend sec. 13.3, page 10, by deleting lines 10 through 14 and inserting: “*exists in the park chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120.*”.

Amend sec. 13.7, page 10, by deleting lines 16 and 17 and inserting: “*a mobile home park is in violation of any applicable health or safety code or regulation or is in violation of any provision of this chapter or any regulation adopted pursuant thereto, the local agency for enforcement shall notify*”.

Amend the bill as a whole by adding new sections designated sections 13.8 and 13.9, following sec. 13.7, to read as follows:

“Sec. 13.8. 1. *Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.*

2. *The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:*

(a) *The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or*

(b) *The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.*

3. *The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.*

4. *If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.*

Sec. 13.9. NRS 461A.220 is hereby amended to read as follows:

461A.220 1. A person shall not:

(a) Construct a mobile home park; or

(b) Construct or alter lots, roads or other facilities in a mobile home park, unless he has obtained a construction permit from the agency for enforcement.

2. Each agency for enforcement may charge and collect reasonable fees, specified by ordinance or regulation, for its services.

3. Except as otherwise provided in NRS 489.265 ~~and~~ *and section 13.8 of this act*, money collected by the Division pursuant to this chapter must be deposited in the State Treasury for credit to the Fund for Manufactured Housing ~~created pursuant to NRS 489.491~~. Expenses of enforcement of this chapter must be paid from the Fund.”.

Amend sec. 14, page 10, by deleting lines 40 through 42 and inserting: *“each day of a continuing violation.”*.

Amend sec. 15, page 11, line 10, by deleting “or” and inserting “for”.

Amend the title of the bill to read as follows:

“AN ACT relating to manufactured housing; enacting provisions relating to repairs and connection of utilities in manufactured home parks; requiring landlords of manufactured home parks to disclose to tenants certain information regarding utility charges; requiring certain information to be included in rental agreements and leases for certain manufactured homes; revising provisions governing the administrative powers and duties of the Manufactured Housing Division of the Department of Business and Industry; revising provisions relating to the closure of manufactured home parks for health and safety reasons; requiring the Division to provide certain information to owners of mobile home parks; requiring certain inspections of mobile home parks; prohibiting the operation of mobile home parks without certain approvals and permits; revising provisions governing the condemnation of mobile home parks; authorizing the imposition of certain administrative fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 343.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 809.

Amend section 1, pages 2 and 3, by deleting line 45 on page 2 and line 1 on page 3, and inserting: *“Legislator shall notify the Legislative Counsel of that fact. Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the”*.

Amend section 1, page 3, line 6, by deleting “original”.

Amend the title of the bill, by deleting the fourth and fifth lines and inserting: “Legislative Counsel; authorizing the replacement of a primary requester on the list of requests prepared by”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 415.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 5:10 p.m.

ASSEMBLY IN SESSION

At 5:17 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 460.

Bill read third time.

The following amendment was proposed by the Assemblywoman Leslie:
Amendment No. 1133.

Amend sec. 4, page 2, lines 13 and 14, by deleting: "Nevada Public Education Foundation of Washoe County" and inserting: "Washoe County School District Educational Foundation, Inc.,".

Amend sec. 5, page 2, line 17, by deleting: "Nevada Public Education Foundation" and inserting: "Washoe County School District Educational Foundation, Inc.,".

Amend sec. 5, page 2, lines 21 and 22, by deleting: "Nevada Public Education Foundation" and inserting: "Washoe County School District Educational Foundation, Inc.,".

Amend sec. 5, page 2, line 26, by deleting: "Nevada Public Education Foundation," and inserting: "Washoe County School District Educational Foundation, Inc.,".

Amend the title of the bill, second and third lines, by deleting: "Nevada Public Education Foundation of Washoe County" and inserting: "Washoe County School District Educational Foundation, Inc.,".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes appropriations to Clark County Public Education Foundation and Washoe County School District Educational Foundation, Inc., for new programs and expansion of outreach efforts. (BDR S-826)".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 47, 562; Senate Bill No. 512 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 367, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Manendo, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 367.

REMARKS FROM THE FLOOR

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I just wanted to note, for the record, that when we concurred on Assembly Bill 280, the language was pursuant to the regents' policy. I wanted to make it clear it was testimony we received at a hearing that the regents did have already in their policy. So the intent was not to change that but to make sure it goes into their handbook. Thank you.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 83, 93, 101, 125, 137, 158, 162, 202, 248, 299, 426, 440, 471, 475, 477, 483, 509, 510, 519, 532, 533, 542; Assembly Joint Resolution No. 11 of the 72nd Session; Senate Bills Nos. 18, 22, 44, 46, 52, 67, 82, 87, 110, 122, 152, 170, 175, 194, 218, 219, 251, 263, 269, 276, 280, 281, 307, 321, 326, 346, 353, 368, 381, 384, 389, 398, 401, 410, 438, and 481.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Morgan, Mrs. Kashuba, Mrs. Ives, Miss Rosingus, Mrs. Ellison, Cindy Aguilar, Tayler Christopher, Jacob Dancer-Davis, Jessica Drinkwine, David Francis, Owen Galvin, Trevor Hemsath, Brittney Kashuba, Julian Lomas, Taylor Lombert, Mas McDuffee, Morgan McDuffee, Colton McKone, John Ortega, Jesseca Pacheco, Esai Rodriguez, Mariela Rubio, Francisco Sanchez, Noah Thew, Cory Hayes, Alfonso Aguilar, Jacob Braga,

Kelsey Cryderman, Carin Cubillo, Katie Ellison, Gavin Gaudreault, Alex Gonzales Ramirez, Isaac Keway, Phoebe Mark, Justin Newcomb, Yesenia Pacheco, Ashwath Ravichandran, Nicole Rios, Mauricio Rodriguez, Jesse Snooks, Paige Soares, Walker Spurgeon, Leah Walters, Ivan Zaragoza, Jordan Steel, and Alysas James.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Raymond J. Gillum.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, June 2, 2005, at 9:30 a.m.

Motion carried.

Assembly adjourned at 5:21 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 2, 2005

Assembly called to order at 10:34 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, who is God of this beautiful universe, guide us to the straight path, the path of all righteous people throughout history. Help us obtain joy and inner peace, and to be sources of joy to our fellow human beings. Shower us with Your infinite mercy during times of ease and times of hardship. Almighty God, who taught humanity throughout the ages, teach us and help us to reach the best decisions. Almighty God, bless our nation, our state, our leaders, and our lawmakers in this Assembly with the best of guidance.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 570 and 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 388, 524, 561; Senate Bill No. 103.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 42, Senate Amendment Nos. 847, 1040, and requests a conference, and appointed Senators Washington, Horsford, and Heck as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 43, Senate Amendment No. 848, and requests a conference, and appointed Senators Cegavske, Heck, and Mathews as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 44, Senate Amendment No. 859, and requests a conference, and appointed Senators Heck, Hardy, and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 52, Senate Amendment Nos. 1037, 1082,

and requests a conference, and appointed Senators Nolan, Amodei, and Schneider as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 63, Senate Amendment No. 919, and requests a conference, and appointed Senators Heck, Hardy, and Schneider as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 143, Senate Amendment No. 846, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 221, Senate Amendment No. 888, and requests a conference, and appointed Senators Amodei, Care, and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 267, Senate Amendment No. 697, and requests a conference, and appointed Senators Washington, Wiener, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 314, Senate Amendment No. 947, and requests a conference, and appointed Senators Beers, Titus, and Hardy as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 327, Senate Amendment No. 1072, and requests a conference, and appointed Senators Nolan, Mathews, and Heck as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 337, Senate Amendment No. 735, and requests a conference, and appointed Senators Cegavske, Titus, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 365, Senate Amendment No. 803, and requests a conference, and appointed Senators Washington, Wiener, and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 437, Senate Amendment No. 707, and requests a conference, and appointed Senators Schneider, Carlton, and Lee as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 501, Senate Amendment No. 706, and requests a conference, and appointed Senators Carlton, Heck, and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 165.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 878 to Senate Bill No. 37; Assembly Amendment No. 741 to Senate Bill No. 45; Assembly Amendment No. 1054 to Senate Bill No. 120; Assembly Amendment No. 1075 to Senate Bill No. 126; Assembly Amendment No. 885 to Senate Bill No. 153; Assembly Amendment No. 829 to Senate Bill No. 181; Assembly Amendment No. 914 to Senate Bill No. 189; Assembly Amendment No. 759 to Senate Bill No. 233; Assembly Amendment No. 915 to Senate Bill No. 238; Assembly Amendment No. 1065 to Senate Bill No. 245; Assembly Amendment No. 916 to Senate Bill No. 256; Assembly Amendment No. 1038 to Senate Bill No. 300; Assembly Amendment No. 681 to Senate Bill No. 332; Assembly Amendment No. 1085 to Senate Bill No. 339; Assembly Amendment No. 990 to Senate Bill No. 358; Assembly Amendment No. 980 to Senate Bill No. 365; Assembly Amendment No. 830 to Senate Bill No. 397; Assembly Amendment No. 911 to Senate Bill No. 428; Assembly

Amendment No. 1067 to Senate Bill No. 431; Assembly Amendment No. 890 to Senate Bill No. 467; Assembly Amendment No. 902 to Senate Bill No. 477; Assembly Amendment No. 1003 to Senate Bill No. 509.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 834 to Senate Bill No. 29; Assembly Amendment Nos. 892, 1079 to Senate Bill No. 62; Assembly Amendment No. 722 to Senate Bill No. 80; Assembly Amendment No. 972 to Senate Bill No. 163; Assembly Amendment No. 751 to Senate Bill No. 174; Assembly Amendment No. 1102 to Senate Bill No. 224; Assembly Amendment Nos. 884, 1032 to Senate Bill No. 325; Assembly Amendment No. 1043 to Senate Bill No. 333; Assembly Amendment No. 959 to Senate Bill No. 335; Assembly Amendment No. 906 to Senate Bill No. 356; Assembly Amendment Nos. 931, 1002 to Senate Bill No. 386; Assembly Amendment No. 1077 to Senate Bill No. 394; Assembly Amendment No. 1001 to Senate Bill No. 396; Assembly Amendment No. 1086 to Senate Bill No. 434; Assembly Amendment No. 881 to Senate Bill No. 453; Assembly Amendment Nos. 1087, 1108 to Senate Bill No. 457.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Wiener, and Nolan as a first Conference Committee concerning Senate Bill No. 173.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 10:46 a.m.

ASSEMBLY IN SESSION

At 10:53 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF WAIVER

A Waiver requested by Senator Nolan.

For: Senate Bill No. 118.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: June 2, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

Assemblyman Ocegüera moved that for the balance of session, the reading of titles to all bills and resolutions be dispensed with.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 103.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 165.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its actions on Senate Bill No. 325, that a conference be requested, and that Madam Speaker pro Tempore appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Horne, Allen, and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 325.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 453, that a conference be requested, and that Madam Speaker pro Tempore appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Buckley, Carpenter, and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 453.

Madam Speaker pro Tempore appointed Assemblymen Conklin, Carpenter, and Horne as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 143.

Madam Speaker pro Tempore appointed Assemblymen Ocegüera, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 221.

Madam Speaker pro Tempore appointed Assemblymen Anderson, Allen, and Ohrenschall as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 267.

Madam Speaker pro Tempore appointed Assemblywomen Ohrenschall, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 365.

Madam Speaker pro Tempore appointed Assemblymen Ocegüera, Atkinson, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 52.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 960.

Amend sec. 7, page 2, by deleting lines 26 and 27 and inserting:

"2. The term does not include:

(a) Diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or

(b) Reflexology."

Amend sec. 8, page 2, by deleting lines 29 through 32 and inserting:

"(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of".

Amend sec. 8, page 2, line 36, by deleting "(c)" and inserting "(e)".

Amend sec. 8, page 2, line 38, by deleting "(d)" and inserting "(f)".

Amend sec. 8, page 2, line 40, by deleting "(e)" and inserting "(g)".

Amend the bill as a whole by deleting sections 9 through 13 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

"Sec. 9. 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this section and one nonvoting advisory member appointed pursuant to section 10 of this act.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) One member who is a member of the general public. This member must not be:

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.

4. The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

5. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

6. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

7. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

8. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 10. 1. The Governor shall appoint to the Board one nonvoting advisory member.

2. The advisory member must be a person who:

(a) Is a resident of Clark County;

(b) Has been certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500; and

(c) Is actively serving or has retired from service as a police officer with the Las Vegas Metropolitan Police Department.

3. The advisory member is subject to the provisions of section 9 of this act with regard to his terms, reappointment, vacancy and removal.

4. The advisory member:

(a) Serves solely as an advisor to the Board.

(b) May be designated by the Board to assist in any investigation conducted pursuant to this chapter.

(c) May not be counted in determining a quorum of the Board.

(d) May not vote on any matter before the Board.

5. *The advisory member:*

(a) *Serves without salary or compensation.*

(b) *Is entitled to receive the per diem allowance and travel expenses provided for in section 15.6 of this act.*

6. *If the advisory member is actively serving as a police officer, the advisory member must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Board and perform any work that is necessary to carry out his duties with the Board in the most timely manner practicable. The advisory member's employer shall not require the advisory member to:*

(a) *Make up the time he is absent from work to carry out his duties with the Board; or*

(b) *Take annual leave or compensatory time for the absence.*

7. *Notwithstanding any other provision of law, the advisory member:*

(a) *Is not disqualified from public employment or holding a public office because of his membership on the Board; and*

(b) *Does not forfeit his public office or public employment because of his membership on the Board.*

Sec. 11. 1. *At the first meeting of each fiscal year, the members of the Board shall elect a Chairman, Vice Chairman and Secretary-Treasurer from among the members.*

2. *The Board shall meet at least quarterly and may meet at other times at the call of the Chairman or upon the written request of a majority of the members of the Board.*

3. *The Board shall alternate the location of its meetings between the southern district of Nevada and the northern district of Nevada. For the purposes of this subsection:*

(a) *The southern district of Nevada consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.*

(b) *The northern district of Nevada consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.*

4. *A meeting of the Board may be conducted telephonically or by videoconferencing. A meeting conducted telephonically or by videoconferencing must meet the requirements of chapter 241 of NRS and any other applicable provisions of law.*

5. *Four members of the Board constitute a quorum for the purposes of transacting the business of the Board, including, without limitation, issuing, renewing, suspending, revoking or reinstating a license issued pursuant to this chapter.*

Sec. 12. *The Board shall:*

1. *Adopt a seal of which each court in this State shall take judicial notice;*

2. *Prepare and maintain a record of its proceedings and transactions;*
3. *Review and evaluate applications for the licensing of massage therapists;*
4. *Determine the qualifications and fitness of applicants;*
5. *Issue, renew, reinstate, revoke, suspend and deny licenses, as appropriate;*
6. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*
7. *Investigate any complaints filed with the Board;*
8. *Impose any penalties it determines are required to administer the provisions of this chapter; and*
9. *Transact any other business required to carry out its duties.*

Sec. 13. 1. *The Board shall prepare and maintain a separate list of:*

- (a) Persons issued a license;*
- (b) Applicants for a license; and*
- (c) Persons whose licenses have been revoked or suspended by the Board.*

2. *The Board shall, upon request, disclose the information included in each list and may charge a fee for a copy of the list. The fee may not exceed the actual cost incurred by the Board to make a copy of the list.”.*

Amend sec. 14, page 5, by deleting lines 23 through 26 and inserting:

“6. *Establish the period within which the Board or its designee must report the results of the investigation of an applicant.”.*

Amend the bill as a whole by deleting sec. 15 and adding new sections designated sections 15 through 15.8, following sec. 14, to read as follows:

“Sec. 15. 1. *The Attorney General and his deputies are hereby designated as the attorneys for the Board.*

2. *The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.*

Sec. 15.2. 1. *The Board shall employ a person as the Executive Director of the Board.*

2. *The Executive Director serves as the chief administrative officer of the Board at a level of compensation set by the Board.*

3. *The Executive Director is an at-will employee who serves at the pleasure of the Board.*

Sec. 15.4. 1. *The Board may employ or contract with inspectors, investigators, advisers, examiners and clerks and any other persons required to carry out its duties and secure the services of attorneys and other professional consultants as it may deem necessary to carry out the provisions of this chapter.*

2. *Each employee of the Board is an at-will employee who serves at the pleasure of the Board. The Board may discharge an employee of the Board for any reason that does not violate public policy, including, without limitation, making a false representation to the Board.*

Sec. 15.6. *Except as otherwise provided in section 10 of this act, while engaged in the business of the Board:*

1. *Each member of the Board is entitled to receive a salary of not more than \$80 per day, as established by the Board; and*

2. *Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for officers and employees of this State generally.*

Sec. 15.8. *The Board and any of its members and its staff and employees, including, without limitation, inspectors, investigators, advisers, examiners, clerks, counsel, experts, committees, panels, hearing officers and consultants, are immune from civil liability for any act performed in good faith and without malicious intent in the execution of any duties pursuant to this chapter.”.*

Amend the bill as a whole by deleting sec. 18 and adding new sections designated sections 18 and 18.5, following sec. 17, to read as follows:

“Sec. 18. 1. *If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:*

(a) *Engage in the practice of massage therapy; or*

(b) *Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,” “massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.*

2. *If a person’s license to practice massage therapy pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:*

(a) *Engage in the practice of massage therapy; or*

(b) *Use in connection with his name the words or letters “L.M.T.,” “licensed massage therapist,” “licensed massage technician,” “M.T.,” “massage technician” or “massage therapist,” or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word “massage” or represent himself as licensed or qualified to engage in the practice of massage therapy.*

3. *A person who violates any provision of this section is guilty of a misdemeanor.*

Sec. 18.5. 1. *If the Board determines that a person has violated or is about to violate any provision of this chapter, the Board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.*

2. *An injunction:*

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.”.

Amend sec. 19, page 7, by deleting lines 19 through 22 and inserting: “to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission”.

Amend sec. 19, page 7, by deleting lines 34 through 44 and inserting: “section 14 of this act and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

3. If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to”.

Amend sec. 19, page 8, by deleting line 5 and inserting: “involving the applicant that would affect his suitability for licensure; and”.

Amend sec. 19, page 8, by deleting lines 12 through 16 and inserting:

“(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to section 14 of this act; and

(d) Maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing

board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.”.

Amend the bill as a whole by deleting sections 20 and 21 and adding new sections designated sections 20 and 21, following sec. 19, to read as follows:

“Sec. 20. 1. The Board may issue a temporary license to practice massage therapy.

2. An applicant for a temporary license issued pursuant to this section must:

(a) Be at least 18 years of age; and

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to section 25 of this act;

(3) Proof that he has successfully completed a program of massage therapy recognized by the Board pursuant to section 19 of this act;

(4) Proof that he:

(I) Has taken the examination required pursuant to section 19 of this act; or

(II) Is scheduled to take such an examination within 90 days after the date of application;

(5) An affidavit indicating that he has not committed any of the offenses for which the Board may refuse to issue a license pursuant to section 29 of this act;

(6) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending; and

(7) Except as otherwise provided in section 21 of this act, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A temporary license issued pursuant to this section expires 90 days after the date the Board issues the temporary license. The Board shall not renew the temporary license.

4. A person who holds a temporary license:

(a) May practice massage therapy only under the supervision of a fully licensed massage therapist and only in accordance with the provisions of this chapter and the regulations of the Board;

(b) Must comply with any other conditions, limitations and requirements imposed on the temporary license by the Board;

(c) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a fully licensed massage therapist; and

(d) Remains subject to the regulatory and disciplinary authority of the Board after the expiration of the temporary license for all acts relating to the practice of massage therapy which occurred during the period of temporary licensure.

5. As used in this section, “fully licensed massage therapist” means a person who holds a license to practice massage therapy issued pursuant to section 19 or 24 of this act.

Sec. 21. 1. The Board of Massage Therapists and the State Board of Cosmetology shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board of Massage Therapists for a license to practice pursuant to this chapter and who is also applying to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to the State Board of Cosmetology for a license to practice pursuant to chapter 644 of NRS and, not later than 60 days after that application, the applicant also submits an application to the Board of Massage Therapists for a license to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board of Massage Therapists if the applicant submitted a set of fingerprints with his application to the State Board of Cosmetology;

(b) The Board of Massage Therapists shall request from the State Board of Cosmetology a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the State Board of Cosmetology shall provide to the Board of Massage Therapists any reports relating to a background investigation of the applicant; and

(d) The Board of Massage Therapists shall use the reports provided by the State Board of Cosmetology in reviewing the application for a license to practice pursuant to this chapter, except that the Board of Massage Therapists may conduct its own background investigation of the applicant if the Board of Massage Therapists deems it to be necessary.”.

Amend sec. 22, page 9, by deleting lines 34 through 45 and inserting:

“Sec. 22. 1. In addition to the any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a massage therapist shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license as a massage therapist shall submit to the Board the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.”.

Amend sec. 22, page 10, by deleting lines 6 and 7 and inserting:

“3. A license as a massage therapist may not be issued or renewed by the Board if the applicant:”.

Amend the bill as a whole by deleting sections 24 and 25 and adding new sections designated sections 24 and 25, following sec. 23, to read as follows:

“Sec. 24. 1. Notwithstanding the provisions of section 19 of this act and except as otherwise provided in subsection 3, the Board may issue a license to an applicant who holds a current license to practice massage therapy issued by another state, territory or possession of the United States or the District of Columbia.

2. An applicant for a license issued by the Board pursuant to subsection 1 must submit to the Board:

- (a) A completed application on a form prescribed by the Board;*
- (b) The fees prescribed by the Board pursuant to section 25 of this act;*
- (c) A notarized statement signed by the applicant that states:*

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the immediately preceding 10 years, for any crime involving violence, prostitution or any other sexual offense; and

(d) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy during the immediately preceding 10 years verifying that:

(1) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(2) Disciplinary proceedings relating to his license to practice massage therapy are not pending.

3. The Board shall not issue a license pursuant to this section unless the state, territory or possession of the United States or the District of Columbia in which the applicant is licensed had requirements at the time the license was issued that the Board determines are substantially equivalent to the requirements for a license to practice massage therapy set forth in this chapter.

Sec. 25. 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

<i>An examination established by the Board pursuant to this chapter.....</i>	<i>\$600</i>
<i>An application for a license</i>	<i>300</i>
<i>An application for a license without an examination.....</i>	<i>300</i>
<i>A background check of an applicant.....</i>	<i>600</i>
<i>The issuance of a license</i>	<i>400</i>
<i>The renewal of a license</i>	<i>200</i>
<i>The restoration of an expired license.....</i>	<i>500</i>
<i>The reinstatement of a suspended or revoked license</i>	<i>500</i>
<i>The issuance of a duplicate license.....</i>	<i>75</i>
<i>The restoration of an inactive license</i>	<i>300</i>

2. *The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.”.*

Amend sec. 27, page 12, by deleting lines 31 through 34 and inserting: *“adopted by the Board under section 14 of this act; and*

(c) The fee for renewal of the license prescribed by the Board”.

Amend sec. 27, page 12, by deleting lines 38 through 42 and inserting:

“(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board”.

Amend sec. 29, page 14, line 18, after *“probation;”* by inserting *“or”*.

Amend sec. 29, page 14, by deleting lines 24 through 26 and inserting: *“licensed massage therapist.”.*

Amend the bill as a whole by deleting sections 30 through 32 and adding new sections designated sections 30 through 32, following sec. 29, to read as follows:

“Sec. 30. 1. If any member of the Board or the Executive Director becomes aware of any ground for initiating disciplinary action against a holder of a license, the member or Executive Director shall file a written complaint with the Board.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

(b) Charge one or more grounds for initiating disciplinary action.

3. As soon as practicable after the filing of the complaint, an investigation of the complaint must be conducted to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the holder of the license.

Sec. 31. 1. If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:

(a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or holder of the license a public reprimand;

(c) Refuse to issue, renew, reinstate or restore the license;

(d) Suspend or revoke the license;

(e) Impose an administrative fine of not more than \$1,000 per day for each day for which the Board determines that a violation occurred;

(f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not issue a private reprimand.

Sec. 32. *Notwithstanding any other statute to the contrary:*

1. *If the Board finds that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his license for a period not to exceed 30 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 30 days after the date on which the Board notifies the massage therapist of the temporary suspension.*

2. *If a massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director. Upon receiving such a report, the Executive Director shall immediately issue a cease and desist order temporarily suspending the license of the massage therapist. The temporary suspension of the license is effective immediately upon issuance of the cease and desist order and must not exceed 15 days. For good cause, the Board may extend the period of the temporary suspension if the Board deems such action to be necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. In any such case, a hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension not later than 15 days after the date on which the Executive Director issues the cease and desist order.*

3. *If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order.”.*

Amend the bill as a whole by deleting sec. 34 and adding new sections designated sections 34 and 34.5, following sec. 33, to read as follows:

“Sec. 34. 1. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34.5. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Board of Cosmetology and the Board of Massage Therapists shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the State Board of Cosmetology for a license to practice pursuant to this chapter and who is also applying to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to the Board of Massage Therapists for a license to practice pursuant to sections 2 to 34, inclusive, of this act and, not later than 60 days after that application, the applicant also submits an application to the State Board of Cosmetology for a license to practice pursuant to this chapter:*

(a) The applicant is not required to submit a set of fingerprints to the State Board of Cosmetology if the applicant submitted a set of fingerprints with his application to the Board of Massage Therapists;

(b) The State Board of Cosmetology shall request from the Board of Massage Therapists a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board of Massage Therapists shall provide to the State Board of Cosmetology any reports relating to a background investigation of the applicant; and

(d) The State Board of Cosmetology shall use the reports provided by the Board of Massage Therapists in reviewing the application for a license to practice pursuant to this chapter.”.

Amend the bill as a whole by deleting sections 56 through 59 and adding new sections designated sections 56 through 58, following section 55, to read as follows:

“Sec. 56. 1. Notwithstanding the provisions of sections 2 to 34, inclusive, of this act and except as otherwise provided in subsection 3, the Board of Massage Therapists may issue a license to practice massage therapy to an applicant, without regard to whether the applicant meets the requirements set forth in section 19 of this act, if the applicant:

(a) Holds a current license to practice massage therapy issued before July 1, 2007, by a county, city or town of this State that regulates the practice of massage therapy; and

(b) Applies to the Board for a license before July 1, 2007.

2. An applicant who applies for a license from the Board pursuant to subsection 1 must submit to the Board:

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board pursuant to section 25 of this act; and

(c) A notarized statement signed by the applicant that states:

(1) Whether any disciplinary proceedings relating to his license to practice massage therapy have at any time been instituted against him; and

(2) Whether he has been arrested or convicted, within the 10 years immediately preceding submission of the application, for any crime involving violence, prostitution or any other sexual offense.

3. If an applicant applies for a license from the Board pursuant to subsection 1 and the applicant does not have a criminal background investigation approved by a local law enforcement agency, the applicant must:

(a) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Submit to a background investigation conducted pursuant to section 19 of this act.

4. A license issued by the Board pursuant to subsection 1 shall be deemed to be a license issued by the Board pursuant to section 19 of this act.

5. A person who is licensed to practice massage therapy by a county, city or town in this State before July 1, 2007, must, if the person wishes to continue to practice massage therapy on and after July 1, 2007, hold a license to practice massage therapy issued by the Board.

6. Until July 1, 2007, if a person is licensed to practice massage therapy by a county, city or town in this State but the person does not hold a license to practice massage therapy issued by the Board, the person shall comply with:

(a) All ordinances and regulations of the county, city or town relating to the practice of massage therapy; and

(b) The provisions of sections 2 to 18, inclusive, 22, 23 and 25 to 34, inclusive, of this act.

Sec. 57. 1. As soon as practicable, the Governor shall appoint to the Board of Massage Therapists pursuant to sections 9 and 10 of this act:

(a) Two members whose terms expire on June 30, 2007;

(b) Three members whose terms expire on June 30, 2008;

(c) Two members whose terms expire on June 30, 2009; and

(d) One nonvoting advisory member whose term expires on June 30, 2009,

except that no member may begin serving a term sooner than July 1, 2005.

2. Notwithstanding the provisions of section 9 of this act, each massage therapist who is appointed to the Board of Massage Therapists to an initial term pursuant to subsection 1 is not required to hold a license issued pursuant to sections 2 to 34, inclusive, of this act at the time of appointment but must be eligible for such a license at the time of appointment.

Sec. 58. 1. This act becomes effective upon passage and approval for the purposes of:

(a) The Governor appointing members to the Board of Massage Therapists; and

(b) The Board and its members and employees performing any organizational, preparatory or preliminary administrative tasks that are necessary to carry out the provisions of this act,

and on October 1, 2005, for all other purposes.

2. Sections 22 and 23 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 250.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 496.

The following Senate amendment was read:

Amendment No. 870.

Amend the bill as a whole by deleting sections 2 and 3 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. *The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy, if both applications are filed not more than 60 days apart.*

2. *If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy and, not later than 60 days after that application, the applicant also submits an application to the Board for a license to practice pursuant to this chapter:*

(a) *The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his application to the local governmental entity;*

(b) *The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;*

(c) *Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and*

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Sec. 3. 1. The Board may, without examination, issue a limited license to a person currently licensed as a cosmetologist in another state or territory of the United States or the District of Columbia who intends to practice cosmetology in this State in the limited manner set forth in this section.

2. A limited license issued pursuant to this section authorizes the holder of the limited license to practice cosmetology in this State:

(a) In a resort hotel and in other types of locations the Board designates by regulation; and

(b) For not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.

3. To apply for a limited license pursuant to this section, an applicant must submit to the Board:

(a) An application which includes the name of the applicant and the number or other designation identifying the applicant's license from the other jurisdiction;

(b) Any other information required by the Board; and

(c) An application fee of \$100.

4. The Board may issue a limited license pursuant to this section for not more than 1 year and may renew the limited license annually. A limited license expires 1 year after its date of issuance.

5. A holder of a limited license may renew the limited license on or before the date of its expiration. To renew the limited license, the holder must:

(a) Apply to the Board for renewal; and

(b) Submit an annual renewal fee of \$100.

6. *Not less than 5 days before practicing cosmetology in this State pursuant to a limited license, the holder of a limited license shall notify the Board in writing of the holder's intention to practice cosmetology in this State. The notice must specify:*

- (a) The name and limited license number of the holder;*
- (b) The specific dates on which the holder will be practicing cosmetology in this State; and*
- (c) The name and address of the location at which the holder will be practicing cosmetology in this State.*

7. *A holder of a limited license is subject to the regulatory and disciplinary authority of the Board to the same extent as any other licensed cosmetologist for all acts relating to the practice of cosmetology which occur in this State.*

8. *The Board:*

(a) Shall designate by regulation the types of locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license.

(b) May adopt any other regulations as are necessary to carry out the provisions of this section.

9. *As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865."*

Amend the title of the bill to read as follows:

"AN ACT relating to cosmetology; requiring the State Board of Cosmetology and local governmental entities to reduce duplication in the licensing procedure by sharing certain background information of persons who apply for a license to practice cosmetology and a license to practice massage therapy; providing for the issuance of a limited license to practice cosmetology under certain circumstances; and providing other matters properly relating thereto."

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 496.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 31.

The following Senate amendment was read:

Amendment No. 842.

Amend section 1, pages 2 and 3, by deleting lines 28 through 31 on page 2 and lines 1 through 13 on page 3, and inserting: *"disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station."*

Amend the bill as a whole by deleting sec. 2.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 31.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 839.

Amend sec. 2, page 3, line 13, by deleting “30” and inserting “50”.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 201.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 843.

Amend sec. 3, page 2, lines 5 and 6, by deleting: “*required by specific statute or federal law,*” and inserting: “*provided in subsection 2,*”.

Amend sec. 3, page 2, line 9, by deleting “*agency.*” and inserting: “*agency on or after January 1, 2007.*”.

Amend sec. 3, page 2, line 10, after “2.” by inserting: “*If the social security number of a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the social security number is maintained in a confidential manner and may only disclose the social security number as required:*

(a) *To carry out a specific state or federal law; or*

(b) *For the administration of a public program or an application for a federal or state grant.*

3.”.

Amend sec. 3, page 2, line 15, by deleting “3.” and inserting “4.”.

Amend sec. 3, page 2, line 23, by deleting “4.” and inserting “5.”.

Amend sec. 3, page 2, line 32, by deleting “5.” and inserting “6.”.

Amend sec. 4, page 3, lines 7 and 14, after “*practicable*” by inserting: “, *but not less than 30 days after the governmental agency knows or should have known of the breach,*”.

Amend sec. 6, page 5, lines 11 and 18, after “*practicable*” by inserting: “, *but not less than 30 days after the governmental agency knows or should have known of the breach,*”.

Amend sec. 6, page 6, line 3, by deleting “1681a,” and inserting “1681a(p),”.

Amend sec. 6, page 6, by deleting line 12 and inserting: *“damages, costs and reasonable attorney’s fees and, if the violation of this section was willful or intentional, for any punitive”*.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 616C.310 is hereby amended to read as follows:

616C.310 1. The Chief of the Hearings Division of the Department of Administration:

(a) May by regulation provide for specific procedures for the determination of contested cases.

(b) Shall develop a format to be used by hearing officers to indicate their findings in contested cases.

(c) *Shall adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for compensation from a document relating to the contested case of the person, unless the identity of the person is at issue. As used in this paragraph, “personal identifying information” means any information which would identify a person, including, without limitation, an address, a birth date or a social security number.*

2. An insurer or employer may be represented in a contested case by private legal counsel or by any other agent.”.

Amend the title of the bill, thirteenth line, after “spyware;” by inserting: “requiring the Chief of the Hearings Division of the Department of Administration to adopt regulations to provide for the redaction of personal identifying information of a person filing a claim for certain compensation from certain documents;”.

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 334.

Remarks by Assemblywoman Pierce.

Motion carried.

The following Senate amendment was read:

Amendment No. 1050.

Amend sec. 5, page 5, between lines 13 and 14, by inserting:

“3. As used in this section:

(a) *“On-line bidding” has the meaning ascribed to it in NRS 332.047.*

(b) *“Spyware” does not include:*

(1) *An Internet browser;*

(2) *Software for transmitting messages instantly that informs the user whether other users are on-line at the same time;*

(3) *Software that is designed to detect or prevent the use of computer contaminants;*

(4) *Software that is designed to detect fraudulent on-line bidding;*

(5) *Software that is designed to prevent children from accessing pornography on the Internet;*

(6) *Software that conducts remote maintenance or repair of a computer or its systems;*

(7) *Software that is designed to manage or to perform maintenance on a network of computers;*

(8) *Software for media players; and*

(9) *Software that authenticates a user.”.*

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 1050 to Assembly Bill No. 334.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 871.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure. ~~[The provisions of this subsection do not authorize any inspector to retire under the Public Employees’ Retirement System before having attained the minimum service age of 60 years.]”.~~

Amend sec. 2, page 2, line 11, by deleting “section 1” and inserting “section 2”.

Amend the title of the bill by deleting the first and second lines and inserting:

“AN ACT relating to peace officers; repealing a provision concerning the retirement of inspectors of the State Department of Agriculture; expanding the membership of the Peace Officers’ Standards and Training”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to peace officers. (BDR 23-1326)”.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 345.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 371.

The following Senate amendment was read:

Amendment No. 840.

Amend sec. 2, page 4, line 23, by deleting “*The*” and inserting: “*After the report of the audit is filed by the local government, the*”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 8 as sections 3 through 7.

Amend sec. 4, page 7, line 6, by deleting ““AA”” and inserting ““AA-””.

Amend sec. 8, page 10, by deleting lines 8 through 11 and inserting:

“Sec. 7. This act becomes effective upon passage and approval.”.

Amend the title of the bill by deleting the fourth and fifth lines.

Assemblywoman Pierce moved that the Assembly concur in the Senate amendment to Assembly Bill No. 371.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 425.

The following Senate amendment was read:

Amendment No. 896.

Amend section 1, page 1, line 2, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 6, page 1, line 6, after “*shall*” by inserting “*continue to*”.

Amend the bill as a whole by adding a new section, designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. 1. *Except as otherwise provided in subsection 3, before a person may request an amendment to a master plan, including, without limitation, a gaming enterprise district, in a county whose population is 100,000 or more, the person must hold a neighborhood meeting to provide an explanation of the proposed amendment.*

2. *Notice of a neighborhood meeting to be held pursuant to subsection 1 must be given by the person requesting the proposed amendment to:*

(a) *Each owner, as listed on the county assessor’s records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;*

(b) *The owner, as listed on the county assessor’s records, of each of the 30 separately owned parcels nearest to the area to which the proposed*

amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a); and

(c) Each tenant of the mobile home park if that park is located within 750 feet of the area to which the proposed amendment pertains.

The notice must be sent by mail at least 10 days before the neighborhood meeting and include the time, place and purpose of the neighborhood meeting.

3. A local government in a county whose population is 100,000 or more may, by ordinance, establish a procedure by which a person who requests an amendment to a master plan may, in lieu of holding a neighborhood meeting, present information regarding the proposed amendment at a public hearing.”.

Amend sec. 7, page 2, line 12, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 9, page 2, line 22, by deleting “~~and~~” and inserting “and”.

Amend sec. 9, page 2, by deleting lines 28 through 31 and inserting “sound.”.

Amend sec. 10, page 4, by deleting lines 4 through 7 and inserting: “addresses, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.”.

Amend sec. 10, page 4, by deleting lines 18 through 27.

Amend sec. 13, page 6, line 22, by deleting “section 6” and inserting: “sections 6 and 6.5”.

Amend the bill as a whole by deleting sec. 14 and adding:

“Sec. 14. (Deleted by amendment.)”.

Amend sec. 15, page 8, lines 41 and 45, by deleting “section 6” and inserting: “sections 6 and 6.5”.

Amend sec. 16, page 9, line 2, by deleting “1.”.

Amend sec. 16, page 9, line 4, by deleting “~~{1-}~~ (a)” and inserting “1.”.

Amend sec. 16, page 9, line 7, by deleting “~~{2-}~~ (b)” and inserting “2.”.

Amend sec. 16, page 9, line 12, by deleting “~~{3-}~~ (c)” and inserting “3.”.

Amend sec. 16, page 9, line 18, by deleting “~~{4-}~~ (d)” and inserting “4.”.

Amend sec. 16, page 9, by deleting lines 25 through 38 and inserting:

“(a) Address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts;

(b) Allow for a variety of uses ~~{, describe}~~ ;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses ; and ~~{must be}~~

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the”.

Amend sec. 16, page 9, line 40, by deleting “~~{5-}~~ (e)” and inserting “5.”.

Amend sec. 16, page 10, line 1, by deleting “~~{(a)}~~ (1)” and inserting “(a)”.

Amend sec. 16, page 10, line 4, by deleting “~~{(b)} (2)~~” and inserting “(b)”.

Amend sec. 16, page 10, line 8, by deleting “~~{(c)} (3)~~” and inserting “(c)”.

Amend sec. 16, page 10, line 12, by deleting “~~{(d)} (4)~~” and inserting “(d)”.

Amend sec. 16, page 10, line 14, by deleting “~~{(1)} (I)~~” and inserting “(1)”.

Amend sec. 16, page 10, line 16, by deleting “~~{(2)} (II)~~” and inserting “(2)”.

Amend sec. 16, page 10, line 19, by deleting “~~{6} (f)~~” and inserting “6.”.

Amend sec. 16, page 10, line 26, by deleting “~~{7} (g)~~” and inserting “7.”.

Amend sec. 16, page 10, line 30, by deleting “~~{8} (h)~~” and inserting “8.”.

Amend sec. 16, page 10, by deleting lines 32 through 43.

Amend sec. 18, page 12, line 12, by deleting “*shadowing,*”.

Amend sec. 18, page 12, by deleting lines 14 and 15 and inserting: “*communities and gaming enterprise districts.*”.

Amend sec. 18, page 13, line 27, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 19, page 13, lines 32 and 35, by deleting: “1.5 and 6” and inserting: “1.5, 6 and 6.5”.

Amend sec. 19, page 14, line 1, by deleting “*protect*” and inserting “*consider*”.

Amend sec. 19, page 14, by deleting lines 4 through 16 and inserting: “(d) *To reduce the consumption of energy by encouraging the*”.

Amend sec. 19, page 14, line 19, by deleting “(i)” and inserting “(e)”.

Amend sec. 19, page 14, line 20, by deleting “(j)” and inserting “(f)”.

Amend sec. 19, page 14, line 22, by deleting “(k)” and inserting “(g)”.

Amend sec. 19, page 14, line 24, by deleting “(l)” and inserting “(h)”.

Amend sec. 19, page 14, line 28, by deleting “(m)” and inserting “(i)”.

Amend sec. 19, page 14, line 31, by deleting “(n)” and inserting “(j)”.

Amend sec. 19, page 14, line 35, by deleting “(o)” and inserting “(k)”.

Amend sec. 19, page 14, line 36, by deleting “(p)” and inserting “(l)”.

Amend sec. 19, page 14, line 39, by deleting “(q)” and inserting “(m)”.

Amend the bill as a whole by deleting sections 20 through 29 and adding: “Secs. 20–29. (Deleted by amendment.)”.

Amend the title of the bill by deleting the second through the eighth lines and inserting: “types of development; requiring zoning regulations to protect certain resources and to ensure smart growth; requiring a person requesting an amendment to a master plan to hold a neighborhood meeting in certain circumstances; and”.

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 896 to Assembly Bill No. 425.

Remarks by Assemblywoman Pierce.

Motion carried.

The following Senate amendment was read:

Amendment No. 1069.

Amend the bill as a whole by deleting sec. 6.5 and adding:

“Sec. 6.5. (Deleted by amendment.)”.

Amend the bill as a whole by adding a new section, designated sec. 18.5, following sec. 18, to read as follows:

“Sec. 18.5. NRS 278.210 is hereby amended to read as follows:

278.210 1. Before adopting the master plan or any part of it in accordance with NRS 278.170, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time and place of which must be given at least by one publication in a newspaper of general circulation in the city or county, or in the case of a regional planning commission, by one publication in a newspaper in each county within the regional district, at least 10 days before the day of the hearing.

2. *Before a public hearing may be held pursuant to subsection 1 in a county whose population is 100,000 or more on an amendment to a master plan, including, without limitation, a gaming enterprise district, if applicable, the person who requested the proposed amendment must hold a neighborhood meeting to provide an explanation of the proposed amendment. Notice of such a meeting must be given by the person requesting the proposed amendment to:*

(a) Each owner, as listed on the county assessor’s records, of real property located within a radius of 750 feet of the area to which the proposed amendment pertains;

(b) The owner, as listed on the county assessor’s records, of each of the 30 separately owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice does not duplicate the notice given pursuant to paragraph (a); and

(c) Each tenant of a mobile home park if that park is located within a radius of 750 feet of the area to which the proposed amendment pertains.

The notice must be sent by mail at least 10 days before the neighborhood meeting and include the date, time, place and purpose of the neighborhood meeting.

3. The adoption of the master plan, or of any amendment, extension or addition thereof, must be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution must refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan or any amendment, addition or extension thereof, and the action taken must be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairman of the commission.

~~{3-}~~ 4. No plan or map, hereafter, may have indicated thereon that it is a part of the master plan until it has been adopted as part of the master plan by the commission as herein provided for the adoption thereof, whenever changed conditions or further studies by the commission require such amendments, extension or addition.

~~{4-}~~ 5. Except as otherwise provided in this subsection, the commission shall not amend the land use plan of the master plan set forth in paragraph (f)

of subsection 1 of NRS 278.160, or any portion of such a land use plan, more than four times in a calendar year. The provisions of this subsection do not apply to a change in the land use designated for a particular area if the change does not affect more than 25 percent of the area.

~~{5-}~~ 6. An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

~~{6-}~~ 7. An attested copy of any part, amendment, extension of or addition to the master plan adopted by any regional planning commission must be certified to the county planning commission and to the board of county commissioners of each county within the regional district. The county planning commission and board of county commissioners may authorize such certification by electronic means.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions concerning land use planning. (BDR 22-1084)”.

Assemblywoman Pierce moved that the Assembly concur in the Senate Amendment No. 1069 to Assembly Bill No. 425.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 1056.

Amend sec. 4, page 5, line 30, by deleting “year.” and inserting: “year, unless a school district does not have sufficient financial resources to provide the classroom space required for the elimination of team-teaching.”.

Amend sec. 4, page 5, line 35, by deleting “team-teaching.” and inserting: “team-teaching if:

1. There is sufficient debt service rate that is remaining within the applicable statutory cap; and

2. The school district has first met the needs related to the increase in the enrollment of pupils within the school district and the needs for school renovation.”.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 526.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly recede from its action on Senate Bill No. 396.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 188.

The following Senate amendment was read:

Amendment No. 844.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section or by specific statute:*

(a) *If a person or his agent provides the electronic mail address or telephone number of the person to a governmental entity for the purpose of or in the course of communicating with that governmental entity, the governmental entity may maintain the electronic mail address or telephone number in a database.*

(b) *A database described in this subsection:*

(1) *Is confidential;*

(2) *Is not a public book or record within the meaning of NRS 239.010; and*

(3) *Must not be disclosed in its entirety as a single unit.*

2. *The individual electronic mail address or telephone number of a person is not confidential and may be disclosed individually in accordance with applicable law if the person or his agent provides the electronic mail address or telephone number to a governmental entity:*

(a) *In the course of an existing business or contractual relationship with the governmental entity; or*

(b) *In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.*

3. *A governmental entity:*

(a) *Shall disclose in its entirety as a single unit a database described in subsection 1 in response to an order issued by a court of competent jurisdiction; and*

(b) *May disclose in its entirety as a single unit a database described in subsection 1 upon a finding by the governing body of the governmental entity that the disclosure of the database is necessary:*

(1) *To protect the public safety; or*

(2) *To assist in the investigation or prosecution of a crime.*

4. *The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address or telephone number of a person.*

5. *As used in this section, "telephone number" includes, without limitation, the telephone number for a facsimile machine or telecopier."*

Amend the title of the bill, second line, by deleting: "electronic mail addresses" and inserting "certain information".

Amend the summary of the bill to read as follows:

"SUMMARY—Provides under certain circumstances that certain databases which contain certain information are confidential and not public records open for public inspection. (BDR 19-595)".

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 188.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 1084.

Amend the bill as a whole by deleting sections 10 and 11 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If any present or former state officer or employee is alleged to have violated any provision of this chapter, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee if:*

(a) *The state officer or employee submits a written request for defense in the manner provided in NRS 41.0339; and*

(b) *Based on the facts and allegations known to the Attorney General, the Attorney General determines that the act or omission on which the alleged violation is based:*

(1) *Appears to be within the course and scope of public duty or employment of the state officer or employee; and*

(2) *Appears to have been performed or omitted in good faith.*

2. *The Attorney General shall create a written record setting forth the basis for his determination of whether to defend the state officer or employee pursuant to paragraph (b) of subsection 1. The written record is not admissible in evidence at trial or in any other judicial or administrative*

proceeding in which the state officer or employee is a party, except in connection with an application to withdraw as the attorney of record.

Sec. 11. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 10 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.”.

Amend the title of the bill to read as follows:

“AN ACT relating to government; providing a procedure for a bidder to file a notice of protest regarding certain contracts; expanding the criteria that may be used to select the lowest responsive and responsible bidder on certain contracts; expanding the types of contracts which by nature are not adapted to award by competitive bidding; requiring the Attorney General to defend a state officer or employee alleged to have committed an ethical violation under certain circumstances; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing purchasing by state and local governments and ethics in government. (BDR 27-560)”.

Assemblyman Parks moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 39.

Remarks by Assemblyman Parks.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 726.

Amend sec. 10, page 4, lines 8 and 10, by deleting “July” and inserting “October”.

Amend sec. 23, page 6, lines 41 and 42, by deleting “July” and inserting “October”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 726 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.

Motion carried.

The following Senate amendment was read:

Amendment No. 957.

Amend sec. 9, page 3, line 37, after “Used” by inserting: “only as approved pursuant to section 13 of this act and only”.

Amend the bill as a whole by deleting sec. 13 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act unless the

expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the police department.

2. The body designated to approve an expenditure for:

(a) The Boulder City Police Department is the City Council of the City of Boulder City;

(b) The Henderson Police Department is the City Council of the City of Henderson;

(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;

(d) The Mesquite Police Department is the City Council of the City of Mesquite; and

(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (a), (b), (d) or (e) of subsection 2, shall determine whether the percentage of the current budget of the city which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the percentage of the immediately preceding budget of that city which was expended for the support of the police department.

4. In determining whether a proposed use meets the requirements set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (c) of subsection 2 shall determine whether:

(a) The percentage of the current budget of the City of Las Vegas which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the percentage of the five immediately preceding budgets of the city which were expended for the support of the police department; and

(b) The percentage of the current budget of the County which is expended for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the average of the percentage of the five immediately preceding budgets of the County which were expended for the support of the police department.”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 957 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.

Motion carried.

The following Senate amendment was read:

Amendment No. 1100.

Amend sec. 9, page 3, line 29, after “2.” by inserting: “Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3.”.

Amend sec. 13, page 5, lines 28 and 29, by deleting: “percentage of the current budget of the city which is expended” and inserting: “amount approved for expenditure by the body for the fiscal year”.

Amend sec. 13, page 5, line 31, by deleting “percentage of” and inserting: “amount approved for expenditure in”.

Amend sec. 13 page 5, line 32, by deleting: “budget of that city which was expended” and inserting “fiscal year”.

Amend sec. 13, pages 5 and 6, by deleting lines 38 through 45 on page 5 and lines 1 through 4 on page 6 and inserting:

“(a) The amount approved for expenditure by the City of Las Vegas for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and Clark County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of the operating and maintaining the police department apportioned to the City of Las Vegas for the fiscal year pursuant to NRS 280.201; and

(b) The amount approved for expenditure by the County for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and the County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of operating and maintaining the police department apportioned to the County for the fiscal year pursuant to NRS 280.210.”.

Assemblyman Parks moved that the Assembly concur in the Senate Amendment No. 1100 to Assembly Bill No. 418.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblywoman Buckley moved that the Assembly recess until 2:00 p.m.

Motion carried.

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 2:26 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Resolution No. 11—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Horne, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 42.

Mr. Speaker appointed Assemblymen McClain, Koivisto, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 43.

Mr. Speaker appointed Assemblymen McCleary, Conklin, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 44.

Mr. Speaker appointed Assemblymen Conklin, Leslie, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 63.

Mr. Speaker appointed Assemblymen Leslie, Horne, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 327.

Mr. Speaker appointed Assemblymen Pierce, Horne, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 337.

Mr. Speaker appointed Assemblymen Buckley, McClain, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 437.

Mr. Speaker appointed Assemblymen Anderson, Conklin, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 501.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 29, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen McClain, Buckley, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 29.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly recede from its action on Senate Bill No. 70.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 80, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Parks, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 80.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 163, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Anderson, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 163.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 174, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Conklin, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 174.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 224, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 224.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its actions on Senate Bill No. 457, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Conklin, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 457.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 346.

The following Senate amendment was read:

Amendment No. 764.

Amend section 1, page 3, after line 43, by inserting:

“11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;*
- (b) Environmental crimes;*
- (c) Explosives and pyrotechnics;*
- (d) Drugs or other controlled substances; or*
- (e) Any similar activity specified by the State Fire Marshal.”.*

Amend the title of the bill, third line, after “firemen;” by inserting: “authorizing the State Fire Marshal to participate in certain local, state or federal teams or task forces;”.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 346.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its actions on Senate Bill No. 394, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirkpatrick, Giunchigliani, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 394.

GENERAL FILE AND THIRD READING

Assembly Bill No. 47.

Bill read third time.

Roll call on Assembly Bill No. 47:

YEAS—42.

NAYS—None.

Assembly Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblymen Goicoechea, Horne, Giunchigliani, Ocegüera, and Parnell.

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

ASSEMBLYMAN GOICOECHEA:

Although I am very supportive of driver's education in high school, I am going to have to rise in opposition to this bill because of the fiscal impact it would create on some school districts that would have to provide driver's education in places like McDermitt, Jackpot, Austin, Gabbs, where you would not have 20 kids in the program. How are they going to afford it? Thank you.

ASSEMBLYMAN HORNE:

I rise in support of AB 77. I believe, in the bill, we did address the issues of the rurals. They will not be affected. That was addressed in Committee and in Ways and Means. Check in the bill if you like.

ASSEMBLYMAN GOICOECHEA:

Thank you, to my colleague from southern Nevada. I do not see the exemption for any school district as the bill is presently written. I understand that there might be some funding made available, and I would like to see that placed on the record.

ASSEMBLYWOMAN GIUNCHIGLIANI:

We inserted, in the grant program, in Assembly Bill 525 that we passed and is over in Senate Finance, for allowance for the driver's education coverage. In addition, for the rural counties, we allowed for them to still use the community college. I took out the word "elective" so it does not have to be a credit class. Therefore, the students could take it on a Saturday during the day, early for early birds, late birds, and that gave the districts the additional flexibility. We were trying to accommodate the rurals, and I think in the initial hearing in Transportation they also made some additional language changes as well.

ASSEMBLYMAN GOICOECHEA:

Thank you, to my colleague from southern Nevada, I appreciate that. I was trying to get into the record the fact that there was some funding made available. However, in these rural districts, I do not care whether it is on Saturday or whatever day of the week, or an elective or not, if you have to drive 100 miles to attend a driver's education class, it is not going to be very productive.

ASSEMBLYMAN OCEGUERA:

There are a few things that are done to correct that, actually. In Assembly Bill 52, the GDL bill, there is a 30-mile provision that is going to be put back in that will say if you cannot get driver's education within 30 miles of that location, then you would be exempted. That was taken out on the Senate side, but in conference we will put it back in. Also, you are allowed to do that in a community college if it is not available at the high school. There is one more, and I cannot think of it, but there are three or four provisions that try to address Mr. Goicoechea's concerns.

ASSEMBLYWOMAN PARNELL:

As a kind of rural legislator as well, I want to point out in Section 1 of the bill, page 3, paragraph (d), it does say that reasonable accommodations will be made for school districts with less than 50,000 in population.

ASSEMBLYMAN GOICOECHEA:

To my colleague from Carson City, I guess what concerns me is, what is reasonable?

Roll call on Assembly Bill No. 77:

YEAS—30.

NAYS—Angle, Carpenter, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—12.

Assembly Bill No. 77 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Roll call on Assembly Bill No. 460:

YEAS—42.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Conflict of interest declared by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 464:

YEAS—41.

NAYS—None.

NOT VOTING—Ohrenschall.

Assembly Bill No. 464 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Roll call on Assembly Bill No. 499:

YEAS—42.

NAYS—None.

Assembly Bill No. 499 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblymen Carpenter, Hardy, and Giunchigliani.

Roll call on Assembly Bill No. 500:

YEAS—31.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey,
Marvel, Sherer, Weber—11.

Assembly Bill No. 500 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Roll call on Assembly Bill No. 562:

YEAS—42.

NAYS—None.

Assembly Bill No. 562 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 568:

YEAS—42.

NAYS—None.

Assembly Bill No. 568 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

Assembly Bill No. 570 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571.

Bill read third time.

Roll call on Assembly Bill No. 571:

YEAS—42.

NAYS—None.

Assembly Bill No. 571 having received a constitutional majority,
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 118 be taken from
the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 512.

Bill read third time.

Roll call on Senate Bill No. 512:

YEAS—42.

NAYS—None.

Senate Bill No. 512 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

JOURNAL OF THE ASSEMBLY

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its actions on Senate Bill No. 386, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 386.

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

Assembly in recess at 3:01 p.m.

ASSEMBLY IN SESSION

At 3:07 p.m.

Mr. Speaker presiding.

Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 20, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Atkinson, Kirkpatrick, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 20.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 62, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Parnell, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 62.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 302, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Smith, Anderson, and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 302.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 426, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Kirkpatrick, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 426.

Assemblywoman Buckley moved that the Assembly recess until 5:00 p.m.

Motion carried.

Assembly in recess at 3:16 p.m.

ASSEMBLY IN SESSION

At 5:13 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 365, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 803 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA2, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL

FRANCIS ALLEN

SUSAN GERHARDT

Assembly Conference Committee

MAURICE E. WASHINGTON

VALERIE WIENER

DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA2.

Amend sec. 2, page 2, line 5, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 3, page 3, lines 11, 15, 24, 26 and 29, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 4, page 4, line 29, by deleting “\$300,000,” and inserting “\$350,000,”.

Amend sec. 5, page 8, line 20, by deleting “\$300,000” and inserting “\$350,000”.

Amend sec. 6, page 10, line 35, by deleting “\$300,000,” and inserting “\$350,000,”.

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 365.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 465, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 676 of the Senate be receded from and a reprint be created in accordance with this action which is attached to and hereby made a part of this report.

SUSAN GERHARDT

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

JOE HECK

DENNIS NOLAN

JOHN LEE

Senate Conference Committee

Assemblywoman Gerhardt moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 465.

Remarks by Assemblywoman Gerhardt.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved to suspend Joint Standing Rule No. 7.2 (c) by mutual consent of the Senate for the purpose of approving the return by the Assembly, to the Senate, of Senate Bill No. 328 and return by the Senate, to the Assembly, of Assembly Bill No. 210.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 333, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Giunchigliani, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 333.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 335, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Pierce and Gansert as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 335.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Senate Bill No. 434, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Conklin.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Parks, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 434.

GENERAL FILE AND THIRD READING

Assembly Bill No. 534.

Bill read third time.

Roll call on Assembly Bill No. 534:

YEAS—42.

NAYS—None.

Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 128.

The following Senate amendment was read:

Amendment No. 806.

Amend sec. 3, page 5, line 7, by deleting “An” and inserting: “*A telephone number and Internet website at which a person may obtain an*”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 128.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 118 be taken from the Chief Clerk’s desk and placed on General File.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Senate Bill No. 118:

YEAS—41.

NAYS—Angle.

Senate Bill No. 118 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

The Cowboy Hall of Fame

ASSEMBLYMAN CARPENTER:

Thank you. I want to welcome you to the Cowboy Hall of Fame. This is the fourth induction of the Assembly women and men and the support staff into the Nevada Legislature Cowboy Hall of Fame. Induction into the Cowboy Hall of Fame is a coveted award bestowed only on the most deserving. This year, because the urban cowboy, Wendell Williams, is no longer with us, I have enlisted the services of a real cowboy, our own Sergeant at Arms, Terry “Biscuit Roller” Sullivan.

TERRY SULLIVAN:

First, I need to thank the Speaker for allowing me the unprecedented opportunity to speak on the Floor in the Chambers, and you, Mr. Carpenter, for asking me. I am terribly flattered. I need to say one more thing because I am not sure that anyone ever explained to you folks what a cowboy is. Being a cowboy may or may not have anything to do with riding a horse. You can be a cowboy and never ridden a horse, or you could have ridden a horse your whole life and not been a cowboy. Being a cowboy is a state of mind. It is being a gentleman or -woman with ethics and loving a certain way of life that keeps you in the cowboy state of mind. Simply put, you gotta have heart.

ASSEMBLYMAN CARPENTER:

Thank you, Terry, that was great. I think, in order to get us in the cowboy mood, we should have a little western music.

The Assembly members who have been previously inducted, I would like you to stand as I read your name: John “Cowboy” Marvel, Rich “The Kid” Perkins, Lynn “Cool Hand” Hettrick, Chris “Bulldog” Giunchigliani, Moose “Brush Popper” Arberry, Bernard “Bubba” Anderson, Barbara “Buckaroo” Buckley, Genie “Legal Beagle” Ohrenschall, Mark “Range Rider” Manendo, and Steve “Fence Mender” Watson.

The preamble to our Buckaroo Cowboy Hall of Fame is “The Cowboy Way: Write it in your heart. Stand by the code and it will stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness, and never forget your constituent’s name.”

TERRY SULLIVAN:

The envelope please, for the first inductee of this most elite group of individuals. That would be Mrs. Ellen “Tin Teepee” Koivisto. Come on down.

Whereas Ellen “Tin Teepee” Koivisto, born in Morris, Minnesota, continuing her education at UNLV, and first elected to the Nevada Legislature in 1997, serving five special and five regular sessions by following the cowboy rule of “A cowboy always sets his hat upside down to catch all of God’s good luck.”

ASSEMBLYMAN CARPENTER:

Don’t you think Ellen is a great-looking cowgirl?

TERRY SULLIVAN:

Mrs. Koivisto will soon be going down the road in her metal camper on wheels, thus the “Tin Teepee” cowboy name, but Mrs. Koivisto could also have been called “Puppy Kicker” Koivisto. It seems to me she hauled around here several days after her puppy-kicking episode. You said you tripped on it, though.

ASSEMBLYWOMAN KOIVISTO:

Yes, I did.

TERRY SULLIVAN:

That is your story.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Kathy “Redneck Woman” McClain received her master’s degree from UNLV and has served her constituents for four regular and five special sessions at the Nevada Legislature by following the cowboy rule of “Cowgirl up or shut up.”

Now that “Redneck” McClain is in the Cowboy Hall of Fame, we expect her to rope and hogtie Woody Thorne from the Employees’ Benefit Board and keep him tied down until he cries, “Medicare.”

TERRY SULLIVAN:

And the next inductee is John “Fallon Goat Roper” Ocegüera.

ASSEMBLYMAN CARPENTER:

Oh, Biscuit Roller, we must stop the proceedings. The Pony Express just delivered a letter from Las Vegas. It is supposedly from Miss Rodeo America. The contents are questionable. I believe we need to call a cowboy caucus to sort things out.

TERRY SULLIVAN:

I couldn’t agree more.

ASSEMBLYMAN CARPENTER:

Well, we voted three to two to put the letter on record. Biscuit, you read your part and I will read my part. It may get so deep in here it will be above our boots.

TERRY SULLIVAN:

This is from Miss Rodeo Nevada.

Dear Assemblyman Carpenter:

This letter is to serve as my official recommendation for Assemblyman John Ocegüera to be admitted to your Legislative Cowboy Hall of Fame.

ASSEMBLYMAN CARPENTER:

As you know, Nevada is the official Rodeo State. As Miss Rodeo Nevada, 2004, I served as the official spokesperson for the professional sport of rodeo. Therefore, no one knows cowboys like I know cowboys, so take it from me, Assemblyman Ocegüera is a cowboy worthy of induction into any hall of fame.

TERRY SULLIVAN:

Assemblyman Ocegüera was officially roped into hosting each Miss Rodeo Nevada State Queen since 2001 at the Nevada Legislature, which, in our world, makes him a true king of queens.

I have to make a comment here. I should have been hosting the rodeo queen. The last time she was here, I invited her out to the ranch and I did it in front of Mr. Ocegüera. She turned me down. I think I was too tall.

ASSEMBLYMAN CARPENTER:

Assemblyman Ocegüera not only epitomizes the spirit of the West when wrangling livestock in the open range or in the Nevada Legislature, he always delivers the “cowboy up” attitude while conquering new territory.

Well, what do you think, Biscuit? Does the letter help or hurt his chances?

TERRY SULLIVAN:

Well, I will tell you, there is just a lot of bull in that letter.

ASSEMBLYMAN CARPENTER:

There is a real lot of bull in it, and if she knows real cowboys, the “Goat Roper” just can’t be one.

TERRY SULLIVAN:

Well, I already said what I thought about that.

ASSEMBLYMAN CARPENTER:

And the king of queens, what does that mean? Maybe there was more going on than just a little introduction. Well, we don’t want to disappoint Miss Rodeo America, so let’s do the induction. Come on up.

TERRY SULLIVAN:

Whereas, John “Fallon Goat Roper” Ocegüera, a native Nevadan, graduated at Western Nevada Community College, Truckee Meadows Community College, and UNLV twice, and was first elected to the Nevada Legislature in 2001, serving three regular and five special sessions by following the cowboy rule of “If you’ve done it, it ain’t braggin’.”

Mr. Ocegüera gets his handle from being a true Fallon goat roper. I knew he was the minute I saw the kind of hat he wore. Maybe it was the hat that put the rodeo queen on his side.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Jerry “Mule Deer” Claborn, the co-founder of the Nevada Heavy Highway Committee, forty-four years as an operating engineer, and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “When in doubt, ask a horse.”

Whereas, “Mule Deer” Claborn has always wanted to be in the Cowboy Hall of Fame, with his official designation, the noose will only get tighter on Terry Crawford and Bud Radley.

TERRY SULLIVAN:

We are now looking for Sharron “Lone Rider” Angle. Whereas, Sharron “Lone Rider” Angle graduated from Reno’s Wooster High School and the University of Nevada, and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “Letting the cat out of the bag is a whole lot easier than putting it back in.”

I don’t think we really need to explain why Mrs. Angle’s new handle is “Lone Rider.” She personifies the independent spirit of the cowboy here.

ASSEMBLYMAN CARPENTER:

Our next inductee: Whereas, Sheila “Town Tamer” Leslie, a University of Nevada master’s graduate and first elected to the Nevada Legislature in 1999, serving five special and four regular sessions by following the cowboy rule of “Worry is like a rockin’ horse: It don’t get you nowhere.”

“Town Tamer” Leslie is now not only a member of the Cowboy Hall of Fame, but the official keeper of animals at UNR. Her duties are to feed and care for the cows every day.

TERRY SULLIVAN:

Where is “Git R Done” Parks? Whereas, David “Git R Done” Parks, a UNLV master in business administration graduate, Paradise Town chairman, and first elected to the Nevada Legislature in 1997, serving five regular and five special sessions by following the cowboy rule of “Advice is like castor oil; easy to give, but dreadful to take.”

“Git R Done” Parks seems to have his own way of doing things. It is apparent he believes that words that soak into your ears are whispered, not yelled. Mr. Parks, I don’t often give advice and I don’t think you spend much time herding cows, but if you ever do, my advice to you is always drink upstream from the herd.

ASSEMBLYMAN CARPENTER:

Our last inductee: Whereas, Harry “State Parks Rocketman” Mortenson, author of fourteen scientific publications, and first elected to the Nevada Legislature in 1997, serving five regular and five special sessions by following the cowboy rule of “Never approach a bull from the front, a horse from the rear, or a fool from any direction.”

“Parks Man” Mortenson now has his official Hall of Fame sheriff’s badge to keep them park boys in line and his historical objects historical.

That is all of the inductees that we are going to do this year. As you see, this is a very prestigious group. I want to thank Steve Watson and Robin Bates for doing the music and Marilyn Maxfield and the people from the Media Department. It is resolved by the Legislative Cowboy Hall of Fame that these eight members are recognized for their outstanding legislative service and following the cowboy way. Be it further resolved that Ellen “Tin Teepee” Koivisto, Kathy “Redneck Woman” McClain, John “Fallon Goat Roper” Ocegüera, Jerry “Mule Deer” Claborn, Sharron “Lone Rider” Angle, Sheila “Town Tamer” Leslie, David “Git R Done” Parks, and Harry “State Parks Rocketman” Mortenson are hereby inducted into the Nevada Assembly Cowboy Hall of Fame. Let’s give them all a hand.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 103 and 312; Senate Bills Nos. 4, 26, 32, 41, 64, 83, 99, 102, 104, 134, 146, 150, 155, 172, 214, 234, 235, 262, 267, 287, 293, 303, 343, 347, 411, 415, 421, 422, 432, 444, 450, 452, 458, 466, 488, and 489.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Boyd, Edwin Cabrera, Jennifer Chacon, Anel Contreras, Shaylea Douglas, Nicole Dressler, Roberto Estrada, Jesus Felix, Joselinne Figueroa, Socorra Galindo, Wendee Giron, Jovani Guerrero, Cameron Hernandez, Melissa Izquierdo-Flores, Jake Jacob, Rogelio Lazaro, Veronica Madero, Marcos Olivia, Raul Pandeli, Jasmine Robinson, Jordan Ruiz-Chaparro, Stephanie Sotelo, Grecia Trejeda, Kelsey Thmpson, Osman Torres, Miss Pomajzl, Mrs. Gingras, Jonathan Aguilar, Alan Carrillo, Clifton Cook, Robert Courser, Trino De La Riva, Juan Miguel Diaz, Laura Diaz, Jose Galvan, Jose Garcia, Alicia Johnson, Mario Limon, Ciera Lucas, Cinthya Muro, Brenda Orozco, Kimberly Pineda, Jonathan Pinon, Lisseth Ramirez, Natalia Rivas, Juana Rivera, Ubaldo Ruiz Lopez, Brenda Salazar, Bernice Shoemaker, Felipe Silva, Melvin Valle, Ashley Wadsworth, Mrs. Shaw, Christian Aguilar, Selene Alcala, Cody Allen, Tyler Allen, Rubi Arellano Adame, Sean Austin, Alfredo Ayala, Rosa Cerda, Eduardo Cervantes, Javier Chagolla, Briann Courser, Erik Cruz, Rinna Deluna, Gilberto Guzman, Michael Hunter, Nancy Jauregui, Tallia Jim, Daniel Johnson, Jose Lopez, Lizeth Magana, Jasmine Purisima, Rosalyn Rivera, Scott Sawatsky, Dezana Ware, Joseph Warren, Marisa Moses, Michelle Johnson, Amy Jim, Viola Morales, Lisa Johnson, Maria Vega, Andrea Ramirez, Mary Anne Thompson, and Marilyn Cervantes.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Acero, Habeeb Ali, Jessica Anderson, Brian Bickel, Cody Carpenter, Drake Zachary, Alexander Fernandez, Amber Gandara, Christoper Garcia, Dylan Gerald, Logan Hampton, Mikaela Powell, Kennea Rodriguez, Dylan Shirey, Debbie Mayer, Nicole Medeiros, Mary Jolly, Danielle Bennett, Anthony Burchett, Evan Carlson, Aaron Cowee, Hunter Hewitt, Megan Kelly, Jusdan Mondragon, Makayah Sargent, Travis Summers, Alex Terpening, Nathalie Wuebkes, Hemery Mosqueda-Ramirez, Casandra Mansfield, Rachel Streeter, Julianna Masters, Lori Millard-Streeter, Carlson, Mrs. Jeanette Kelly, Brandi Colunga, Chris Bridwell, Cindy Fontenot, and Rabila Ali.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Dreher.

Assemblywoman Buckley moved that the Assembly adjourn until Friday, June 3, 2005, at 10:00 a.m.

Motion carried.

Assembly adjourned at 5:30 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 3, 2005

Assembly called to order at 10:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, most merciful, most compassionate, shower us with Your grace and compassion, and enable us to spread compassion and mercy to others. Almighty God, God of infinite justice, inspire us to exercise justice everywhere, inspire us to justice in this Assembly as all that is right. We know that You love justice and just people, together with the doers of good. Almighty God, bless our nation, our leaders, our state, and our lawmakers in this Assembly with the best of guidance.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bill No. 347; Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 34, 514, 515, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day recessed from its action on Assembly Bill No. 254.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 64, Senate Amendment No. 872, and

requests a conference, and appointed Senators Beers, Mathews and Cegavske as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 87, Senate Amendment No. 924, and requests a conference, and appointed Senators Townsend, Heck and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 180, Senate Amendments Nos. 765, 1105, and requests a conference, and appointed Senators Cegavske, Wiener and Washington as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 208, Senate Amendment No. 925, and requests a conference, and appointed Senators Heck, Tiffany and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 239, Senate Amendment No. 951, and requests a conference, and appointed Senators Heck, Schneider and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 290, Senate Amendments Nos. 867, 1062, and requests a conference, and appointed Senators Schneider, Carlton and Lee as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 260, Senate Amendments Nos. 866, 1048, and requests a conference, and appointed Senators Heck, Carlton and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 380, Senate Amendment No. 895, and requests a conference, and appointed Senators Heck, Horsford and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 555, Senate Amendment No. 685, and requests a conference, and appointed Senators Heck, Tiffany and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Joint Resolution No. 5, Senate Amendment No. 981, and requests a conference, and appointed Senators Beers, Mathews and Cegavske as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 100, 520.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1123 to Senate Bill No. 89; Assembly Amendment No. 1115 to Senate Bill No. 311.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1125 to Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, McGinness and Amodei as a first Conference Committee concerning Senate Bill No. 198.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Heck and Horsford as a first Conference Committee concerning Senate Bill No. 290.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Care as a first Conference Committee concerning Senate Bill No. 338.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Tiffany and Horsford as a first Conference Committee concerning Senate Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 173; Assembly Bills Nos. 365, 465.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 100.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 520.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 422 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 462 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 392 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1142.

Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 through 14 on page 2, and inserting:

“386.320 {1. — If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:

~~(a) The clerk and president of the board of trustees may each receive a salary of \$85 for each board of trustees meeting they attend, not to exceed \$170 a month.~~

~~(b) The other trustees may each receive a salary of \$80 for each board of trustees meeting they attend, not to exceed \$160 a month.~~

~~(c) Each member of the board of trustees of a school district is entitled to receive a salary in an amount not to exceed \$1,200 a month. The board of trustees of a school district may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.~~

~~{2.—If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of \$85 for each board of trustees meeting they attend, not to exceed \$510 a month.~~

~~(b) The other trustees may each receive a salary of \$80 for each board of trustees meeting they attend, not to exceed \$480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]”.~~

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, first line, by deleting “increasing” and inserting: “revising provisions governing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing compensation of members of boards of trustees of school districts. (BDR 34-1173)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 462.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1141.

Amend section 1, page 1, line 2, after “223.050” by inserting “1.”.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: “Governor is entitled to receive an annual salary of ~~[\$90,000. From and after]~~ \$117,000. *From the first Monday in January [1999,] 2007, until the first Monday in January 2011,*”.

Amend section 1, page 1, between lines 6 and 7, by inserting:

“2. *On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Governor must be increased by*

an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Governor.”.

Amend sec. 2, page 1, by deleting lines 10 and 11 and inserting: “~~[\$20,000. From and after]~~ \$50,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011, the Lieutenant Governor is entitled to receive an”.

Amend sec. 2, page 1, by deleting line 13 and inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Lieutenant Governor must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Lieutenant Governor.

3. In addition to the annual salary provided for in ~~{subsection 1,} subsections 1 and 2,~~”.

Amend sec. 2, page 1, by deleting line 18 and inserting:

~~“{3.} 4.~~ In addition to the salary provided in subsections ~~[1 and 2,]~~ 1, 2 and 3, the”.

Amend sec. 3, page 2, line 7, after “225.050” by inserting “1.”.

Amend sec. 3, page 2, by deleting lines 9 and 10 and inserting:

~~“[\$62,500. From and after]~~ \$80,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011, the Secretary of State is entitled to receive an annual”.

Amend sec. 3, page 2, between lines 11 and 12, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Secretary of State must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Secretary of State.”.

Amend sec. 4, page 2, line 13, after “226.090” by inserting “1.”.

Amend sec. 4, page 2, by deleting lines 14 and 15 and inserting: “State Treasurer is entitled to receive an annual salary of ~~[\$62,500. From and after]~~ \$80,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011,”.

Amend sec. 4, page 2, between lines 17 and 18, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the State Treasurer must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the State Treasurer.”.

Amend sec. 5, page 2, line 19, after “227.060” by inserting “1.”.

Amend sec. 5, page 2, by deleting lines 20 and 21 and inserting: “State Controller is entitled to receive an annual salary of ~~[\$62,500. From and after]~~ \$80,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011,”.

Amend sec. 5, page 2, between lines 23 and 24, by inserting:

"2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the State Controller must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the State Controller."

Amend sec. 6, page 2, by deleting lines 27 and 28 and inserting: ~~"\$85,000. From and after~~ \$110,000. *From the first Monday in January [1999,] 2007, until the first Monday in January 2011, the Attorney General is entitled to receive an annual"*

Amend sec. 6, page 2, line 30, after "2." by inserting: *"On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Attorney General must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Attorney General.*

3."

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. NRS 218.210 is hereby amended to read as follows:

218.210 1. Each Senator and Assemblyman is entitled to receive as compensation \$130 per day for each day of service:

~~{1-}~~ (a) During any regular session, for the number of days the Legislature is in session, or in adjournment for not more than 3 days, or the maximum number of days for which compensation for a regular session is permitted by the Constitution, whichever is smaller; and

~~{2-}~~ (b) During any special session, for the number of days the Legislature is in session or the maximum number of days for which compensation for a special session is permitted by the Constitution, whichever is smaller.

2. *On the first day of each term of a Senator or Assemblyman beginning on or after November 8, 2006, the compensation of the office of the Senator or Assemblyman must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of that office."*

Amend the title of the bill, second line, after "officers;" by inserting: "providing for increases in the salaries of such officers and the compensation of members of the Legislature;"

Amend the summary of the bill to read as follows:

"SUMMARY—Increases salaries of certain constitutional officers and provides for prospective increases in salaries of such officers and compensation of members of Legislature. (BDR 18-847)"

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1151.

Amend the bill as a whole by deleting sec. 31 and adding:

“Sec. 31. (Deleted by amendment.)”.

Amend sec. 38, page 24, line 18, by deleting “501(c)” and inserting: “501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS,”.

Amend sec. 38, page 25, by deleting lines 26 through 35.

Amend sec. 45, page 30, by deleting line 1 and inserting:

“Sec. 45. NRS 360.770 and 360.785 are hereby”.

Amend the bill as a whole by deleting sec. 49 and renumbering sections 50 and 51 as sections 49 and 50.

Amend the text of repealed sections by deleting the text of NRS 368A.210.

Amend the title of the bill by deleting the fifth and sixth lines.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Buckley, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 208.

Mr. Speaker appointed Assemblymen Giunchigliani, Kirkpatrick, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 87.

Mr. Speaker appointed Assemblymen Giunchigliani, Leslie, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 5.

Mr. Speaker appointed Assemblymen Conklin, Giunchigliani, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 64.

Mr. Speaker appointed Assemblymen Parnell, Smith, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 180.

Mr. Speaker appointed Assemblymen Atkinson, Hogan, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 239.

Mr. Speaker appointed Assemblymen Conklin, Pierce, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 260.

Mr. Speaker appointed Assemblymen Horne, Allen, and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 290.

Mr. Speaker appointed Assemblymen Parks, Gerhardt, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 380.

Mr. Speaker appointed Assemblymen Giunchigliani, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 555.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 173, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 797 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA4, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL

FRANCIS ALLEN

SUSAN GERHARDT

Assembly Conference Committee

MAURICE E. WASHINGTON

VALERIE WIENER

DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA4.

Amend section 1, page 2, line 8, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 2, page 3, line 41, by deleting “\$400,000,” and inserting “\$350,000,”.

Amend sec. 2, page 4, line 1, by deleting “\$400,000,” and inserting “\$350,000,”.

Amend sec. 2, page 4, lines 10, 12 and 15, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 4, page 6, line 36, by deleting “\$400,000,” and inserting “\$350,000,”.

Amend sec. 4, page 8, by deleting lines 1 through 7 and inserting:

“17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”.

Amend sec. 5, page 11, line 5, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 5, page 12, by deleting lines 1 through 6 and inserting:

“(t) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”.

Amend sec. 6, page 13, line 24, by deleting “\$400,000,” and inserting “\$350,000,”.

Amend sec. 6, page 14, by deleting lines 33 through 39 and inserting:

“17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”.

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 173.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Women and members of certain minority groups should be encouraged to obtain the skills and experience necessary to work in the construction industry through employment, apprenticeship programs and training related to the construction industry.

2. The construction industry should take active steps to encourage women and members of certain minority groups to obtain the training and experience necessary to succeed in the construction industry.

3. Upon receiving the training and experience required to succeed in the construction industry, both women and members of certain minority groups and the construction industry will mutually benefit from the greater inclusion of women and members of these groups in the construction industry.

Sec. 2. The Director of the Legislative Counsel Bureau shall prepare and transmit a copy of this act to:

1. The various chambers of commerce, high school vocation programs, community colleges and trade schools in this State;

2. The Association of General Contractors, the Associated Builders and Contractors and any other similar organization representing the construction industry; and

3. Any labor organization which represents workers in the construction industry and any other similar organization representing workers in the construction industry.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The men and women who work in the construction industry play a significant role in the growth of the economy of this State; and

WHEREAS, The construction industry in this State is rapidly growing, and the career opportunities for the men and women who work in the construction industry are abundant; and

WHEREAS, Due to the rapid growth of the construction industry in this State, the men and women who work in the construction industry are paid wages that exceed the average wage in this State and have access to other excellent employment benefits; and

WHEREAS, Women and members of certain minority groups are underrepresented in the construction industry as compared to their representation in the population of this State; and

WHEREAS, These women and members of certain minority groups should have access to the excellent wages, benefits and career opportunities available to a person working in the construction industry; and

WHEREAS, The construction industry will greatly benefit from the influx of trained women and members of certain minority groups into the construction industry; now, therefore,”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment; encouraging the construction industry and women and members of certain minority groups to take active steps to include women and members of those groups in the construction industry; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)”.

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 45.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera and Sibley.

Resolution adopted.

Senate Concurrent Resolution No. 46.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblyman Ocegüera moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 4:29 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 98, 109, 249.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 154, Amendment No. 1126; Assembly Bill No. 505, Amendment No. 1012, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 39, Senate Amendment No. 1084, and requests a conference, and appointed Senators Tiffany, Care and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 195, Senate Amendments Nos. 926, 1094, and requests a conference, and appointed Senators Townsend, Heck and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 550, Senate Amendments Nos. 953, 1063, and requests a conference, and appointed Senators Nolan, Schneider and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 519.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Horne, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 39.

Mr. Speaker appointed Assemblymen Buckley, Conklin, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 195.

Mr. Speaker appointed Assemblymen Manendo, Carpenter, and Ocegüera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 550.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 519.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 4:33 p.m.

ASSEMBLY IN SESSION

At 4:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 107 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assembly Concurrent Resolution No. 11.

Resolution read.

The following amendment was proposed by Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1149.

Amend the resolution, page 2, by deleting line 32 and inserting: “households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each”.

Amend the resolution, page 3, between lines 10 and 11, by inserting:

“RESOLVED, That local governments are urged to participate in the study by providing information, including, but not limited to, the types of projects the local governments are currently providing to assist persons in locating affordable housing; and be it further”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 20.

Resolution read.

The following amendment was proposed by Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1154.

Amend the resolution by deleting lines 1 through 20 on page 1, lines 1 through 45 on page 2 and lines 1 through 27 on page 3, and adding a new resolution to read as follows:

“WHEREAS, The State of Nevada is home to more than 389,939 residents aged 60 years or older; and

WHEREAS, The older Americans of the State of Nevada are a vital part of our nation’s demographic makeup; and

WHEREAS, Older residents are members of our community and are entitled to dignified, independent lives free from fears, myths and misconceptions about aging; and

WHEREAS, Each community in America must strive to recognize the contributions of our older residents, understand and address their evolving needs, and support their caregivers; and

WHEREAS, Our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love them; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission shall appoint a committee to conduct an interim study concerning issues relating to senior citizens in this State; and be it further

RESOLVED, That the committee must be composed of three members of the Assembly and three members of the Senate; and be it further

RESOLVED, That the study must include, without limitation:

1. An evaluation of state and local governmental services provided to senior citizens in this State and gaps in providing such state and local governmental services; and

2. Consideration of issues relating to senior citizens in this State, including, without limitation:

- (a) Health services, including, without limitation, medical, dental and vision services, with a focus on geriatric needs;
- (b) Affordable housing, assisted living and long-term care facilities;
- (c) The needs of patients suffering from Alzheimer's disease or dementia;
- (d) Transportation;
- (e) Communication systems;
- (f) Independent living and personal assistance; and
- (g) Any other issues relevant to the growing needs of senior citizens in this State; and be it further

RESOLVED, That the committee shall solicit the assistance, advice and policy recommendations of senior advocacy groups in conducting the study; and be it further

RESOLVED, That the committee shall recommend legislation to advance the policy recommendations of the senior advocacy groups and to address identified gaps in services provided to senior citizens in this State; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate who are appointed to the committee; and be it further

RESOLVED, That the committee shall submit a report of the results of the study and any recommendations for legislation to the Legislative Commission.”.

Amend the title of the resolution by deleting the third and fourth lines and inserting: “conduct an interim study concerning issues relating to senior citizens in this State.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs Legislative Commission to appoint committee to conduct interim study concerning issues relating to senior citizens in this State. (BDR R-491)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted and engrossed.

GENERAL FILE AND THIRD READING

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 107:

YEAS—42.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Roll call on Assembly Bill No. 347:

YEAS—41.

NAYS—McCleary.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Roll call on Assembly Bill No. 422:

YEAS—38.

NAYS—Angle, Holcomb, Koivisto, McClain—4.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—30.

NAYS—Angle, Christensen, Claborn, Gansert, Goicoechea, Hardy, Holcomb, Koivisto, Mabey, Manendo, Ohrenschall, Sherer—12.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 554 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Roll call on Senate Bill No. 209:

YEAS—42.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Roll call on Senate Bill No. 392:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Senate Bill No. 392 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 514.

Bill read third time.

Roll call on Senate Bill No. 514:

YEAS—42.

NAYS—None.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Roll call on Senate Bill No. 515:

YEAS—42.

NAYS—None.

Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Roll call on Senate Bill No. 517:

YEAS—42.

NAYS—None.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 569.

Bill read third time.

Roll call on Assembly Bill No. 569:

YEAS—42.

NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 505.

The following Senate amendment was read:

Amendment No. 1012.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 481.051 is hereby amended to read as follows:

481.051 1. The Director shall direct and supervise all administrative and technical activities of the Department.

2. The Director may organize the Department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate.

3. The Director shall:

(a) Formulate the policy of the Department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the Department.

(c) Adopt such regulations consistent with law as he deems necessary for the operation of the Department and the enforcement of all laws administered by the Department.

4. The Director may appoint vendors to serve as agents of the Department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS and pay them to the Department. The vendor shall guarantee payment by giving a bond in an amount not less than \$25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the State Treasurer a like amount of lawful money of the United States or any other

form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon approval of the Director. Upon approval of the Governor, the Director may appoint [~~inspectors~~] *employees* of the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* and personnel of the Nevada Highway Patrol Division of the Department of Public Safety to serve without remuneration as vendors for the purposes of this subsection.

5. The Director may delegate to the officers and employees of the Department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the Department.”.

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 5 through 11, following sec. 3, to read as follows:

“Sec. 5. NRS 483.160 is hereby amended to read as follows:

483.160 1. “School bus” means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. “School bus” does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 6. NRS 484.148 is hereby amended to read as follows:

484.148 1. “School bus” means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. “School bus” does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 7. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results

in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.

6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners

of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 8. NRS 484.631 is hereby amended to read as follows:

484.631 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) A shovel, and whenever practical the driver of the tow car engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by the disabled vehicle.

(c) At least one fire extinguisher of the dry chemical or carbon dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which must bear the approval of a laboratory nationally recognized as properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada Highway Patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the ~~[Transportation Services Authority,]~~ *Public Utilities Commission of Nevada*, which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 9. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the ~~[Transportation Services Authority,]~~ *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. Oral notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for the handicapped and is not properly marked for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.

5. All costs incurred, under the provisions of this section, for towing and storage must be borne by the owner of the vehicle, as that term is defined in NRS 484.091.

6. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on that property.

Sec. 10. NRS 62A.300 is hereby amended to read as follows:

62A.300 "School bus" includes every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity. The term does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 11. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

- (a) Consumer Affairs Division.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Manufactured Housing Division.
- (e) Real Estate Division.
- (f) Division of Insurance.
- (g) Division of Industrial Relations.
- (h) Office of Labor Commissioner.
- (i) Taxicab Authority.
- (j) Nevada Athletic Commission.
- (k) Office of the Nevada Attorney for Injured Workers.
- (l) ~~[Transportation Services Authority]~~.

~~(m)]~~ Division of Mortgage Lending.

~~[(m)]~~ (m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.”.

Amend sec. 4, page 4, by deleting lines 21 and 22 and inserting:

~~“[Transportation Services Authority is the Chairman of the Authority, the Chief of the]~~ Division of Mortgage Lending is”.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 18 and 19 and adding new sections designated sections 13 through 17, following sec. 4, to read as follows:

“Sec. 13. NRS 268.097 is hereby amended to read as follows:

268.097 1. Except as otherwise provided in subsections 2 and 3, notwithstanding the provisions of any local, special or general law, after July 1, 1963, the governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may not supervise or regulate any taxicab motor carrier as defined in NRS 706.126 which is under the supervision and regulation of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* pursuant to law.

2. The governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may fix, impose and collect a license tax on and from a taxicab motor carrier for revenue purposes only.

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the ~~[Transportation Services Authority.]~~ *Public Utilities Commission of Nevada*.

Sec. 14. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the ~~[Transportation Services Authority whom it designates as an inspector or as manager of transportation]~~ *Public Utilities Commission of Nevada* who is employed in a position which the Commission has determined requires a person who is qualified as a peace officer is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 15. NRS 289.470 is hereby amended to read as follows:

289.470 “Category II peace officer” means:

1. The Bailiff of the Supreme Court;

2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Constables and their deputies whose official duties require them to carry weapons and make arrests;

4. ~~[Inspectors employed by the Transportation Services Authority]~~
Employees of the Public Utilities Commission of Nevada specified in NRS 289.320 who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

5. Parole and probation officers;

6. Special investigators who are employed fulltime by the office of any district attorney or the Attorney General;

7. Investigators of arson for fire departments who are specially designated by the appointing authority;

8. The assistant and deputies of the State Fire Marshal;

9. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

10. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

11. Investigators for the State Forester Firewarden who are specially designated by him and whose primary duties are related to the investigation of arson;

12. School police officers employed by the board of trustees of any county school district;

13. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

14. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

15. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

16. Legislative police officers of the State of Nevada;

17. The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140;

18. Parole counselors of the Division of Child and Family Services of the Department of Human Resources;

19. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

20. Field investigators of the Taxicab Authority;

21. Security officers employed fulltime by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

23. Criminal investigators who are employed by the Secretary of State.

Sec. 16. NRS 338.135 is hereby amended to read as follows:

338.135 Where a truck or truck and trailer combination is rented or leased after April 22, 1969, by a contractor or subcontractor on a public work, the hourly rate for the rental or lease of such truck or truck and trailer combination must, when added to the prevailing rate of wages required by NRS 338.020 for the driver, not be less than the hourly rate for similar vehicles with a driver as such hourly rate appears in freight tariffs approved by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* for the area in which the public work is located.

Sec. 17. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service, during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

- (a) The actual cost of extracting the mineral.
- (b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.
- (c) The actual cost of reduction, refining and sale.
- (d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.
- (e) The actual cost of maintenance and repairs of:
 - (1) All machinery, equipment, apparatus and facilities used in the mine.
 - (2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada . ~~[or the Transportation Services Authority.]~~

(f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).

(g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

- (a) The working of the mine;
- (b) The operating of the mill, smelter or reduction works;
- (c) The operating of the facilities or equipment for transportation;
- (d) Superintending the management of any of those operations; or
- (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations.”.

Amend the bill as a whole by deleting sections 7 through 19 and adding new sections designated sections 20 through 140, following sec. 6, to read as follows:

“Sec. 20. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county may establish or operate a public transit system consisting of:

- (a) Regular routes and fixed schedules to serve the public;
- (b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;
- (c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or
- (d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A regional transportation commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a regional transportation commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a regional transportation commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to

ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the ~~[Transportation Services Authority.]~~ *Public Utilities Commission of Nevada*.

(b) "Minimum operable segment" means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

(c) "Public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

(d) "Turnkey procurement" means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 21. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

(a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for a public transit system which are requested by the general public,

if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for an on-call public transit system in an area of the county, other than an on-call public transit system that provides the nonemergency medical transportation described in NRS 377A.130, the commission must receive a determination from the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* that:

(a) There are no common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) “Common motor carrier of passengers” has the meaning ascribed to it in NRS 706.041.

(b) “On-call public transit system” means a system established to transport passengers only upon the request of a person who needs transportation.

Sec. 22. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company, [~~holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or~~] bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the [~~Transportation Services Authority.~~] *Public Utilities Commission of Nevada.*

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 23. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the [~~Transportation Services Authority;~~] *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. As used in subsection 1, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

Sec. 24. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When any involuntary court admission is ordered under the provisions of this chapter, the involuntarily admitted person, together

with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS, to the appropriate public or private mental health facility.

2. No mentally ill person may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 25. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a licensed physician assistant, a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a licensed physician

assistant or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 26. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, licensed physician assistants or registered nurses, the written summary of the evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or
2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the [~~Transportation Services Authority;~~] *Public Utilities Commission of Nevada*; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS, to the appropriate public or private medical facility, residence or other safe location.

Sec. 27. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The State Environmental Commission is hereby created within the State Department of Conservation and Natural Resources. The Commission consists of:

- (a) The Director of the Department of Wildlife;
- (b) The State Forester Firewarden;
- (c) The State Engineer;
- (d) The Director of the State Department of Agriculture;
- (e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;
- (f) A member of the State Board of Health to be designated by that Board; and
- (g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of State Government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The State Department of Conservation and Natural Resources shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department

of Transportation, the Department of Human Resources, the University and Community College System of Nevada, the State Public Works Board, the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada [~~the Transportation Services Authority~~] and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

Sec. 28. NRS 565.040 is hereby amended to read as follows:

565.040 1. The Director may declare any part of this State a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accordance with the provisions of this chapter before:

- (a) Consignment for slaughter within any district;
- (b) Any transfer of ownership by sale or otherwise; or
- (c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the Department.

3. If a brand inspection district is created by the Department pursuant to the provisions of this chapter, the Director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other methods of procedure not inconsistent with the provisions of this chapter as he considers necessary.

4. Any regulations adopted pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* operating in the brand inspection district. Such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the Livestock Inspection Account.

Sec. 29. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

- (a) A statute of this State or of the United States;
- (b) An ordinance of any city or county of this State, except for ordinances relating to community antenna television companies; or
- (c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 30. NRS 694C.360 is hereby amended to read as follows:

694C.360 Insurance provided by a captive insurer in accordance with this chapter may not be used to satisfy the requirements set forth in chapter 706 of NRS relating to the insurance required to be maintained by vehicles subject to the jurisdiction of the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* or Taxicab Authority, unless the [~~Transportation Services Authority~~] *Public Utilities Commission of Nevada* or Taxicab Authority, as appropriate, specifically approves the use of insurance provided by a captive insurer for that purpose.

Sec. 31. NRS 703.025 is hereby amended to read as follows:

703.025 1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

(a) Advice and guidance to the Commission on economic policies relating to utilities *and transportation services* under the jurisdiction of the Commission, and the regulation of such utilities [~~and~~] *and transportation services*;

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission;

(b) Coordinate the activities of the various sections of the Commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:

(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market; and

(d) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

Sec. 32. NRS 703.085 is hereby amended to read as follows:

703.085 1. A majority of the Commissioners has full power to act in all matters within the jurisdiction of the Commission.

2. Before the Commission may enter a final order on a matter, there must be at least two Commissioners who are able to act on the matter. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled [;] or any other reason, the Governor shall appoint the requisite number of persons to serve as Acting Commissioners in the place of the Commissioners who are unable to act on the matter so that there are at least two persons who are able to act on the matter, whether serving as a Commissioner or an Acting Commissioner. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled [;] or any other reason, and the Governor has not appointed the requisite number of persons to serve as Acting Commissioners pursuant to this subsection, the [~~Deputy~~] *Transportation Hearing* Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an Acting Commissioner.

3. Before the Governor may appoint a person to serve as an Acting Commissioner in the place of a Commissioner who is unable to act on the matter, the person must be qualified to serve in the office of that Commissioner as if the Governor were appointing the person to fill a vacancy in that office.

4. A person who is appointed or authorized to serve as an Acting Commissioner shall be deemed to be a Commissioner and is entitled to exercise the powers of a Commissioner only in proceedings before the Commission that involve the matter or matters for which the person is appointed or authorized to serve as an Acting Commissioner.

5. A person who is appointed to serve as an Acting Commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a Commissioner and to state officers

generally while the person is engaged in the business of the Commission as an Acting Commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an Acting Commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for state officers and employees generally. The person is not entitled to receive any other compensation for serving as an Acting Commissioner.

6. A person who is appointed to serve as an Acting Commissioner serves at the pleasure of the Governor. The appointment of the person expires:

(a) On the date that the Governor declares that the appointment has expired; or

(b) On the date that the matter or matters for which the person was appointed are no longer pending before the Commission, whichever date occurs earlier.

7. The Governor may reappoint a person to serve as an Acting Commissioner.

Sec. 33. NRS 703.130 is hereby amended to read as follows:

703.130 1. The ~~[Commission]~~ Governor shall appoint a ~~[Deputy Commissioner who shall serve in the unclassified service of the State.]~~ person who has at least 2 years of experience in one or more fields listed in subsection 2 of NRS 703.030 to serve as the Transportation Hearing Commissioner. The Transportation Hearing Commissioner serves for a term of 4 years and shall preside, as assigned by the Chairman, over transportation cases under the jurisdiction of the Commission. The Transportation Hearing Commissioner is not a member of the Commission.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts, ~~[or]~~ engineers or other persons as may be necessary. Except for persons who are employed in clerical positions, all employees who are assigned duties relating to transportation as described in chapters 706 and 712 of NRS serve in the unclassified service of the State. The Commission may employ peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to chapter 706 of NRS.

(c) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

6. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

Sec. 34. NRS 703.150 is hereby amended to read as follows:

703.150 The Commission shall supervise and regulate the operation and maintenance of public utilities , *fully regulated carriers* and other persons named and defined in chapters 704, 704A ~~and~~ , 706, 708 and 712 of NRS pursuant to the provisions of those chapters.

Sec. 35. NRS 706.072 is hereby amended to read as follows:

706.072 “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the ~~[Authority]~~ *Commission* a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the ~~[Authority.]~~ *Commission*.

Sec. 36. NRS 706.085 is hereby amended to read as follows:

706.085 “Household goods” means personal effects and property used or to be used in a dwelling which are part of the equipment or supply of the dwelling and such other similar property as the ~~[Authority]~~ *Commission* may provide by regulation. The term does not include property moving from a factory or store, except property that the householder has purchased with the intent to use in his dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder.

Sec. 37. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the ~~[Authority]~~ *Commission* the power , and to make it the duty of the ~~[Authority]~~ *Commission*, to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the ~~[Authority]~~ *Commission* pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and

thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 38. NRS 706.1514 is hereby amended to read as follows:

706.1514 ~~[1.—A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.~~

~~2.—Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority.]~~ An administrative proceeding conducted pursuant to ~~[subsection 2 of NRS 706.771]~~ *this chapter* may be conducted by ~~[a] the Transportation Hearing Commissioner or any other hearing officer designated by the Chairman of the [Authority.] Commission.~~ *An order of impoundment issued pursuant to NRS 706.476 by such a hearing officer or the Transportation Hearing Commissioner is a final order of the Commission for purposes of judicial review.*

Sec. 39. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the ~~[Authority]~~ *Commission* that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the ~~[Authority]~~ *Commission* for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of members of the ~~[Authority]~~ *Commission* and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the ~~[Authority]~~ *Commission* upon the completion of each such investigation,

inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the ~~[Authority]~~ *Commission* relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 40. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The *Commission* Transportation ~~[Services—Authority]~~ Regulatory Fund is hereby created as a special revenue fund. ~~[All]~~ *Except as otherwise provided in NRS 703.147, all money collected by the [Authority] Commission pursuant to law must be deposited in the State Treasury for credit to the Fund.*

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the ~~[Authority.]~~ *Commission pursuant to this chapter and chapter 712 of NRS.*

(b) Participating in all proceedings relevant to the jurisdiction of the ~~[Authority.]~~ *Commission.*

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the ~~[Authority.]~~ *Commission relating to transportation services set forth in this chapter and chapter 712 of NRS.*

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The ~~[Authority]~~ *Commission* must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 41. NRS 706.1517 is hereby amended to read as follows:

706.1517 Employees of the ~~[Authority]~~ *Commission* who are peace officers may carry firearms in the performance of their duties.

Sec. 42. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive.

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The ~~[Authority]~~ *Commission* shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 43. NRS 706.166 is hereby amended to read as follows:

706.166 The [Authority] Commission shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the [Authority] Commission or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~[5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 44. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the [Authority] *Commission* shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the [Authority] *Commission* by regulation and render them to the [Authority] *Commission* upon its request.

(b) Furnish an annual report to the [Authority] *Commission* in the form and detail that it prescribes by regulation.

The regulations of the [Authority] *Commission* may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the [Authority] *Commission* to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the [Authority] *Commission*, prepare the reports required by this section for a year other than a calendar year that the [Authority] *Commission* specifies and submit them not later than a date specified by the [Authority] *Commission* in each year.

4. If the [Authority] *Commission* finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 45. NRS 706.1675 is hereby amended to read as follows:

706.1675 Every annual report, record or statement required ~~[by law]~~ pursuant to this chapter to be made to the [Authority] *Commission* must be submitted under oath by the proper officer, agent or person responsible for submitting the report, record or statement.

Sec. 46. NRS 706.168 is hereby amended to read as follows:

706.168 The authority of the ~~[Transportation Services Authority]~~ *Commission* to supervise and regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for his own acts and those of his employees or agents who are not brokers. A broker is responsible only for his own acts and those of his employees or agents who are not motor carriers.

Sec. 47. NRS 706.171 is hereby amended to read as follows:

706.171 1. The [Authority] *Commission*, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier [;] and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The [Authority,] *Commission*, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier [;] or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the [Authority,] *Commission*, the Department of Motor Vehicles and the Department of Public Safety determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 48. NRS 706.1715 is hereby amended to read as follows:

706.1715 [1.—The Attorney General shall:

~~(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings;~~

~~(b) Prosecute in the name of the Transportation Services Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein;~~

~~(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.~~

2.—] The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 49. NRS 706.1717 is hereby amended to read as follows:

706.1717 The [Authority] Commission may, in carrying out its duties [=:] *pursuant to this chapter*:

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by motor carriers of this State.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this State are a charge against the State and must be paid as other claims against the State are paid.

Sec. 50. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, any member of the [Authority] Commission or any officer or employee of the [Authority] Commission who is designated by the [Authority] Commission may examine , during [the] regular business hours , the books, accounts, records, minutes, papers and property of any person who is regulated by the [Authority] Commission *pursuant to this chapter* and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the [Authority] Commission determines that the examination is required to protect the interests of the public.

3. As used in this section, “personnel records” does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 51. NRS 706.1725 is hereby amended to read as follows:

706.1725 1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to NRS [706.1518 and] 706.172, and are made available to the [Authority,]

Commission, any officer or employee of the [Authority] *Commission* or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the [Authority] *Commission* first determines that the disclosure is justified.

2. The [Authority] *Commission* shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

- (a) Granting such protective orders as it deems necessary; and
- (b) Holding closed hearings to receive or examine such information.

3. If the [Authority] *Commission* closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the [Authority] *Commission* or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the [Authority] *Commission*.

4. The [Authority] *Commission* shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the [Authority] *Commission* determines the information may be disclosed, the information must become a part of the records available to the public. Information that the [Authority] *Commission* determines may not be disclosed must be kept under seal.

Sec. 52. NRS 706.173 is hereby amended to read as follows:

706.173 1. The [Authority] *Commission*, the Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to common, contract and private motor carriers of passengers and property, adopt standards for safety for drivers and vehicles.

2. The Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 53. NRS 706.197 is hereby amended to read as follows:

706.197 1. The [Authority] *Commission* may collect fees for the filing of any official document required by this chapter or by a regulation of the [Authority] *Commission*.

2. Filing fees may not exceed:

(a) For applications, *in addition to any amount required pursuant to paragraph (b) of subsection 5 of NRS 706.391*, \$200.

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public notice, \$10.

3. If an application or other document is rejected by the [Authority] Commission because it is inadequate or inappropriate, the filing fee must be returned.

4. The [Authority] Commission may not charge any fee for filing a complaint. *The provisions of this subsection do not prohibit the Commission from ordering the payment of an assessment concerning a complaint pursuant to NRS 706.286.*

Sec. 54. NRS 706.201 is hereby amended to read as follows:

706.201 To the extent that such costs cannot be paid for from the Commission Transportation [Services Authority] Regulatory Fund, the costs of administration of this chapter must be paid from the State Highway Fund on claims presented by the [Authority] Commission or the Department, approved by the State Board of Examiners.

Sec. 55. NRS 706.226 is hereby amended to read as follows:

706.226 No common, contract or private motor carrier may operate on any highway ~~[nor any broker of regulated services]~~ or engage in business in this State except in accordance with the provisions of this chapter.

Sec. 56. NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this State are charged with the duty, without further compensation, of assisting in the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the Department of Motor Vehicles, the Department of Public Safety, the [Authority] Commission or other competent authority.

Sec. 57. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

(b) Has been declared "out of service" by an authorized employee of the [Authority] Commission, the Department of Motor Vehicles or the Department of Public Safety.

When the repairs have been made, the carrier shall so certify to the [Authority] Commission or the department that declared the vehicle “out of service,” as required by the [Authority] Commission or that department.

Sec. 58. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the [Authority] Commission shall forthwith report each accident occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the accident occurred. If the accident immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the accident, shall furnish to the [Authority] Commission such detailed report thereof as required by the [Authority] Commission.

2. All accident reports required in this section must be filed in the office of the [Authority] Commission and there preserved. An accident report made as required by this chapter, or any report of the [Authority] Commission made pursuant to any accident investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the [Authority] Commission. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

Sec. 59. NRS 706.256 is hereby amended to read as follows:

706.256 The [Authority] Commission may, in the interest of safety or service, after hearing:

1. Determine and order repairs of facilities of common and contract motor carriers; and

2. Order the use of safety appliances by such carriers in the interest of the public and employees.

Sec. 60. NRS 706.266 is hereby amended to read as follows:

706.266 It is unlawful for any common, contract or private motor carrier to operate as a motor carrier of intrastate commerce within this State without having furnished to the [Authority] Commission the following:

1. Where a person does not hold a certificate of public convenience and necessity or a permit to operate as a common or contract motor carrier in the State of Nevada, an affidavit certifying that the person intends to operate as a private carrier.

2. Such other information as the [Authority] Commission may request.

Sec. 61. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, must have the name of the person or operator operating the vehicle prominently and conspicuously displayed on both sides of the vehicle in such location, size and style as may be specified by the [Authority] Commission. The display shall not be deemed advertising for the

purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of his employees, whether or not the employees pay for the transportation.

Sec. 62. NRS 706.282 is hereby amended to read as follows:

706.282 1. Each fully regulated carrier that advertises its services shall provide to the person who broadcasts, publishes, displays or distributes that advertisement the name, street address and telephone number of the natural person who requested the advertisement on behalf of the fully regulated carrier.

2. A person who broadcasts, publishes, displays or distributes the advertisement of a fully regulated carrier shall, within 3 days after he receives a written request from the ~~[Authority]~~ *Commission*, provide to the ~~[Authority]~~ *Commission* the name, street address and telephone number of the natural person who requested the advertisement if such information is readily available.

Sec. 63. NRS 706.285 is hereby amended to read as follows:

706.285 All advertising by:

1. A fully regulated carrier of intrastate commerce; and

2. An operator of a tow car,

must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the ~~[Authority]~~ *Commission*.

Sec. 64. NRS 706.2855 is hereby amended to read as follows:

706.2855 1. If the ~~[Authority]~~ *Commission* finds, after notice and hearing, that a person has violated NRS 706.285, the ~~[Authority]~~ *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent jurisdiction for an injunction prohibiting the person from continuing to:

(a) Engage in advertising that violates the provisions of NRS 706.285; or

(b) Use any telephone number mentioned in such advertising for any purpose.

2. If the court finds that the respondent has engaged in advertising that is unlawful pursuant to NRS 706.285, the court shall:

(a) Enjoin him from continuing the advertising.

(b) Enjoin him from using the telephone number mentioned in the advertising for any purpose.

(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

(d) Forward a copy of the order to the appropriate provider of telephone service within 5 days after issuing the order.

3. As used in this section, “provider of telephone service” includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 65. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person [;] that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

the [Authority] Commission shall investigate the complaint. After receiving the complaint, the [Authority] Commission shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the [Authority] Commission with its written response to the complaint according to the regulations of the [Authority.] Commission.

2. If the [Authority] Commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

4. *In the final order concerning the complaint, the Commission may order the payment of an assessment of costs against the complainant based on the merits of the complaint and the findings of the Commission.*

Sec. 66. NRS 706.2865 is hereby amended to read as follows:

706.2865 1. When, in any matter pending before the [Authority,] Commission pursuant to this chapter, a hearing is required by law, or is normally required by the [Authority, the Authority] Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The [Authority] Commission shall by regulation specify:

(a) The manner of giving notice; and

(b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the [Authority] *Commission* a request that the hearing be held, the [Authority] *Commission* may dispense with a hearing and act upon the matter pending.

3. If a request for a hearing is filed, the [Authority] *Commission* shall give at least 10 days' notice of the hearing.

4. If an operator of a tow car files an application for a certificate of public convenience and necessity or an application to transfer a certificate of public convenience and necessity with the [Authority, the Authority] *Commission, the Commission* shall give notice pursuant to the provisions of subsection 1.

Sec. 67. NRS 706.2873 is hereby amended to read as follows:

706.2873 [4-] A complete record must be kept of all hearings before the [Authority,] *Commission*, and all testimony must be taken down by the stenographer appointed by the [Authority,] *Commission* or, under the direction of any competent person appointed by the [Authority,] *Commission*, reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed and filed with the record in the matter. The [Authority] *Commission* may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 706.286, must be paid by the applicant. If a complaint is made pursuant to NRS 706.286 by a customer or by a political subdivision of this State or a municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the [Authority] *Commission* may apportion the costs among them in its discretion.

~~[2.—Whenever any petition is served upon the Authority, before the action is reached for trial, the Authority shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.~~

~~3.—A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the Authority, and the amount must be the same for all parties.~~

~~4.—The provisions of this section do not prohibit the Authority from restricting access to the records and transcripts of a hearing pursuant to subsection 2 of NRS 706.1725.]~~

Sec. 68. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the [Authority] *Commission* for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the [Authority] *Commission* are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State

Treasury in the same manner as other claims against the State are paid. No fees or mileage may be allowed unless the Chairman of the [Authority] *Commission* certifies the correctness of the claim.

Sec. 69. NRS 706.288 is hereby amended to read as follows:

706.288 The [Authority] *Commission* may require, by order to be served on any person regulated by the [Authority] *Commission pursuant to this chapter* in the same manner as a subpoena in a civil action, the production at a time and place designated by the [Authority] *Commission* of any books, accounts, papers or records kept by the person in any office or place outside this State, or verified copies in lieu thereof if the [Authority] *Commission* so directs, so that an examination may be made by the [Authority] *Commission* or under its direction, or for use as testimony.

Sec. 70. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The [Authority] *Commission* may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the [Authority] *Commission* may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes his interest in the certificate, permit or license by so notifying the [Authority] *Commission* in writing, the [Authority] *Commission* may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 71. NRS 706.291 is hereby amended to read as follows:

706.291 1. The [Authority] *Commission* shall require every fully regulated carrier and every operator of a tow car, within such time and in such amounts as the [Authority] *Commission* may designate, to file with the [Authority] *Commission*, in a form required and approved by the [Authority] *Commission*, a liability insurance policy, or a certificate of insurance in lieu thereof, or a bond of a surety company, or other surety, in such reasonable sum as the [Authority] *Commission* may deem necessary to protect adequately the interests of the public.

2. The Department shall require every other common and contract motor carrier and every private carrier, within such time and in such amounts as the Department may designate, to file with the Department, in a form required and approved by the Department, a liability insurance policy, or a certificate of insurance in lieu thereof, a bond of a surety company, or other surety, in such reasonable sum as the Department may deem necessary to protect

adequately the interests of the public. In determining the amount of liability insurance or other surety required of a carrier pursuant to this subsection, the Department shall create a separate category for vehicles with a manufacturer's gross vehicle weight rating of less than 26,000 pounds and impose a lesser requirement with respect to such vehicles.

3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The [Authority] *Commission* and the Department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 72. NRS 706.296 is hereby amended to read as follows:

706.296 Every common and contract motor carrier who engages in transportation intrastate and the collection of the purchase price of goods sold by the shipper to the consignee shall provide a bond, to be filed with the [Authority] *Commission*, for the benefit of the shipper in an amount which the [Authority] *Commission* deems reasonably sufficient as an aggregate but not to exceed \$1,000, to insure the shipper against any loss of the moneys so collected by the carrier through misappropriation, negligence or other defalcations.

Sec. 73. NRS 706.303 is hereby amended to read as follows:

706.303 The [Authority] *Commission* shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 74. NRS 706.305 is hereby amended to read as follows:

706.305 The [Authority] *Commission* shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 75. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the ~~[Authority.]~~ *Commission*:

(a) Within a time to be fixed by the ~~[Authority.]~~ *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. Every operator of a tow car shall file with the ~~[Authority.]~~ *Commission*:

(a) Within a time to be fixed by the ~~[Authority.]~~ *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the ~~[Authority.]~~ *Commission*, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The ~~[Authority.]~~ *Commission*, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives

written notice to the [Authority] *Commission* 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the [Authority-] *Commission*.

4. The [Authority] *Commission* may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, *may* make such changes as may be just and reasonable.

5. The [Authority] *Commission* may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the [Authority] *Commission* are in force, and are prima facie lawful, from the date of the order until changed or modified by the [Authority, or pursuant to NRS 706.283.] *Commission*.

7. All regulations, practices and service prescribed by the [Authority] *Commission* must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the [Authority] *Commission* itself upon satisfactory showing made.

Sec. 76. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the [Authority] *Commission* may not investigate, suspend, revise or revoke any rate that is subject to the approval of the [Authority] *Commission* pursuant to NRS 706.321 and proposed by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the [Authority] *Commission* that it wishes to have the rate reviewed by the [Authority] *Commission* pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the authority of the [Transportation Services Authority] *Commission* to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 77. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the [Authority] *Commission* pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the [Authority] *Commission* may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the [Authority] *Commission*, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the [Authority] *Commission* may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The [Authority] *Commission* shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the [Authority] *Commission* shall consider all timely written protests, any presentation the staff of the [Authority] *Commission* may desire to present, the application and any other matters deemed relevant by the [Authority] *Commission*.

Sec. 78. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the [Authority] *Commission* is complained of and is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the [Authority] *Commission* may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the [Authority] *Commission* may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The [Authority] *Commission* may at any time, upon its own motion, investigate any of the matters listed in subsection 1 [-] and, after a full hearing, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 79. NRS 706.341 is hereby amended to read as follows:

706.341 1. An operator of a tow car shall, in the manner prescribed by the [Authority], *Commission*, notify the [Authority] *Commission* if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.

2. A common motor carrier, other than an operator of a tow car, authorized to operate by NRS 706.011 to 706.791, inclusive, shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, without an order of the [Authority] *Commission* granted only after public notice or hearing in the event of protest.

Sec. 80. NRS 706.346 is hereby amended to read as follows:

706.346 1. Except as otherwise provided in subsection 3, a copy, or so much of the schedule or tariff as the [Authority] *Commission* determines necessary for the use of the public, must be printed in plain type and posted in every office of a common motor carrier where payments are made by customers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

2. Except as otherwise provided in subsection 3, when a schedule or tariff of joint rates or charges is or may be in force between two or more common motor carriers or between any such carrier and a public utility, the schedule or tariff must be printed and posted in the manner prescribed in subsection 1.

3. Only the rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle must be printed and posted by an operator of a tow car pursuant to subsections 1 and 2.

Sec. 81. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons who are physically handicapped or mentally handicapped and who present a written statement from a physician to that effect.

(d) Persons injured in accidents or wrecks and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned or disabled former employees, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the ~~[Authority]~~ *Commission* from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the ~~[Authority]~~ *Commission* to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, “employees” includes:

- (a) Furloughed, pensioned and superannuated employees.
- (b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 82. NRS 706.371 is hereby amended to read as follows:

706.371 The [Authority] *Commission* may regulate and fix the maximum number of contracts and the minimum carrying charges of all intrastate contract motor carriers, and conduct hearings, make and enter necessary orders and enforce the same with respect thereto in the same manner and form as is now or may hereafter be provided by law for the regulation of the rates, charges and services of common motor carriers.

Sec. 83. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as otherwise provided in NRS 373.117, 706.446, 706.453 and 706.745, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce and any operator of a tow car to perform towing services within this State without first obtaining a certificate of public convenience and necessity from the [Authority.] *Commission*.

Sec. 84. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a common motor carrier, other than an operator of a tow car, or an application for modification of such a certificate, the [Authority] *Commission* shall fix a time and place for a hearing on the application.

2. The [Authority] *Commission* shall grant the certificate or modification if it finds that:

(a) The applicant is financially and operationally fit, willing and able to perform the services of a common motor carrier and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;

(b) The proposed operation or the proposed modification will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate or modification will not [~~unreasonably and~~] adversely affect other carriers operating in the territory for which the certificate or modification is sought;

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the motor carrier business in this State;

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis; *and*

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification. [~~and~~]

~~(g) The applicant has paid all fees and costs related to the application.~~

~~3. The Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of the certificate or~~

~~modification, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.]~~

3. *The Commission shall assess to the applicant an amount equal to the actual investigative and administrative costs relating to processing the application.*

4. In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the [Authority] *Commission* shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) Has the burden of proving to the [Authority] *Commission* that the proposed operation will meet the requirements of subsection 2; and

(b) Must pay the amounts billed to the applicant by the [Authority] *Commission* for the costs incurred by the [Authority] *Commission* in conducting any investigation regarding the applicant and the application.

6. The [Authority] *Commission* may issue or modify a certificate of public convenience and necessity to operate as a common motor carrier, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

7. The [Authority] *Commission* may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

8. The [Authority] *Commission* may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.

Sec. 85. NRS 706.396 is hereby amended to read as follows:

706.396 Any person who, after hearing, has been denied a certificate of public convenience and necessity to operate as a carrier must not be permitted again to file a similar application with the [Authority] *Commission* covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days after the date the certificate of public convenience and necessity was denied.

Sec. 86. NRS 706.398 is hereby amended to read as follows:

706.398 The [Authority] *Commission*:

1. Shall revoke or suspend, pursuant to the provisions of this chapter, the certificate of public convenience and necessity of a common motor carrier which has failed to:

(a) File the annual report required by NRS 706.167 within 60 days after the report is due; or

(b) Operate as a carrier of intrastate commerce in this State under the terms and conditions of its certificate,

unless the carrier has obtained the prior permission of the [Authority] *Commission*.

2. May revoke or suspend, pursuant to the provisions of NRS 706.2885, the certificate of public convenience and necessity of a common motor carrier which has failed to comply with any provision of this chapter or any regulation of the [Authority] Commission adopted pursuant thereto.

Sec. 87. NRS 706.411 is hereby amended to read as follows:

706.411 Every order refusing or granting any certificates of public convenience and necessity, or granting or refusing permission to discontinue, modify or restrict service is prima facie lawful from the date of the order until changed or modified by the order of the [Authority] Commission pursuant to the provisions of this chapter.

Sec. 88. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier ~~[shall]~~ must be:

1. Made to the [Authority] Commission in writing.
2. In such form and be accompanied by such information as the [Authority] Commission may require.

Sec. 89. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. An application must be denied if the provisions of subsection 1 are not met.

3. The [Authority] Commission shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required ~~[in]~~ by NRS 706.167 within 60 days after the report is due.

4. The [Authority] Commission shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after he has been issued a permit pursuant to this section may be approved by the [Authority] Commission without giving notice required by statute or by a regulation of the ~~[Authority.]~~ Commission.

Sec. 90. NRS 706.436 is hereby amended to read as follows:

706.436 Any person who has been denied a permit to act as a contract motor carrier after hearing may not file a similar application with the [Authority] Commission covering the same type of service and over the same route or routes or in the same territory for which the permit was denied except after the expiration of 180 days after the date the permit was denied.

Sec. 91. NRS 706.442 is hereby amended to read as follows:

706.442 Any person engaging in the intrastate transportation or storage of household goods shall comply with the following requirements:

1. Upon the request of a person seeking service, the carrier of household goods shall provide the person with a written, binding estimate of the cost of providing the requested service.

2. The charges assessed for the service rendered may not exceed the amount in the written estimate, unless the customer requested services in addition to those included in the written estimate and agreed to pay additional charges.

3. If the person for whom service was provided pays any amount consistent with the provisions of subsection 2, the provider of service shall release immediately any household goods that were transported or stored to that person.

4. If a person requesting service alleges that any household goods were damaged or lost, the person that provided the service shall:

- (a) Attempt to resolve the dispute; and
- (b) Identify the carrier of his insurance and explain the procedures to file a claim.

5. The provider of service shall advise all persons for whom service is to be performed of their right to file a complaint with the [Authority] Commission and provide the address and telephone number of the nearest business office of the [Authority] Commission.

6. Any other terms and conditions which the [Authority] Commission may by regulation prescribe to protect the public.

Sec. 92. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply whether or not the person providing the service has received authority to operate from the [Authority] Commission.

2. The [Authority] Commission shall enforce the provisions of NRS 706.442 and consider complaints regarding violations of the provisions of that section pursuant to the provisions of this chapter. In addition to any other remedies, the [Authority] Commission may order the release of any household goods that are being held by the provider of service subject to the terms and conditions that the [Authority] Commission determines to be appropriate and may order the refund of overcharges.

3. The [Authority] Commission may use the remedies provided in NRS 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779 and any other remedy available under other law.

4. The [Authority] Commission shall adopt regulations regarding the administration and enforcement of this section and NRS 706.442.

Sec. 93. NRS 706.445 is hereby amended to read as follows:

706.445 The [Authority] Commission may not regulate the:

- 1. Geographical area in which towing services are provided;
- 2. Types of towing services that are provided; or
- 3. Rates and charges assessed or the terms and conditions imposed for towing services performed with the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

by an operator of a tow car.

Sec. 94. NRS 706.446 is hereby amended to read as follows:

706.446 The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a certificate of public convenience and necessity or to comply with the regulations or rates adopted by the [Authority] Commission to provide that towing.

Sec. 95. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the [Authority] Commission before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the [Authority] Commission.

3. The [Authority] Commission shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the [Authority] Commission pursuant to the provisions of this chapter;

(c) Has provided evidence that he has filed with the [Authority] Commission a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed with the [Authority] Commission schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the [Authority] Commission that the proposed operation will meet the requirements of subsection 3.

5. The [Authority] Commission may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the [Authority] Commission; or

(b) The [Authority] Commission finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it

cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 96. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the [Authority] Commission by the transferor and the transferee [;] and the [Authority] Commission has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the [Authority] Commission is valid without the prior approval of the [Authority] Commission if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The [Authority] Commission shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted by the [Authority] Commission pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the [Authority] Commission;

(c) Has provided evidence that he has filed with the [Authority] Commission a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed with the [Authority] Commission schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The [Authority] Commission may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the [Authority] Commission; or

(b) The [Authority] Commission finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The [Authority] Commission shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or

partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the [Authority] Commission of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 97. NRS 706.4468 is hereby amended to read as follows:

706.4468 1. Each operator of a tow car shall file its charges for preparing or satisfying a lien to which the operator is entitled against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The [Authority] Commission may investigate any charge filed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

- (a) Has initiated the procedure by which a person may satisfy a lien; and
- (b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the [Authority] Commission pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the [Authority] Commission pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.

Sec. 98. NRS 706.4473 is hereby amended to read as follows:

706.4473 The operator shall inform each owner, or agent of the owner, of a towed motor vehicle that the owner or agent may file a complaint with the [Authority] Commission regarding any violation of the provisions of this chapter.

Sec. 99. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The [Authority] Commission shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. In addition to any other remedies that may be available to the [Authority] Commission to act upon complaints, the [Authority] Commission may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the [Authority] Commission determines to be appropriate.

Sec. 100. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless he:

(a) Holds a certificate of public convenience and necessity issued by the ~~[Authority]~~ *Commission*.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484 of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) Assesses only rates and charges that have been approved by the ~~[Authority]~~ *Commission* for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The ~~[Authority]~~ *Commission* shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by the Nevada Highway Patrol pursuant to this section, the Nevada Highway Patrol shall not remove the operator of the tow car from the list, or restrict his use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

Sec. 101. NRS 706.449 is hereby amended to read as follows:

706.449 The ~~[Authority]~~ *Commission* may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 102. NRS 706.451 is hereby amended to read as follows:

706.451 1. Each owner or operator of a tow car subject to the jurisdiction of the ~~[Authority]~~ *Commission* shall, before commencing to operate or continuing operation after July 1, 1971, and annually thereafter, pay to the ~~[Authority]~~ *Commission* for each tow car operated ~~[]~~ a fee of not more than \$36.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year before July 1, 1971, for those tow cars lawfully operating on that date or before the commencement of operation of each tow car commencing operation after July 1, 1971.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 103. NRS 706.457 is hereby amended to read as follows:

706.457 The ~~{Authority}~~ *Commission* may by subpoena require any person believed by it to be subject to any of the provisions of NRS 706.011 to 706.791, inclusive, who has not obtained a required certificate of public convenience and necessity or a required permit issued in accordance with those sections, to appear before it with all of his relevant books, papers and records and to testify concerning the scope, nature and conduct of his business.

Sec. 104. NRS 706.458 is hereby amended to read as follows:

706.458 1. The district court in and for the county in which any investigation or hearing is being conducted by the ~~{Authority}~~ *Commission* pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~{Authority}~~ *Commission*.

2. If any witness refuses to attend or testify or produce any papers required by such subpoena, the ~~{Authority}~~ *Commission* may report to the district court in and for the county in which the investigation or hearing is pending, by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation or hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers.

3. The court, upon petition of the ~~{Authority}~~ *Commission*, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days ~~from~~ after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~{Authority}~~ *Commission*. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or

papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 105. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the [Authority] Commission alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive; or

2. The [Authority] Commission has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, is being violated, the [Authority] Commission shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive. The [Authority] Commission shall enforce compliance with the order pursuant to the powers vested in the [Authority] Commission by NRS 706.011 to 706.791, inclusive, or by other law.

Sec. 106. NRS 706.465 is hereby amended to read as follows:

706.465 1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the [Authority] Commission a fee of \$100 for each limousine that the [Authority] Commission has authorized the operator to operate.

2. As used in this section, "limousine" includes:

(a) A livery limousine; and

(b) A traditional limousine.

Sec. 107. NRS 706.471 is hereby amended to read as follows:

706.471 1. Each taxicab motor carrier shall, before commencing the operation defined in NRS 706.126 and annually thereafter, pay to the [Authority] Commission for each taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473, a fee of not more than \$75 as determined by a regulation of the [Authority] Commission.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year in which operation is begun.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 108. NRS 706.473 is hereby amended to read as follows:

706.473 1. In a county whose population is less than 400,000, a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may, upon approval from the ~~[Authority]~~ Commission, lease a taxicab to an independent contractor who does not hold a certificate of public convenience and necessity. A person may lease only one taxicab to each independent contractor with whom he enters into a lease agreement. The taxicab may be used only in a manner authorized by the lessor's certificate of public convenience and necessity.

2. A person who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the ~~[Authority]~~ Commission for its approval. The agreement is not effective until approved by the ~~[Authority]~~ Commission.

3. A person who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The ~~[Authority]~~ Commission or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 109. NRS 706.475 is hereby amended to read as follows:

706.475 1. The ~~[Authority]~~ Commission shall adopt such regulations as are necessary to:

- (a) Carry out the provisions of NRS 706.473; and
- (b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

- (a) The minimum qualifications for an independent contractor;
- (b) Requirements related to liability insurance;
- (c) Minimum safety standards; and
- (d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 110. NRS 706.476 is hereby amended to read as follows:

706.476 Except as otherwise provided in NRS 706.478:

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service , *a vehicle operated as a tow car or a vehicle used to transport household goods* must be impounded by the ~~[Authority]~~ Commission if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the ~~[Authority]~~ ~~no~~ *Transportation Hearing Commissioner or other designated hearing officer* not later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the ~~[Authority]~~ Commission shall notify the registered owner of the vehicle:

(a) That the registered owner of the vehicle must post a bond in the amount of \$20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and

(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The ~~{Authority}~~ *Commission* shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that he is the registered owner of the vehicle;

(b) Proves that he holds a valid certificate of public convenience and necessity;

(c) Proves that the vehicle meets all required standards of the ~~{Authority}~~ *Commission*; and

(d) Posts a bond in the amount of \$20,000 with the ~~{Authority}~~.

~~The Authority~~ *Commission*.

The Commission shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraph (b) or (c) of subsection 2, the ~~{Authority}~~ *Commission* may assess an administrative fine against the registered owner for each such violation in ~~[the amount of \$5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is]~~ *an amount not to exceed \$10,000.* The ~~{Authority}~~ *Commission* shall return the vehicle after any administrative fine imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 111. NRS 706.478 is hereby amended to read as follows:

706.478 1. Notwithstanding any provision of NRS 706.011 to 706.791, inclusive, to the contrary, if the registered owner of a vehicle which is impounded pursuant to NRS 706.476 is a short-term lessor licensed pursuant to NRS 482.363 who is engaged in the business of renting or leasing vehicles in accordance with NRS 482.295 to 482.3159, inclusive, the registered owner is not liable for any administrative fine or other penalty that may be imposed by the ~~{Authority}~~ *Commission* for the operation of a passenger vehicle in violation of NRS 706.011 to 706.791, inclusive, if at the time that the vehicle was impounded ~~[,]~~ the vehicle was in the care, custody or control of a lessee.

2. A short-term lessor may establish that a vehicle was subject to the care, custody or control of a lessee at the time that the vehicle was impounded pursuant to NRS 706.476 by submitting to the ~~{Authority}~~ *Commission* a true copy of the lease or rental agreement pursuant to which the vehicle was leased or rented to the lessee by the short-term lessor. The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee.

3. Upon the receipt of a true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the [Authority] Commission pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle, the [Authority] Commission shall release the vehicle to the short-term lessor.

4. As used in this section, "short-term lessor" has the meaning ascribed to it in NRS 482.053.

Sec. 112. NRS 706.631 is hereby amended to read as follows:

706.631 The remedies of the State provided for in NRS 706.011 to 706.861, inclusive, are cumulative, and no action taken by the Department or [Authority] the Commission may be construed to be an election on the part of the State or any of its officers to pursue any remedy under NRS 706.011 to 706.861, inclusive, to the exclusion of any other remedy for which provision is made in NRS 706.011 to 706.861, inclusive.

Sec. 113. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, have been issued may transfer them to another carrier, other than an operator of a tow car, qualified pursuant to NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the [Authority] Commission by the transferor and the transferee [-] and the [Authority] Commission has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate motor carrier subject to the jurisdiction of the [Authority] Commission is valid without the prior approval of the [Authority] Commission if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the [Authority] Commission shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The [Authority] Commission may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the [Authority] Commission shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a common or contract motor carrier by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth in NRS 706.151.

5. Upon a transfer made pursuant to this section, the ~~[Authority]~~ *Commission* may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

6. No transfer is valid beyond the life of the certificate, permit or license transferred.

Sec. 114. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person ~~[]~~ when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the ~~[Authority]~~ *Commission* to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 115. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to ambulances or hearses.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the ~~[Authority]~~ Commission shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or disabled persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not

exempt from inspection by the ~~[Authority]~~ *Commission* to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 116. NRS 706.749 is hereby amended to read as follows:

706.749 1. The ~~[Authority]~~ *Commission* may issue a permit, valid for 1 year after the date of issuance, to an employer to transport his employees between their place of work and their homes or one or more central parking areas if the employer files an application, on a form provided by the ~~[Authority]~~ *Commission*, showing:

(a) The name of the employer;

(b) The places where employees will be picked up and discharged, including the location of their place of work;

(c) Identification of each vehicle to be used and certification that it is owned or the subject of a long-term lease by the employer;

(d) That each vehicle is registered to and operated by the employer; and

(e) Any charge which will be made for the service.

2. The employer must pay a fee of \$10 for each vehicle which he will regularly use to transport his employees.

3. The employer must charge no fare for the use of the service, or no more than an amount required to amortize the cost of the vehicle and defray the cost of operating it.

4. The ~~[Authority]~~ *Commission* shall renew the permit upon receipt of a fee of \$10 per vehicle regularly used to transport employees.

Sec. 117. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the ~~[Authority]~~ *Commission* or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the ~~[Authority]~~ *Commission* or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the ~~[Authority]~~ *Commission* or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the ~~[Authority]~~ *Commission* or the Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive

months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 118. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the ~~{Authority}~~ *Commission* determines that a person has engaged in advertising in a manner that violates the provisions of this section, the ~~{Authority}~~ *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the ~~{Authority may request the Commission to}~~ *Commission may* order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the ~~{Authority}~~ *Commission* may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the ~~{Authority}~~ *Commission* pursuant to subsection 3, ~~it~~ *the provider of paging services* shall:

- (a) Disconnect the paging service to the person; or
- (b) Switch the beeper number of the paging service provided to the person.

If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider of *paging services* shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 119. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier or broker of any of these services who refuses or fails for a period of 30 days to furnish the ~~[Authority]~~ *Commission or the Department* with any report required by either or who fails or refuses to permit any person authorized by the ~~[Authority]~~ *Commission or the Department* to inspect such books, accounts, records, minutes or papers on behalf of the ~~[Authority]~~ *Commission or the Department* is liable ~~to~~ for a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered ~~in a civil action upon the complaint of the Authority or Department in any court of competent jurisdiction.~~ *after providing notice, hearing and entry of an administrative order.*

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 120. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any fully regulated carrier or operator of a tow car to charge, demand, collect or receive a greater or less compensation for any service performed by it within this State or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the ~~[Authority]~~ *Commission*, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any fully regulated carrier or operator of a tow car to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in NRS 706.761.

Sec. 121. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person , or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the [Authority] Commission or any lawful tariff on file with the [Authority] Commission or who fails, neglects or refuses to obey any lawful order of the [Authority] Commission or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the [Authority] Commission in any court of competent jurisdiction.

2. If the [Authority] Commission does not bring an action to recover the penalty prescribed by subsection 1, the [Authority] Commission may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the [Authority] Commission or the Department pursuant to the provisions of this chapter. A fine imposed by the [Authority] Commission may be recovered by the [Authority] Commission only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the [Authority] Commission pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the [Authority] Commission to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 122. NRS 706.776 is hereby amended to read as follows:

706.776 1. The owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, apply carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the [Authority] Commission or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 123. NRS 706.779 is hereby amended to read as follows:

706.779 The [Authority] Commission and its inspectors may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move his vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

Sec. 124. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, for the prevention and punishment of any violation of the provisions thereof and of all orders of the ~~[Authority]~~ *Commission* or the Department, the ~~[Authority]~~ *Commission* or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, and with the orders of the ~~[Authority]~~ *Commission* or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 125. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, apply to any county:

(a) Whose population is 400,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* do not apply.

Sec. 126. NRS 706.8813 is hereby amended to read as follows:

706.8813 "Certificate holder" means a person who holds a current certificate of public convenience and necessity which was issued for the operation of a taxicab business by:

1. The Public Service Commission of Nevada before July 1, 1981, and which has not been transferred, revoked or suspended by ~~[the Transportation Services Authority,]~~ the Taxicab Authority or the Public Utilities Commission of Nevada, or by operation of law; or

2. The Taxicab Authority and which has not been transferred, revoked or suspended by the Taxicab Authority or by operation of law.

Sec. 127. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than \$80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

Sec. 128. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. *Any person who is aggrieved by any act or failure to act by the Taxicab Authority is entitled to judicial review of the act or failure to act in the manner provided by chapter 233B of NRS. An appeal from the final decision of the Taxicab Authority must be made to the ~~[Transportation Services Authority]~~ district court for the county in which the alleged act or failure to act occurred.*

Sec. 129. NRS 712.020 is hereby amended to read as follows:

712.020 The Legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the

public welfare, and in the exercise of its police power , it is necessary to vest in the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

Sec. 130. NRS 712.040 is hereby amended to read as follows:

712.040 A person shall not engage in the storage of household goods and effects without first having obtained from the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* a warehouse permit to conduct such service.

Sec. 131. NRS 712.050 is hereby amended to read as follows:

712.050 1. Before issuing a warehouse permit , the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the regulations of the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored property and effects in an amount not less than the base release value set forth in the tariff approved by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the transportation of household goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada*, the insurance must not be cancelled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* according to the gross volume of business in an amount not less than \$25 nor more than \$50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* an annual fee as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* pursuant to paragraph (e) of subsection 1.

3. Any person who fails to pay the annual fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the

fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 132. NRS 712.060 is hereby amended to read as follows:

712.060 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

Sec. 133. NRS 712.070 is hereby amended to read as follows:

712.070 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall adopt such rules or regulations as may be required for the administration of this chapter.

Sec. 134. NRS 706.018, 706.021, 706.1511, 706.1512, 706.1513, 706.1518, 706.158, 706.176 and 706.2883 are hereby repealed.

Sec. 135. Notwithstanding any provision of this act, the amendatory provisions of sections 2, 3, 4, 18 and 19 of this act apply only to motor vehicles with a declared gross weight in excess of 26,000 pounds that are initially registered, or for which the registrations are renewed, on or after January 1, 2006.

Sec. 136. 1. Any regulations adopted by the Transportation Services Authority remain in force until amended or repealed by the Public Utilities Commission of Nevada.

2. Any contracts or other agreements entered into by the Transportation Services Authority, whose responsibilities have been transferred pursuant to this act, are binding on the Public Utilities Commission of Nevada.

3. Any certificate of public convenience and necessity issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

4. Any license or permit issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

5. Any file of the Transportation Services Authority that is open on October 1, 2005, must be transferred to the Public Utilities Commission of Nevada.

Sec. 137. The Public Utilities Commission of Nevada and the Transportation Services Authority shall cooperate fully and shall take all reasonable steps before October 1, 2005, to ensure that the amendatory provisions of this act are carried out in an orderly fashion.

Sec. 138. On October 1, 2005, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Commission Transportation Regulatory Fund created pursuant to section 40 of this act.

Sec. 139. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 140. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2005, for all other purposes.

LEADLINES OF REPEALED SECTIONS

706.018 "Authority" defined.

706.021 "Broker" defined.

706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

706.1512 Authority: Designation of Chairman by Governor; Executive Officer; members in unclassified service of State.

706.1513 Suits by and against Authority.

706.1518 Authority: Biennial report; records open to public.

706.158 Inapplicability of provisions governing brokers to motor clubs and charitable organizations.

706.176 Employment of personnel by Authority.

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Transportation Services Authority regarding its review of decisions of Taxicab Authority."

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects to the Public Utilities Commission of Nevada; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to registration of certain motor vehicles and abolishes Transportation Services Authority. (BDR 43-973)".

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 505.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 356, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Parks, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 356.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 572—AN ACT relating to state financial administration; providing for the one-time issuance of rebate checks to reimburse certain residents of this State for the money those residents paid, directly or indirectly, to the State as taxes imposed on certain motor vehicle fuels; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 5:21 p.m.

ASSEMBLY IN SESSION

At 5:32 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Horne requested that the following letter be entered into the Journal.

To: STATE OF NEVADA 2005 ASSEMBLY—SPEAKER OF THE ASSEMBLY
RICHARD PERKINS.

From: Chairman Nevada Veterans Services Commission. Representing 270,000 Veterans of Nevada. Ron Kruse, Master Chief Petty Officer USN, retired.

I wish to commend this legislative body for the outstanding job that you have accomplished for the Veterans of this great state in this Session.

We Veterans and Legislators accomplished more in this session than any other session during my tenure of 7 years on the Veterans Commission and 13 years of veteran support in this state.

I personally wish to thank Assemblyman Perkins for his leadership and guidance in bringing about the Armed Forces Day Event on May 20, 2005, on the Capitol Mall. I sincerely hope that this will become a legislative event of future years.

I would also like to bring to your attention that three of the members of the Assembly also serve on Veterans Commission and Veterans cemetery committee. Assemblywoman Kathy McClain has served 3 years. I personally commend her for her leadership, guidance, and support of the veterans of Nevada. I salute you, Kathy McClain.

Assemblyman Tom Grady, North Cemetery, Mark Manendo, South Cemetery. I commend you both for your continuing dedication, guidance, leadership, and above all, support. I salute you. It is only through your volunteerism and the veterans organizations that we collectively have been able to move great strides in veterans services in the great state of Nevada. I sincerely hope that this year 2005 is the start of many good things to come in the future for all the veterans of Nevada.

In closing, an old Navy saying: "May you all continue to have fair winds and following seas."

Very Respectfully,
Ron Kruse, NVSC Chair

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 19, 31, 35, 84, 128, 142, 168, 169, 183, 186, 188, 190, 193, 201, 219, 240, 250, 255, 280, 315, 334, 340, 342, 343, 345, 346, 348, 355, 364, 369, 371, 384, 388, 407, 415, 416, 425, 454, 455, 456, 493, 495, 496, 524, 526, 528, 531, 540, 561; Senate Bills Nos. 37, 45, 89, 96, 120, 126, 153, 181, 187, 189, 226, 233, 238, 245, 256, 300, 311, 332, 339, 358, 365, 397, 428, 431, 467, 477, 485, 509, 510, and 511; Senate Concurrent Resolution No. 44.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Madonna Long.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Marich, Anne Debrutz, Penny Willes, Veronica Nelson, Vince Windous, Bruce Pay, Lynette Gust, Roger Miller, Bob Marich, Kevin Carson, Treena Whaley, Chao Whaley, Chris Sizemore, Angela Falge, Danny Falge, Lori Carson, Julie Hulings, April Finch, Jennifer Farnworth, Angela Bellander, Tom Lawrence, Jennifer Anderson, Jean Steiner, Lori Sankovich, Vicki Deden, Sue Coleman, Nathan Boyter, Devin Bragg, Kasey Carson, Jordan Gust, Brendan Harmon, Aubrey Hughes, Ryan Large, Hannah Marich, Michaela Marich, Amber Martin, Samantha Marshall, Benjamin Miller, Bailey Moore, Liberty Nelson, Kelton Pay, Zoe Spicer, Michael Valencia, Jaclynn Vaught, Shandi Willes, Haidn Windous (Farris), Courtney Bellander, Kamber Carson, Richard Falge, Taryn Farnworth, Marissa Finch, Greylee Foster, Briana Harmon, Rebekah Hulings,

Travis Ingle, Autumn Lawrence, Branden Levine, Kennedy Perez, Kenan Presswood, Kaylee Ruvalcaba, Boston Sizemore, Kassy Anne Smith, Zachary Sturm, Jordan Barnes, Olivia Blackham, Jami Cannon, Ryan Caulfield, Darleen Clark, Matthew Coburn, Taylor Coleman, Austin Garcia, Ryan Graham, Amanda Griffin, Tyler Harmon, Christopher Hibbs, Karyssa Hutchings, Riley Hutchinson, Karra Ingle, Huey Carl Johnson, Maataua Kingston, Keirra Leshner, Kevin Martin, D.J. Seely, Cierra Trujillo, Devante Valencia, and Alexa Zambon.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Cohenour and Joel Felix.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Loflin, Tammy Fulmer, John Combs, Victoria Radford, Margaret Elliott, JuneAnn Rees, James Apley, Brenda Ashland, Chantal Camarena, Jasmine Castillo, Natalie Cave, Jonathan Eckert, Kendal Elliott, Ashley Fulmer, Cristol Greer, Michelle Hoffman, Jazzmin Jacinto, Gavin Knight, Cheyenne Litherland, Erick Martinson, Andreah McCoy, Alejandro Monrroy, Joshua Natali, Victoria Norton, Jose Nunez, Cody Radford, Christian Rees, Elizabeth Rees, Jacqueline Rodriguez, Cody Rogers-Shaw, Blake Sly, Jillian Truesdell, Arthur Watson, and Sydney Wirkus.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, June 4, 2005, at 10:00 a.m.

Motion carried.

Assembly adjourned at 5:32 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE ONE-HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 4, 2005

Assembly called to order at 10:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Well, Lord, since "Cowboy Hall of Fame" day is over, it would be only proper to ask You for a blessing for all the cowboys in the world and all their horses and their cow dogs and certainly their family and friends. And I believe, Lord, that You know that in our hearts we're all cowboys here. And You also know that in this case the word cowboy is gender neutral. And I want to especially ask for You, Lord, to forgive those makers of the Third House, for as they say, "They know not what they do."

Please make these final few days as short and pleasant as possible and for sure, give us the ability to continue to think clearly as we have in the past. We ask for these blessings and other matters in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 464, 570, 571.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 338, Amendments Nos. 1135, 1120, 1147; Assembly Bill No. 560, Amendment No. 1174, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 274, 400.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 793 to Senate Bill No. 118; Assembly Amendment No. 1097 to Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Lee and Townsend as a first Conference Committee concerning Senate Bill No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Hardy and Schneider as a first Conference Committee concerning Senate Bill No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Amodei and Carlton as a first Conference Committee concerning Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Hardy and Townsend as a first Conference Committee concerning Senate Bill No. 80.

Also, I have the honor to inform your honorable body that the Senate rescinded its appointment of Senator Heck as a member of the First Conference Committee concerning Assembly Bill No. 87 and appointed Senator Hardy as a member of the First Conference Committee concerning Assembly Bill No. 87.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Hardy and Lee as a first Conference Committee concerning Senate Bill No. 163.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Tiffany and Heck as a first Conference Committee concerning Senate Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Beers, Titus and Cegavske as a first Conference Committee concerning Senate Bill No. 224.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, Horsford and Washington as a first Conference Committee concerning Senate Bill No. 296.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Tiffany and Care as a first Conference Committee concerning Senate Bill No. 302.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Lee and Carlton as a first Conference Committee concerning Senate Bill No. 325.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Townsend and Heck as a first Conference Committee concerning Senate Bill No. 333.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Heck and Townsend as a first Conference Committee concerning Senate Bill No. 335.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Beers, Cegavske and Wiener as a first Conference Committee concerning Senate Bill No. 386.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, Rhoads and Lee as a first Conference Committee concerning Senate Bill No. 394.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Tiffany and Care as a first Conference Committee concerning Senate Bill No. 426.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Hardy and Townsend as a first Conference Committee concerning Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, McGinness and Care as a first Conference Committee concerning Senate Bill No. 453.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Amodei and Care as a first Conference Committee concerning Senate Bill No. 457.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 274.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 400.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—42.

NAYS—None.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1171.

Amend the bill as a whole by adding a new section designated sec. 185.9, following sec. 185.8, to read as follows:

“Sec. 185.9. NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters, relating to the preservation of the health and lives of citizens of this State and over the work of the State Health Officer and all district, county and city health departments, boards of health and health officers.

2. The Department of Human Resources is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of Public Health. It may receive and expend all money made available to the Health Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS ~~[458.025 and]~~ 576.128, the State Board of Health may set reasonable fees for the:

- (a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Division;
- (b) Programs and services of the Health Division;
- (c) Review of plans; and
- (d) Certification and licensing of personnel.

Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Health Division by the Legislature.”.

Amend sec. 188, page 71, line 29, by deleting “*classified*” and inserting “*unclassified*”.

Amend the bill as a whole by renumbering sections 189 through 191 as sections 208 through 210 and adding new sections designated sections 189 through 207, following sec. 188.5, to read as follows:

“Sec. 189. NRS 449.00455 is hereby amended to read as follows:

449.00455 “Facility for the treatment of abuse of alcohol or drugs” means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the ~~[Health]~~ *Division of Mental Health and Developmental Services of the Department of Human Resources* pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 190. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

- 1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. ~~“Board” means the State Board of Health.~~

6.] “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

~~[7.]~~ 6. “Detoxification technician” means a person who is certified by the ~~[Health]~~ Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

8. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[9.] “Health Division” means the Health Division of the Department of Human Resources.]~~

Sec. 191. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. ~~“Board” means the State Board of Health.~~

~~—6.]~~ “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

6. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

7. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[8. —“Health Division” means the Health Division of the Department of Human Resources.]~~

Sec. 192. NRS 458.025 is hereby amended to read as follows:

458.025 The ~~[Health]~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the ~~[Health]~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the ~~[Board]~~ Division pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~[Board]~~ Division shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~[Health]~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 193. NRS 458.025 is hereby amended to read as follows:

458.025 The ~~[Health]~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the ~~[Health]~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of any facilities or programs on the basis of the standards established by the ~~[Board]~~ Division pursuant to this section, and publish a list of certified facilities and programs. Any facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~[Board]~~ Division shall adopt regulations, which may prescribe the fees for the certification of facilities or programs. A fee prescribed pursuant to this subsection must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~[Health]~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility and its programs and add them to the list described in subsection 4.

Sec. 194. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician must submit to the ~~[Health]~~ Division the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The [Health] Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the [Health] Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the [Health] Division if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 195. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the [Health] Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician, the [Health] Division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the [Health] Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The [Health] Division shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the [Health] Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 196. NRS 458.031 is hereby amended to read as follows:

458.031 The [Health] Division shall administer the provisions of NRS 458.010 to 458.350, inclusive, as the sole agency of the State of Nevada for that purpose.

Sec. 197. NRS 458.035 is hereby amended to read as follows:

458.035 The [Health] Division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of NRS 458.010 to 458.350, inclusive.

Sec. 198. NRS 458.055 is hereby amended to read as follows:

458.055 1. To preserve the confidentiality of any information concerning persons applying for or receiving any services pursuant to NRS 458.010 to 458.350, inclusive, the [Health] Division may establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the [Health] Division.

2. Wherever information concerning persons applying for and receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is furnished to or held by any other government agency or a public or private institution, the use of that information by the agency or institution is subject to the rules established by the [Health] Division pursuant to subsection 1.

3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to 458.350, inclusive, a person shall not disclose, use or authorize the disclosure of any confidential information concerning a person receiving services pursuant to NRS 458.010 to 458.350, inclusive.

Sec. 199. NRS 458.080 is hereby amended to read as follows:

458.080 The [Health] Division may, by contracting with organized groups, render partial financial assistance in the operation of facilities established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

Sec. 200. NRS 458.097 is hereby amended to read as follows:

458.097 1. Money received by the [Health] Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the [Health] Division shall give priority to:

(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The [Health] Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.

(b) The needs of counties to provide:

(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and

(2) Secure detoxification units or other appropriate facilities for persons who are arrested or taken into custody while under the influence of a controlled substance.

(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.

2. As used in this section, “secure detoxification unit” has the meaning ascribed to it in NRS 458.175.

Sec. 201. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the ~~Health~~ Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Human Resources’ Gift Fund.

2. Money in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive.

3. All claims must be approved by the Administrator before they are paid.

Sec. 202. NRS 458.103 is hereby amended to read as follows:

458.103 The ~~Health~~ Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the ~~Health~~ Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the ~~Health~~ Division as provided by law.

Sec. 203. NRS 458.104 is hereby amended to read as follows:

458.104 1. If the Administrator determines that current claims exceed the amount of money available to the ~~Health~~ Division because of a delay in the receipt of money from federal grants, he may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his approval of a request made pursuant to subsection 1. The State Controller shall draw his warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) Must be approved by the Director of the Department of Administration for use pursuant to NRS 458.080; and

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to the ~~Health~~ Division pursuant to this section must be repaid by August 31 following the end of the fiscal year during which the money was advanced.

Sec. 204. NRS 458.105 is hereby amended to read as follows:

458.105 The ~~Health~~ Division may fix and collect reasonable fees for the sale of miscellaneous printed materials pertaining to alcohol and drug

abuse which are purchased or prepared by the ~~[Health]~~ Division. The fees must be deposited in the State Treasury to the credit of the General Fund.

Sec. 205. NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, the ~~[Health]~~ Division may engage in any activity necessary to effectuate the purposes of NRS 458.010 to 458.350, inclusive.

Sec. 206. NRS 458.125 is hereby amended to read as follows:

458.125 1. The ~~[Health]~~ Division shall prepare requests for proposals for the provision by facilities of:

- (a) Residential treatment of adolescents who engage in substance abuse;
- (b) Outpatient treatment of adolescents who engage in substance abuse;
- (c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and

(d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the ~~[Health]~~ Division may advance not more than 8 percent of the amount of the proposal to the facility that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The ~~[Health]~~ Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The ~~[Health]~~ Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

Sec. 207. NRS 458.131 is hereby amended to read as follows:

458.131 The ~~[Health]~~ Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Human Resources a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each facility that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each facility received for each type of service provided;

2. If a facility received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the facility, the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in NRS 458.125 from those facilities during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and

4. As of the end of the biennium:

(a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and

(b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.”.

Amend the bill as a whole by deleting sec. 192, renumbering sections 193 through 201 as sections 212 through 220 and adding a new section designated sec. 211, following sec. 191, to read as follows:

“Sec. 211. The Department of Human Resources shall:

1. Develop a plan for the transfer of services for the abuse of alcohol or drugs from the Health Division of the Department to the Division of Mental Health and Developmental Services of the Department pursuant to sections 185.9 and 189 to 207, inclusive, of this act and submit the plan to the Governor on or before March 31, 2006, for his review and approval; and

2. Prepare revisions to any work programs of the Department concerning services for the abuse of alcohol or drugs which will be transferred to the Division of Mental Health and Developmental Services of the Department pursuant to sections 185.9 and 189 to 207, inclusive, of this act that are necessary to carry out the plan developed pursuant to subsection 1 and submit such revisions to the Interim Finance Committee on or before June 30, 2006.”.

Amend sec. 201, page 78, by deleting lines 21 through 24 and inserting:

“Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2006.

4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons

who receive public assistance; repealing certain provisions concerning community service block grants; transferring certain duties of the Health Division of the Department of Human Resources concerning services for the abuse of alcohol or drugs to the Division of Mental Health and Developmental Services of the Department; requiring the Department of Human Resources to prepare and submit certain plans concerning such transfer to the Governor and the Interim Finance Committee; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; reenacting certain penalties; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 698.

Amend the bill as a whole by deleting sections 2 and 3 and the text of the repealed section.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “tenants; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Removes exemption for certain landlords from provisions relating to landlords and tenants. (BDR 10-646)”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 404.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 221, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 888 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

JOHN OCEGUERA

FRANCIS ALLEN

SUSAN GERHARDT

Assembly Conference Committee

MARK E. AMODEI

MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA5.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in NRS 369.386 and 369.415, a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

Sec. 2. NRS 369.111 is hereby amended to read as follows:

369.111 As used in this chapter, “supplier” means, with respect to liquor which is brewed, distilled, fermented, manufactured, *rectified*, produced or bottled:

1. Outside the United States:

(a) The brewer, distiller, manufacturer, producer, *rectifier*, vintner or bottler of the liquor, or his designated agent; or

(b) The owner of the liquor when it is first transported into any area under the jurisdiction of the United States Government, if the brewer, distiller, manufacturer, *rectifier*, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this State; ~~for~~

2. Within the United States but outside this State, the brewer, distiller, manufacturer, *rectifier*, producer, vintner or bottler of the liquor, or his designated agent ~~for~~; or

3. *Within this State, the distiller, manufacturer, rectifier, producer or bottler of the liquor or his designated agent.*

Sec. 3. NRS 369.386 is hereby amended to read as follows:

369.386 1. Except as otherwise provided in NRS 369.464, a supplier of liquor may sell to an importer ~~into~~ or *wholesaler* in this State only if:

(a) Their commercial relationship is of definite duration or continuing indefinite duration; and

(b) The importer is granted the right to offer, sell and distribute within this State or any designated area thereof such of the supplier’s brands of packaged malt beverages, distilled spirits and wines, or all of them, as may be specified.

2. The supplier shall file with the Department a written notice indicating the name and address of each designated importer. Each importer shall file with the Department a written acceptance of the designation.

3. A brewer, distiller, manufacturer, producer, vintner or bottler of liquor who designates an agent to sell his products to importers into this State shall file with the Department a written designation indicating the name and address of the agent, and the agent shall file with the Department a written acceptance of the designation.

Sec. 4. NRS 369.430 is hereby amended to read as follows:

369.430 1. By regulation, the Department shall prescribe the form of application for and the form of a certificate of compliance, which must be printed and distributed to exporters of liquor into this State to assist them in legally exporting liquor into this State.

2. An intending importer may not legally receive or accept any shipment of liquor except from a holder of a certificate of compliance.

3. *Before a person may engage in business as a supplier, he must obtain a certificate of compliance from the Department.*

4. The Department shall grant a certificate of compliance to any out-of-state vendor of liquors who undertakes in writing:

(a) To furnish the Department on or before the 10th day of each month a report under oath showing the quantity and type of liquor sold and shipped by the vendor to each licensed importer of liquor in Nevada during the preceding month;

(b) That he and all his agents and any other agencies controlled by him will comply faithfully with all laws of this State and all regulations of the Department respecting the exporting of liquor into this State;

(c) That he will make available for inspection and copying by the Department any books, documents and records, whether within or outside this State, which are pertinent to his activities or the activities of his agents or any other agencies controlled by him within this State and which relate to the sale and distribution of his liquors within this State; and

(d) That he will appoint a resident of this State as his agent for service of process or any notice which may be issued by the Department.

~~{4-}~~ 5. If any holder of a certificate of compliance fails to keep any undertaking or condition made or imposed in connection therewith, the Department may suspend the certificate and conduct a hearing, giving the holder thereof a reasonable opportunity to appear and be heard on the question of vacating the suspension order or order finally revoking the certificate.

~~{5-}~~ 6. An applicant for a certificate of compliance must pay a fee of \$50 to the Department for the certificate. On or before July 1 of each year, the certificate holder must renew the certificate by satisfying the conditions of the original certificate and paying a fee of \$50 to the Department.

Sec. 5. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not:*

(a) *Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or*

(b) *Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.*

2. *A person who violates any provision of subsection 1 is guilty of a misdemeanor.*

3. *As used in this section:*

(a) *“Alcohol vaporizing device” means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.*

(b) *“Liquor” has the meaning ascribed to it in NRS 369.040.*

Sec. 6. NRS 202.015 is hereby amended to read as follows:

202.015 For the purposes of NRS 202.015 to 202.065, inclusive, *and section 5 of this act*, “alcoholic beverage” means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Sec. 7. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.210 to 597.250, inclusive, unless the context otherwise requires:

1. “Alcoholic beverage” means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. “Brew pub” means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. “Engage in” includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

4. “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

5. *“Supplier” has the meaning ascribed to it in NRS 597.140.*

Sec. 8. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in NRS 597.240, a person engaged in *business as a supplier or engaged in* the business of manufacturing, blending or bottling alcoholic beverages *within or without this State* shall not engage in the business of importing, wholesaling or retailing alcoholic beverages . ~~[by investment, loan or extension of credit in excess of normal terms prevalent in the industry, unless he was so engaged on or before May 1, 1975, and then only to the extent so engaged.]~~

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(c) *Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.*

Sec. 9. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to intoxicating liquors; revising various provisions governing the sale and disposition of intoxicating liquor; prohibiting the sale, purchase, possession or use of an alcohol vaporizing device; prohibiting the use of the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to intoxicating liquors. (BDR 20-270)”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 221.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

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

Assembly in recess at 10:50 a.m.

ASSEMBLY IN SESSION

At 11:05 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 11.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted as amended and ordered transmitted to the Senate.

Assemblywoman Koivisto moved that Assembly Concurrent Resolution No. 20 be taken from the Resolution File and placed on the Chief Clerk’s desk.

Motion carried.

Assembly Concurrent Resolution No. 17.

Resolution read.

The following amendment was proposed by Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1170.

Amend the resolution, page 2, line 1, after “study of” by inserting: “the sentencing of convicted persons and of”.

Amend the resolution, page 2, line 13, after “5.” by inserting: “Gender and ethnic parity in sentencing;

6. Training, educational and rehabilitation programs that are available for offenders in this State;

7. Programs developed in other states that provide a system of community-based programs that place offenders in more specialized programs according to their needs;

8.”.

Amend the resolution, page 2, line 15, by deleting “6.” and inserting “9.”.

Amend the resolution, between lines 16 and 17, by inserting:

“RESOLVED, That the Administrative Office of the Courts, the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety are hereby directed to provide information and assistance to the committee; and be it further;”.

Amend the title of the resolution to read as follows:

“ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the sentencing of convicted persons and of the pardons, parole and probation services provided in this State.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study of sentencing of convicted persons and of pardons, parole and probation services provided in this State. (BDR R-954)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Resolution ordered reprinted and engrossed.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 221, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Parnell.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parnell, Hardy, and Atkinson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 221.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 51, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Senate Amendment No. 801 be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA9, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

FRANCIS ALLEN

JOHN OCEGUERA

Assembly Conference Committee

MAURICE E. WASHINGTON

DENNIS NOLAN

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA9.

Amend section 1, pages 3 through 5, by deleting lines 2 through 40 on page 3, lines 1 through 43 on page 4 and lines 1 through 16 on page 5, and inserting:

“125.480 1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. ~~[When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.]~~

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider ~~[]~~ and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody. ~~[]~~

(b) Any nomination by a parent or a guardian for the child. ~~[] and []~~

(c) *Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.*

(d) *The level of conflict between the parents.*

(e) *The ability of the parents to cooperate to meet the needs of the child.*

(f) *The mental and physical health of the parents.*

(g) *The physical, developmental and emotional needs of the child.*

(h) *The nature of the relationship of the child with each parent.*

(i) *The ability of the child to maintain a relationship with any sibling.*

(j) *Any history of parental abuse or neglect of the child or a sibling of the child.*

(k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this section, “domestic violence” means the commission of any act described in NRS 33.018.”.

Amend the bill as a whole by deleting sec. 13 and the text of the repealed section.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to domestic relations; revising provisions concerning the considerations of the court in determining the best interests of a child for the purpose of determining custody of the child;”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 51.

Remarks by Assemblymen Anderson and Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

This amendment deletes Section 13 of the bill, which repealed NRS 125.490. The current presumption that joint custody is in the best interest of the child when the parents had agreed to joint custody will not change, thus maintaining that joint custody will be the first priority. It also removes new language adding subsection 3 of Section 1 of the bill concerning joint custody, because in returning the repealed section it is necessary. Third, it keeps the language in subsection 4 of Section 1, setting forth the specific findings concerning the best interest of the child.

Also, keeping the list of factors that were agreed to by the court, but it deletes paragraph (k), which would require the court to make findings about the ability of each parent to prioritize the needs of the child.

Section 1 of A.B. 51 with the above-described changes is what the Conference agreed to.

ASSEMBLYWOMAN BUCKLEY:

With regard to the bottom line of page 1, in deleting, “When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.” I see that has been dropped down so that it is now subsection 4 (c) on the second page. I believe this is the doctrine whereby you want the parent to encourage the relationship and the visits with the other parent and, if you think that other parent might not want to do that, that can be a factor in who you give initial custody to, and that is the way the law is now, as I understand it. In moving it, now that has to be one of the factors in deciding whether the best interest of the child has been met. In the opinion of the Conference Committee, does that give the same existing weight for a court to be able to consider these factors in determining where a child would go?

ASSEMBLYMAN ANDERSON:

The ability of the court to determine factors is unchanged with this modification. It merely lists those factors that the court should take into consideration. I have a mock-up of the new language and in part 4, in determining the best interest (a) the wishes of the child if the child is of sufficient age; (b) any nomination by a parent or guardian; and (c) which parent is most likely to allow. Those are the factors that would come forward. In the subsection 3, “The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise” will be retained. So both parties will still remain as (a).

ASSEMBLYWOMAN BUCKLEY:

Am I correct in assuming that it is the Conference Committee’s intent that existing case law regarding this issue would not be changed?

ASSEMBLYMAN ANDERSON:

It is the clearly the intent that existing case law would not be in any way endangered by this new additional language, which the court had suggested is its normal process and procedure. We are merely setting it forth into statutory language.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 460, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Smith, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 460.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 98, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Leslie, McClain, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 98.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 1126.

Amend sec. 3, page 4, by deleting lines 32 and 33 and inserting: “*school within the school district*.”

Amend sec. 3, page 5, by deleting lines 14 and 15 and inserting:

“(6) *Schools within the school district*.”

Amend sec. 3, page 5, line 20, after “*board*” by inserting “*of trustees*”.

Amend sec. 3, page 5, between lines 28 and 29, by inserting:

“5. *The board of trustees of each school district shall:*

(a) *Report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.*

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.”.

Amend sec. 4, page 6, by deleting lines 27 through 29 and inserting: “how a parent or guardian may otherwise access the summary.

(d) The principal of”.

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 10, following sec. 9, to read as follows:

“Sec. 10. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of ~~each~~ school district shall ~~report~~ :

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) ~~An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

~~[(4)]~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~[(5)]~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~[(6)]~~ (5) The percentage of pupils who were not tested;

~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~[(4)]~~ (3);

~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~[(9)]~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~[(10)]~~ (9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; ~~and~~

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State ~~[-]~~ ;

(4) *For each middle school, junior high school and high school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(5) *For each elementary school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.*

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If

a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial [education] study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before ~~April 1~~ August 15 of each year, the board of trustees of each school district shall submit to ~~the~~

~~(a) Each~~ each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~[(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.]~~

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) ~~Submit~~ Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) *by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.”.

Amend sec. 15, page 26, by deleting lines 8 and 9 and inserting:
“Department shall forward the information to the school district in which the charter school is located for inclusion in the summary that is prepared by the school district pursuant to section 3 of this act and the report that is prepared by the school district pursuant to NRS 385.347.”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 766.

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

“Sec. 4. Section 1 of the Lake Tahoe Basin Act of June 8, 1999, being Chapter 514, Statutes of Nevada 1999, at page 2627, is hereby amended to read as follows:

Section 1. 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, in cooperation

with other state agencies, shall coordinate the development and implementation of a program of environmental improvement projects for:

- (a) The protection and enhancement of the quality of the air and water;
- (b) The protection and restoration of natural watercourses, wetlands, wildlife habitat, fisheries, vegetation and forests;
- (c) Prevention and control of erosion; and
- (d) Enhancement of recreational and tourism opportunities, in the Lake Tahoe Basin.

2. Money to carry out the program in an amount not to exceed \$3,200,000 must be provided for the period between the fiscal year beginning on July 1, 1999, and the fiscal year ending on June 30, 2001, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$3,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this subsection must be deposited in the Fund to Protect the Lake Tahoe Basin created pursuant to section 2 of this act and, except as otherwise provided in this subsection, must be used as follows:

- (a) Sand Harbor Visitor/Administrative Center BMPs \$1,000,000
- (b) North Canyon Hiking Trail 15,000
- (c) Sand Harbor Erosion Control 100,000
- (d) Upland Wildlife Habitat Enhancement..... 66,000
- (e) North Canyon Old Growth Habitat Restoration 130,000
- (f) Forest Restoration - Phase I 1,500,000
- (g) Sand Harbor-Memorial Point Trail..... 56,000
- (h) Hidden Beach Rehabilitation, BMPs..... 106,000
- (i) Sugar Pine Old Growth Habitat Restoration 75,000
- (j) Project contingency..... 152,000

If an amount authorized pursuant to this subsection is insufficient to allow the completion of the project for which it is authorized, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this subsection by the amount of the increase. The Division of State Lands may use money authorized pursuant to this subsection for a project other than a project listed in this subsection if the Interim Finance Committee approves such a use in writing before the Division engages in the project. The Division of State Lands may allocate money pursuant to paragraph (j) without the prior approval of the Interim Finance Committee.

3. Money to carry out the program in an amount not to exceed \$53,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, ~~2007,~~ 2010, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$53,200,000. With the prior approval of the Legislature or the Interim

Finance Committee, the bonds may be issued from time to time pursuant to a schedule established by the Administrator of the Division of State Lands. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to this subsection.

4. The amount of bonds authorized by subsection 3 must be reduced by the amount of any money appropriated by the Legislature for the same purpose upon certification by the Administrator of the Division of State Lands of the amount of each such appropriation to the State Board of Finance. The Administrator of the Division of State Lands shall submit a request to the Legislature each biennium, as necessary, for an appropriation for the program.

5. The Administrator of the Division of State Lands may adopt such regulations as are necessary to carry out the program.

Sec. 5. Chapter 585, Statutes of Nevada 1985, at page 1866, is hereby amended by adding thereto a new section, to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. 1. *The proceeds of any bonds issued pursuant to this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year; and*

(b) *Must be carried forward to the next fiscal year.*

Sec. 6. Section 3 of Chapter 361, Statutes of Nevada 1995, as amended by Chapter 438, Statutes of Nevada 2003, at page 2658, is hereby amended to read as follows:

Sec. 3. ~~[After]~~

1. *The proceeds of any bonds issued pursuant to section 1 of this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year;*

(b) *Must be carried forward to the next fiscal year; and*

(c) *May be used by the State Land Registrar ~~[may use the proceeds from any bonds issued pursuant to the provisions of section 1 of this act]~~ to defray the costs of administering the program for awarding grants and other programs to protect the Lake Tahoe Basin.”.*

Amend the preamble of the bill, page 2, by deleting lines 3 and 4 and inserting: “and its political subdivisions is \$82,000,000; and”.

Amend the preamble of the bill, page 2, by deleting lines 30 and 31 and inserting: "WHEREAS, Chapter".

Amend the preamble of the bill, page 2, line 34, by deleting: "during that period".

Amend the preamble of the bill, page 3, between lines 5 and 6, by inserting:

"WHEREAS, Although the timing for the issuance of bonds authorized pursuant to Chapter 514, Statutes of Nevada 1999, to pay for Nevada's share of the Environmental Improvement Program was initially the 10-year period ending in Fiscal Year 2006-2007, extension of that period to the end of Fiscal Year 2009-2010 is necessary to complete the funding of the remaining environmental improvement projects; and".

Amend the title of the bill, third line, after "Program;" by inserting: "extending the period for issuance of bonds to carry out the Program; clarifying the manner in which money from the proceeds of previously issued bonds must be administered;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to issuance of bonds concerning Lake Tahoe Basin. (BDR S-308)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 458.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 501, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

MARCUS CONKLIN

HEIDI S. GANSERT

Assembly Conference Committee

MAGGIE CARLTON

JOE HECK

SANDRA J. TIFFANY

Senate Conference Committee

Conference Amendment No. CA6.

Amend sec. 12, page 12, line 9, by deleting "*licensee;*" and inserting "*person;*".

Amend sec. 12, page 12, line 11, by deleting "*licensee.*" and inserting "*person.*".

Amend sec. 12, page 12, by deleting line 14 and inserting:

"~~[3-]~~ 4. If the administrative fine *and any interest imposed pursuant to NRS 624.300* is not paid when due, the fine *and interest, if any,*".

Amend sec. 12, page 12, line 17, after "fines" by inserting "*and interest*".

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 501.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 4:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 100, 101, 103, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2005

To the Honorable the Assembly:

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 47, 534.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 569.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 485, Senate Amendments Nos. 1106, 1058, 1095, and requests a conference, and appointed Senators McGinness, Washington, and Hardy as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 505, Senate Amendment No. 1012, and requests a conference, and appointed Senators Nolan, Carlton, and Washington as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 51.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 753, 1051 to Senate Bill No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Amodei, and Rhoads as a first Conference Committee concerning Senate Bill No. 356.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Atkinson, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 505.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 17.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

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

Assembly in recess at 4:40 p.m.

ASSEMBLY IN SESSION

At 5:15 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 195, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1094 of the Senate be receded from and a 4th reprint be created in accordance with this action which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

MARCUS CONKLIN

FRANCIS ALLEN

Assembly Conference Committee

RANDOLPH J. TOWNSEND

JOE HECK

JOHN LEE

Senate Conference Committee

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 437, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 707 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

KATHY MCCLAIN

ROD SHERER

Assembly Conference Committee

MICHAEL SCHNEIDER

MAGGIE CARLTON

JOHN LEE

Senate Conference Committee

Conference Amendment No. CA8.

Amend sec. 7, page 8, by deleting lines 44 and 45 and inserting:

“6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.

7. As used in this section, “timely” means not later than 3 days after the landlord learns of a closure.”.

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

“Sec. 10. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any provision of law to the contrary, if a corporation for public benefit owns or leases a mobile home park:*

(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in NRS 461A.215; and

(b) The provisions of NRS 461.215 govern the operation of the corporation and the mobile home park.

2. *As used in this section:*

(a) “Board of directors or trustees which controls the mobile home park” has the meaning ascribed to it in NRS 461A.215.

(b) “Owns or leases a mobile home park” has the meaning ascribed to it in NRS 461A.215.

Sec. 11. NRS 461A.215 is hereby amended to read as follows:

~~461A.215 1. [The board of directors of a mobile home park owned or leased by a nonprofit organization must consist of a number of members such that one third of the members of the board are elected by the residents of the park, one third of the members of the board are appointed by the governing body of the local government with jurisdiction over the location of the park and one third of the members of the board are appointed by the nonprofit organization owning or leasing the park.~~

~~2.]~~ *Notwithstanding any provision of law to the contrary, if a nonprofit organization owns or leases a mobile home park:*

(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in this section; and

(b) The provisions of this section govern the operation of the nonprofit organization and the mobile home park.

2. *If a nonprofit organization owns or leases only one mobile home park, the board of directors or trustees which controls the mobile home park must be composed of:*

(a) Three directors or trustees who are residents of the mobile home park and are elected by a majority of the residents who live in the mobile home park, with each unit in the mobile home park authorized to cast one vote;

(b) Except as otherwise provided in subsection 4, three directors or trustees appointed by the governing body of the local government with jurisdiction over the location of the mobile home park; and

(c) Three directors or trustees elected by a majority of the other directors or trustees selected pursuant to this subsection.

3. If a nonprofit organization owns or leases more than one mobile home park, the board of directors or trustees which controls the mobile home parks must be composed of:

(a) For each mobile home park, one director or trustee who is a resident of that mobile home park and is elected by a majority of the residents who live in that mobile home park, with each unit in the mobile home park authorized to cast one vote;

(b) Except as otherwise provided in subsection 4, one director or trustee appointed for each mobile home park by the governing body of the local government with jurisdiction over the location of that mobile home park; and

(c) For each mobile home park, one director or trustee elected by a majority of the other directors or trustees selected pursuant to this subsection.

4. The governing body of a local government with jurisdiction over the location of a mobile home park owned or leased by a nonprofit organization shall not appoint a director or trustee pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3 unless the land upon which the mobile home park is located or the improvements to that land are owned by any governmental entity, patented to any governmental entity or leased to the nonprofit organization by any governmental entity.

5. The term of office of a director or trustee selected pursuant to this section:

(a) Is 2 years, except that upon the expiration of his term of office he shall continue to serve until his successor is selected; and

(b) Commences on July 1 of each odd-numbered year.

6. Any vacancy occurring in the membership of the board of directors or trustees selected pursuant to this section must be filled in the same manner as the original election or appointment.

7. The Attorney General shall:

(a) Enforce the provisions of this section;

(b) Investigate suspected violations of the provisions of this section; and

(c) Institute proceedings on behalf of this State, an agency or political subdivision of this State, or as *parens patriae* of a person residing in a mobile home park:

(1) For injunctive relief to prevent and restrain a violation of any provision of this section; and

(2) To collect any costs or fees awarded pursuant to the provisions of this section.

8. The provisions of this section may be enforced with regard to a nonprofit organization or a mobile home park by:

(a) The nonprofit organization;

(b) The board of directors or trustees required to be selected pursuant to this section, or any member thereof;

(c) A person who claims membership on the board of directors or trustees required to be selected pursuant to this section;

(d) A resident of the mobile home park;

(e) The local government with jurisdiction over the location of the mobile home park; or

(f) Any combination of the persons described in paragraphs (a) to (e), inclusive.

9. In any action to enforce the provisions of this section, including, without limitation, an action to prevent or restrain a violation of the provisions of this section, if a person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section:

(a) The court shall award the prevailing party costs and attorney's fees;

(b) If the nonprofit organization which owns or leases a mobile home park participates in the action, the court shall award the nonprofit organization costs and attorney's fees; and

(c) Costs and attorney's fees awarded pursuant to this section must be recovered from the person. If in the same action to enforce the provisions of this section, more than one person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section, each such person is jointly and severally liable for the costs and attorney's fees awarded pursuant to this section.

10. The provisions of this section do not apply to a corporate cooperative park.

11. As used in this section:

(a) "Board of directors or trustees which controls the mobile home park" means:

(1) If the nonprofit organization which owns or leases a mobile home park does not own or operate any substantial asset that is unrelated to the mobile home park, the board of directors or trustees of the nonprofit organization; or

(2) If the nonprofit organization which owns or leases a mobile home park owns or operates a substantial asset that is unrelated to the mobile home park, a board of directors or trustees which:

(I) Has full and independent control over the affairs of the nonprofit organization that are related to the mobile home park, including, without limitation, full and independent control over all policies, operation, property, assets, accounts and records of the nonprofit organization which are related to or derived from the park;

(II) Notwithstanding any provision of law to the contrary, exercises the powers described in sub-subparagraph (I) without being subject to any control by the board of directors or trustees of the nonprofit organization or

any other person, group or entity within or related to the nonprofit organization; and

(III) If the nonprofit organization owns or leases more than one mobile home park, controls all of the mobile home parks owned or leased by the nonprofit organization.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

(c) "Governmental entity" includes, without limitation, the Federal Government, this State, an agency or political subdivision of this State, a municipal corporation and a housing authority.

(d) "Nonprofit organization" includes, without limitation, a corporation for public benefit.

(e) "Owns or leases a mobile home park" means being the owner or lessee of:

(1) The land upon which the mobile home park is located; or

(2) The improvements to the land upon which the mobile home park is located."

Amend the bill as a whole by renumbering sec. 11 as sec. 14 and adding a new section designated sec. 13, following sec. 10, to read as follows:

"Sec. 13. 1. Except as otherwise provided in subsection 2, if the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section, the directors or trustees of the organization who are in office on the effective date of this section shall be deemed to be authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act.

2. If the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section and applied to the organization before the effective date of this section, and the directors or trustees were elected by the residents of the mobile home park or appointed by the governing body of the local government with jurisdiction over the location of the mobile home park pursuant to NRS 461A.215 before the effective date of this section, those directors or trustees elected by the residents or appointed by the governing body of the local government shall be deemed to be:

(a) Authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act; and

(b) The sole directors or trustees authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act."

Amend sec. 11, page 11, by deleting line 16 and inserting:

"Sec. 14. 1. This section and sections 10, 11 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 12 of this act become effective on July 1, 2005.”.

Amend the title of the bill, between lines 5 and 6, by inserting: “revising provisions governing the membership of the board of directors or trustees of certain mobile home parks;”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 437.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 554 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Concurrent Resolution No. 17 be taken from the Resolution File and placed on the Chief Clerk’s desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 17, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Parnell, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 17.

GENERAL FILE AND THIRD READING

Assembly Bill No. 554.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1181.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend the bill as a whole by renumbering sec. 5 as sec. 10 and adding new sections designated sections 2 through 9, following sec. 4, to read as follows:

“Sec. 2. Chapter 368A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *“Casual assemblage” includes, without limitation:*

1. *Participants in conventions, business meetings or tournaments governed by chapter 463 of NRS, and their guests; or*
2. *Persons celebrating a friend’s or family member’s wedding, birthday, anniversary, graduation, religious ceremony or similar occasion that is generally recognized as customary for celebration.*

Sec. 4. *“Shopping mall” includes any area or premises where multiple vendors assemble for the primary purpose of selling goods or services, regardless of whether consideration is collected for the right or privilege of entering that area or those premises.*

Sec. 5. *“Trade show” means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry.*

Sec. 6. NRS 368A.010 is hereby amended to read as follows:

368A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 368A.020 to 368A.110, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 368A.020 is hereby amended to read as follows:

368A.020 *“Admission charge” means the total amount, expressed in terms of money, of consideration paid for the right or privilege to have access to a facility where live entertainment is provided. The term includes, without limitation, an entertainment fee, a cover charge, a table reservation fee, or a required minimum purchase of food, refreshments or merchandise.*

Sec. 8. NRS 368A.060 is hereby amended to read as follows:

368A.060 1. *“Facility” means:*

~~{1-}~~ (a) Any area or premises where live entertainment is provided and for which consideration is collected for the right or privilege of entering that area or those premises if the live entertainment is provided at:

~~{(a)}~~ (1) An establishment that is not a licensed gaming establishment; or

~~[(b)]~~ (2) A licensed gaming establishment that is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits.

~~[(2)]~~ (b) Any area or premises where live entertainment is provided if the live entertainment is provided at any other licensed gaming establishment.

2. “Facility” encompasses, if live entertainment is provided at a licensed gaming establishment that is licensed for:

(a) Less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, any area or premises where the live entertainment is provided and for which consideration is collected, from one or more patrons, for the right or privilege of entering that area or those premises, even if additional consideration is collected for the right or privilege of entering a smaller venue within that area or those premises; or

(b) At least 51 slot machines or at least 6 games, any designated area on the premises of the licensed gaming establishment within which the live entertainment is provided.

Sec. 9. NRS 368A.090 is hereby amended to read as follows:

368A.090 1. “Live entertainment” means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing that activity to a patron or group of patrons who are physically present.

2. The term:

(a) Includes, without limitation, any one or more of the following activities:

(1) Music or vocals provided by one or more professional or amateur musicians or vocalists;

(2) Dancing performed by one or more professional or amateur dancers or performers;

(3) Acting or drama provided by one or more professional or amateur actors or players;

(4) Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;

(5) Animal stunts or performances induced by one or more animal handlers or trainers, except as otherwise provided in subparagraph (7) of paragraph (b);

(6) Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes or sportsmen;

(7) Comedy or magic provided by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;

(8) A show or production involving any combination of the activities described in subparagraphs (1) to (7), inclusive; and

(9) A performance involving one or more of the activities described in this paragraph by a disc jockey who presents recorded music. For the purposes of this subsection, a disc jockey shall not be deemed to have

engaged in a performance involving one or more of the activities described in this paragraph if the disc jockey generally limits his interaction with patrons to introducing the recorded music, making announcements of general interest to patrons, and explaining, encouraging or directing participatory activities between patrons.

(b) Excludes, without limitation, any one or more of the following activities:

(1) Instrumental or vocal music, which may or may not be supplemented with commentary by the musicians, in a restaurant, lounge or similar area if such music does not routinely rise to the volume that interferes with casual conversation and if such music would not generally cause patrons to watch as well as listen;

(2) Occasional performances by employees whose primary job function is that of preparing, selling or serving food, refreshments or beverages to patrons, if such performances are not advertised as entertainment to the public;

(3) Performances by performers of any type if the performance occurs in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, as long as the performers stroll continuously throughout the facility;

(4) Performances in areas other than in nightclubs, lounges, restaurants or showrooms, if the performances occur in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, which enhance the theme of the establishment or attract patrons to the areas of the performances, as long as any seating provided in the immediate area of the performers is limited to seating at slot machines or gaming tables;

(5) Television, radio, closed circuit or Internet broadcasts of live entertainment;

(6) Entertainment provided by a patron or patrons, including, without limitation, singing by patrons or dancing by or between patrons;

(7) Animal behaviors induced by animal trainers or caretakers primarily for the purpose of education and scientific research; and

(8) An occasional activity, including, without limitation, dancing, that:

(I) Does not constitute a performance;

(II) Is not advertised as entertainment to the public;

(III) Primarily serves to provide ambience to the facility; and

(IV) Is conducted by an employee whose primary job function is not that of an entertainer.”.

Amend sec. 5, page 6, by deleting line 9 and inserting:

“(l) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.

(m) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.

(n) If two or more race events are scheduled in a calendar year at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, the second and each subsequent of such events held during that calendar year and all races associated therewith.

(o) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.

6. *The Nevada Gaming Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph (o) of subsection 5. The regulations must require the taxpayer to seek an administrative ruling from the Chairman of the Board, provide a procedure for appealing that ruling to the Nevada Gaming Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.*

7. *As used in this section, “maximum seating capacity” means,”.*

Amend the bill as a whole by renumbering sections 6 through 10 as sections 12 through 16 and adding a new section designated sec. 11, following sec. 5, to read as follows:

“Sec. 11. NRS 368A.220 is hereby amended to read as follows:

368A.220 1. Except as otherwise provided in this section:

(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 24th day of each month, a report showing the amount of all taxable receipts for the preceding month ~~[-]~~ *or the month in which the taxable events occurred.* The report must be in a form prescribed by the Board.

(b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.

2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.

3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.

4. The Board and the Department shall deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.”.

Amend sec. 8, pages 6 through 8, by deleting lines 37 through 43 on page 6, lines 1 through 44 on page 7 and lines 1 through 8 on page 8, and inserting:

“Sec. 14. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer of title between spouses, including gifts, or to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

6. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

7. Transfers, assignments or conveyances of unpatented mines or mining claims.

8. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

9. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of *lineal* consanguinity or affinity.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.”.

Amend sec. 9, page 8, by deleting line 9 and inserting:

“Sec. 15. NRS 368A.130 and 368A.210 are hereby repealed.”.

Amend the text of repealed sections by adding the text of NRS 368A.130.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to taxation; clarifying the definition of “employer” for the”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 198.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1185.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby allocated from the Account for Programs for Innovation and the Prevention of Remediation to the Department of Education for the Fiscal Year 2006–2007 the sum of \$22,000,000 for school districts to provide full-day kindergarten at certain schools.

2. The Department of Education shall distribute the allocation made by subsection 1 to school districts to provide full-day kindergarten during the 2006-2007 school year at the schools within the school district in which at least 55 percent of the pupils enrolled in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

3. A school district that receives an allocation of money pursuant to this section shall use the money to provide full-day kindergarten in each school

within the school district in which at least 55 percent of the pupils satisfy the requirements of subsection 2. If a school within a school district that is required to provide full-day kindergarten pursuant to this section currently provides full-day kindergarten with money that it receives from the Federal Government or other funding allocations, the school may redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten during the 2006–2007 school year.

Sec. 2. 1. The board of trustees of each school district shall distribute in a timely manner during the 2005–2006 school year, surveys to parents and legal guardians who reside within the school district and whose children will be enrolling in kindergarten to assess whether the parents and guardians desire that the school district offer full-day kindergarten in those schools that are not required to provide full-day kindergarten pursuant to section 1 of this act.

2. If the board of trustees of a school district determines, based upon the surveys submitted, that the parents and legal guardians within the school district, or particular areas within the school district, desire the provision of full-day kindergarten, the board of trustees may submit an application for a grant of money from the Department of Education. To the extent money is available, including, without limitation, money made available in an Account for Programs for Innovation and the Prevention of Remediation, the Department shall provide grants of money to school districts whose applications are approved.

3. If the board of trustees of a school district receives a grant of money pursuant to subsection 2, the board of trustees shall determine which schools within the school district will offer full-day kindergarten based upon the results of the surveys submitted by parents and guardians. The board of trustees may designate one or more schools within the school district to provide full-day kindergarten for the enrollment of pupils across attendance zones.

Sec. 3. 1. Notwithstanding the provisions of NRS 392.040 to the contrary, the State Board of Education shall adopt regulations for school districts that wish to offer admission to kindergarten to children who are at least 4 years and 9 months old but less than 5 years old on or before September 30 of a school year. If a school district offers admission to such children, the pupils who are enrolled shall be included in the count of pupils for purposes of the apportionments and allowances from the State Distributive School Account.

2. If the board of trustees of a school district offers early admission to kindergarten in accordance with the regulations adopted by the State Board of Education, the board of trustees shall submit a report to the State Board that includes the number of pupils who enrolled in kindergarten before the age of 5 years and an evaluation of the success of the early admission in the

school district. The Superintendent of Public Instruction shall compile the reports and, on or before February 1, 2007, submit a written report of the compilations and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2005.

2. Section 1 of this act becomes effective on July 1, 2005, at 12:01 a.m. only if Assembly Bill No. 525 of this session is enacted.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; making an appropriation for certain schools to provide full-day kindergarten during the 2006–2007 school year; authorizing school districts to apply for grants of available money to provide full-day kindergarten in certain other schools; requiring the State Board of Education to adopt regulations for school districts that wish to offer early admission to kindergarten; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation for full-day kindergarten in certain schools and authorizes full-day kindergarten in certain other schools. (BDR 34-1197)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Mabey.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 100.

Bill read third time.

Roll call on Senate Bill No. 100:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 101 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Roll call on Senate Bill No. 103:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1175.

Amend section 1, page 2, between lines 4 and 5, by inserting:

“3. If an account is established for a member of the Board of Regents to pay for hosting expenditures of the member:

(a) The annual expenditures from the account may not exceed \$2,500.

(b) The account may be used only to pay for activities that are directly related to the duties of the member of the Board of Regents, including reasonable expenses for meals, beverages and small gifts. The account must not be used to pay for expenses associated with attending a sporting event or a political fundraising event.

(c) The member of the Board of Regents must submit a monthly report of expenditures from the account to the Chancellor of the System. The report must include, without limitation, the amount of money expended from the account, the specific purpose and activity for which the money was expended and, if applicable, the person for whom the money was expended.

(d) The Chancellor of the System shall compile the monthly reports into an annual report on or before January 30 of each year. The monthly reports and annual reports are public records and must be made available for public inspection.

4. As used in this section, “hosting expenditures” means reasonable expenses by or on behalf of a member of the Board of Regents who is conducting business activities necessary to provide a benefit to the System by establishing goodwill, promoting programs of the System or otherwise advancing the mission of the System.”.

Amend the title of the bill, fourth line, after “meetings;” by inserting: “making various changes regarding accounts established for members of the Board of Regents to pay for certain hosting expenditures;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning Board of Regents of University of Nevada. (BDR 34-774)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 304.

Bill read third time.

Roll call on Senate Bill No. 304:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 520.

Bill read third time.

Roll call on Senate Bill No. 520:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 267, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 697 of the Senate be receded from and a 3rd reprint be created in accordance with this action which is attached to and hereby made a part of this report.

BERNIE ANDERSON
FRANCIS ALLEN
GENIE OHRENSCHALL

Assembly Conference Committee

MAURICE E. WASHINGTON
VALERIE WIENER
DENNIS NOLAN

Senate Conference Committee

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

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

Assembly in recess at 5:39 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 42.

Resolution read.

The following amendment was proposed by Assemblyman Ocegüera:

Amendment No. 1195.

Amend the resolution, pages 1 and 2, by deleting lines 17 through 23 on page 1 and lines 1 through 3 on page 2, and inserting: "ASSEMBLY CONCURRING, That in accordance with the provisions of NRS".

Amend the resolution, page 2, by deleting lines 21 through 24 and inserting:

"RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Administrator of the Health Division of the Department of Human Resources, the Commissioner of Mortgage Lending and the Secretary of State."

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 98, 109, 210, 249, 254, 365, 465; Assembly Resolution No. 11; Senate Bills Nos. 70, 118, 328, 396, 512.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Mabey and Jacob Mabey.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Don Ahern, Michael Jackson, and Bob Kostrba.

Assemblywoman Buckley moved that the Assembly adjourn until Sunday, June 5, 2005, at 9:00 a.m.

Motion carried.

Assembly adjourned at 5:55 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

THE ONE-HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 5, 2005

Assembly called to order at 10:30 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. In this final prayer that I will give this session Lord, we just ask You that You continue to keep us all—legislators, lobbyists, attachés, interns, full-time staff, and, yes, even those folks at the north end of the building—in Your heart. Keep us all safe and in good spirits and allow us to keep the good friends we’ve made here. And if we didn’t make friends with everyone let us at least remember only the best situations and dull our minds to those incidents that were unpleasant to us.

And Lord, please give an extra blessing to these legislators who epitomize the term “public servants.” There are a lot of folks who work in government who are referred to as public servants, but these legislators are the only ones I know of who do it without pay. And we ask once more that You send us safely home to our family and friends, our dogs, our cats, our horses, and even our goldfish, if that’s the case. And we ask these things in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 127 and 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 105, 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 411, Amendment No. 1173; Assembly Joint Resolution No. 17, Amendment No. 1158, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 221, 501.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 958 to Senate Bill No. 107.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1151 to Senate Bill No. 392.

Also, I have the honor to inform your honorable body that the Senate rescinded its appointment of Senator Rhoads as a member of the First Conference Committee concerning Senate Bill No. 356 and appointed Senator Carlton as a member of the First Conference Committee concerning Senate Bill No. 356.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

June 05, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 573.

MARK STEVENS

Fiscal Analysis Division

Assemblyman Ocegüera moved that Senate Concurrent Resolution No. 42 be taken from the Resolution File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 573—AN ACT relating to the leasing of motor vehicles; increasing the amount of the governmental services fee imposed on the short-term lease of a passenger car and providing for the use of the additional proceeds; revising certain provisions governing the charges which may be imposed by a short-term lessor of a passenger car; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Perkins and Anderson:

Assembly Bill No. 574—AN ACT relating to gaming; revising provisions governing the approval of a nonrestricted license for an establishment that is not a resort hotel in certain counties; revising provisions governing the moving of the location of an establishment and the transferring of its license to another location; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 380 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Concurrent Resolution No. 17 be taken from the Chief Clerk's desk and placed at the top of the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 17.

Resolution read.

The following amendment was proposed by Assemblywomen Giunchigliani and Leslie:

Amendment No. 1187.

Amend the resolution, page 2, line 22, by deleting "and".

Amend the resolution, page 2, line 24, by deleting: "and be it further" and inserting: "and

10. Methods for combining juvenile and adult sentencing options for juveniles who commit serious crimes; and be it further".

Amend the preamble of the resolution, page 1, line 4, by deleting "to address" and inserting: "as the primary method of addressing".

Amend the preamble of the resolution, page 1, line 17, by deleting: "now, therefore, be it" and inserting: "and

WHEREAS, Certain juveniles who commit serious crimes are transferred to the adult criminal justice system in this State; and

WHEREAS, It is necessary to review options for sentencing juveniles who commit such serious crimes; now, therefore, be it".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted, re-engrossed, and to resolution file.

SECOND READING AND AMENDMENT

Senate Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1198.

Amend the bill as a whole by renumbering sections 7 through 15 as sections 8 through 16 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 239C.090 is hereby amended to read as follows:

239C.090 “Restricted document” means any blueprint or plan of a school, place of worship, airport ~~[-]~~ *other than an international airport*, gaming establishment, governmental building or any other building or facility which is likely to be targeted for a terrorist attack.”.

Amend sec. 7, page 4, by deleting lines 5 through 23 and inserting:

“2. The Governor shall appoint to the Commission ~~[a number of]~~ 14 voting members that he determines to be appropriate ~~[-, except that the Commission]~~ and who serve at his pleasure, which must include at least:

(a) ~~[One member who is a representative of a Nevada law enforcement agency; and~~

~~(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.]~~ *The sheriff of each county whose population is 100,000 or more;*

(b) The chief of the county fire department in each county whose population is 100,000 or more;

(c) The agent in charge of the office of the Federal Bureau of Investigation in this State;

(d) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; and

(e) A member of the medical community in a county whose population is 400,000 or more.”.

Amend sec. 8, page 5, by deleting lines 4 through 18 and inserting:

“3. With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, *airports other than international airports*, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.”.

Amend the title of the bill to read as follows:

“AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money

received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the membership and committees of the Commission; excluding certain airports from provisions requiring a security assessment by the Commission and relating to restricted documents; and providing other matters properly relating thereto.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that for the balance of the session, all rules be suspended and that all bills and joint resolutions passed be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 198.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 198 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bills Nos. 127, 233, 335; Senate Bill No. 390 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1169.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 3 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Health Division shall appoint a State Dental Health Officer, who is in the unclassified service of the State. The State Dental Health Officer must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dentistry issued pursuant to chapter 631 of NRS; and
- (c) Be appointed on the basis of his education, training and experience and his interest in public dental health and related programs.

2. The State Dental Health Officer shall:

- (a) Determine the needs of the residents of this State for public dental health;
- (b) Provide the Health Division with advice regarding public dental health;
- (c) Make recommendations to the Health Division and the Legislature regarding programs in this State for public dental health;
- (d) Supervise the activities of the State Public Health Dental Hygienist; and
- (e) Seek such information and advice from a dental school of the University and Community College System of Nevada as necessary to carry out his duties.

3. ~~{Except as otherwise provided in this subsection, the}~~ The State Dental Health Officer shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. ~~{Notwithstanding the provisions of NRS 281.127 and 284.143, the State Dental Health Officer may engage in academic instruction, research and studies at a dental school of the University and Community College System of Nevada.}~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with ~~{the position of State Dental Health Officer.}~~ *oral health programs.*

Sec. 2. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Health Division shall appoint a State Public Health Dental Hygienist, who is in the unclassified service of the State. The State Public Health Dental Hygienist must:

- (a) Be a resident of this State;
- (b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and
- (c) Be appointed on the basis of his education, training and experience and his interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

- (a) Shall assist the State Dental Health Officer in carrying out his duties; and
- (b) May:

(1) Make recommendations to the Health Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. ~~[Except as otherwise provided in this subsection, the] The State Public Health Dental Hygienist shall devote all of his time to the business of his office and shall not pursue any other business or vocation or hold any other office of profit. [Notwithstanding the provisions of NRS 281.127 and 284.143, the State Public Health Dental Hygienist may engage in academic instruction, research and studies in a program of the University and Community College System of Nevada.]~~

4. The Health Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.”.

Amend the title of the bill, first line, after “health;” by inserting: “making various changes concerning the duties of the State Dental Health Officer and the State Public Health Dental Hygienist;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning State Dental Health Officer and State Public Health Dental Hygienist and provides subsidies from Fund for a Healthy Nevada for coverage of certain additional benefits, including dental and vision benefits for certain senior citizens. (BDR 40-714)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 233.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 233 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 335.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1197.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada School Boards Association;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada School Boards Association; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) Strategies to improve and increase effective involvement by parents and families in support of their children and the education of their children. The strategies must be consistent with the policy adopted by the State Board pursuant to NRS 392.457 regarding effective involvement by parents and families.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

- (a) Governor;
- (b) Committee;
- (c) Bureau;
- (d) Board of Regents of the University of Nevada;
- (e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;
- (f) Board of trustees of each school district; and
- (g) Governing body of each charter school.

Sec. 2. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) Strategies to improve and increase effective involvement by parents and families in support of their children and the education of their children. The strategies must be consistent with the policy adopted by the State Board and the policy adopted by the school district pursuant to NRS 392.457 regarding effective involvement by parents and families.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; and
- (f) Bureau.”.

Amend the bill as a whole by deleting sections 3 through 6 and adding new sections designated sections 5 and 6, following sec. 2, to read as follows:

“Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a regional training program may:

1. *Provide training to teachers and administrators on effective methods to communicate with parents and guardians regarding the education of their children; and*

2. *Otherwise facilitate and coordinate access to information by teachers and administrators concerning effective methods to communicate with parents and guardians regarding the education of their children.*

Sec. 6. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, *and section 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.”.

Amend sec. 7, pages 10, 11 and 12, by deleting lines 40 through 44 on page 10, lines 1 through 45 on page 11 and lines 1 and 2 on page 12, and inserting:

“Sec. 7. 1. There is hereby created an Advisory Task Force to the Council to Establish Academic Standards for Public Schools created by NRS 389.510 for the Review of Certain Academic Standards and the High School Proficiency Examination. All appointments to the Task Force must be made on or before September 1, 2005.

2. The Chairman of the Council to Establish Academic Standards for Public Schools, upon recommendation of the Superintendent of Public Instruction shall appoint the following members to the Task Force:

(a) One director of testing of a school district in a county whose population is 100,000 or more and one director of testing of a school district in a county whose population is less than 100,000;

(b) One director of curriculum of a school district in a county whose population is 100,000 or more and one director of curriculum of a school district in a county whose population is less than 100,000;

(c) One teacher who provides instruction in a public high school;

(d) One teacher who provides instruction in a public middle school or junior high school;

(e) One teacher who provides instruction in a public elementary school;

(f) Two nonlegislative members of the Council to Establish Academic Standards for Public Schools;

(g) One parent or legal guardian of a pupil who is enrolled in a public high school;

(h) One parent or legal guardian of a pupil who is enrolled in a public middle school or junior high school;

(i) One parent or legal guardian of a pupil who is enrolled in a public elementary school;

(j) One teacher who provides instruction in an alternative education program of a school district or a program of adult education; and

(k) One school principal.

The Chairman of the Council to Establish Academic Standards for Public Schools shall appoint a Chairman of the Advisory Task Force from among the members he appoints.

3. If requested by the Task Force, the Council to Establish Academic Standards for Public Schools shall:

(a) Provide all information related to Nevada's academic standards that is necessary for the Task Force to carry out its duties; and

(b) Otherwise work in consultation with the Task Force in carrying out the duties of the Task Force that are related to academic standards.

4. Each member of the Task Force is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force. The per diem allowance and travel expenses for the members of the Task Force must be paid by the Department of Education.”.

Amend sec. 8, pages 12 and 13, by deleting lines 3 through 43 on page 12 and lines 1 through 22 on page 13, and inserting:

“Sec. 8. 1. The Advisory Task Force to Review Certain Academic Standards and the High School Proficiency Examination created pursuant to section 7 of this act shall:

(a) Review the high school proficiency examination to determine:

(1) The percentage of the examination questions that address the academic standards for grades 9 to 12, inclusive;

(2) The percentage of the examination questions that address the academic standards for kindergarten to grade 8, inclusive; and

(3) The percentage of the academic standards for grades 9 to 12, inclusive, which have been assigned priority for state testing by the Council to Establish Academic Standards for Public Schools and that are tested on the examination;

(b) Analyze whether the results of pupils on the high school proficiency examination are delivered in a timely manner to ensure that pupils are able to receive appropriate remediation before the next administration of the examination, including, without limitation, a review of:

(1) The test administration documents and guidelines of the testing company or the Department of Education, as applicable; and

(2) The efficiency of procedures carried out by school districts for the submission of the test booklets for scoring;

(c) Determine the methods and procedures that may be used to ensure more efficient and expedient delivery of the results of pupils on the high school proficiency examination to ensure that pupils who would benefit from remediation before the next administration of the examination are provided with an adequate opportunity to receive that remediation;

(d) Determine if the instruction provided in grades 1 to 8, inclusive, is calibrated to the academic standards established for those grades by the Council to Establish Academic Standards for Public Schools;

(e) Analyze the academic standards in reading and mathematics established for this State to determine the extent to which those standards compare with the standards in reading and mathematics that are tested on the examinations of the National Assessment of Educational Progress; and

(f) On or before August 1, 2006, submit a report of its findings and recommendations for legislation to the Council to Establish Academic Standards for Public Schools.

2. The Council to Establish Academic Standards for Public Schools shall consider the recommendations of the Task Force and shall, on or before February 1, 2007, submit the report of the Task Force to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

3. Notwithstanding the provisions of NRS 389.017 to the contrary, the Superintendent of Public Instruction shall disclose to the Task Force the questions and answers on all forms of the high school proficiency examination to the extent the disclosure is necessary for the Task Force to carry out its duties. The disclosure must be made in a manner that does not violate the confidentiality of the examination.

4. The provisions of chapter 241 of NRS do not apply to a meeting or a portion of a meeting of the Task Force to the extent that it is necessary for the Task Force to maintain the confidentiality of the high school proficiency examination.”

Amend the bill as a whole by deleting sections 9 through 11, renumbering sec. 12 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

“Sec. 9. 1. The Superintendent of Public Instruction shall establish the Advisory Council on Parental Involvement. All appointments to the Advisory Council must be made on or before September 1, 2005.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

- (a) Two parents or legal guardians of pupils enrolled in public schools;
- (b) Two teachers in public schools;
- (c) One administrator of a public school;

- (d) One representative of a private business or industry;
- (e) One member of the board of trustees of a school district in county whose population is 100,000 or more; and
- (f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members he appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one Assemblyman to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one Senator to the Advisory Council.

5. The Advisory Council shall elect a Chairman and a Vice Chairman from among its members.

6. The Department of Education shall provide:

- (a) Administrative support to the Advisory Council; and
- (b) All information that is necessary for the Advisory Council to carry out its duties.

7. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

8. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the nonlegislative members of the Advisory Council must be paid by the Department of Education.

Sec. 10. The Advisory Council on Parental Involvement created pursuant to section 9 of this act shall:

- 1. Review any effective practices carried out in individual school districts in this State to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

2. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

3. Identify methods to effectively communicate and provide outreach to parents and guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

4. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

5. Identify methods to effectively communicate with and provide outreach to parents and guardians of pupils who are limited English proficient;

6. On or before September 1, 2006, submit a preliminary written report to the Legislative Committee on Education; and

7. On or before February 1, 2007, submit a final written report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.”.

Amend sec. 12, page 15, by deleting lines 36 through 39 and inserting:

“Sec. 11. 1. This section and sections 1, 2, 3 and 5 to 10, inclusive, of this act become effective on July 1, 2005.

2. Section 3 of this act expires by limitation on June 30, 2007.

3. Section 4 of this act becomes effective on July 1, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the disclosure of certain confidential examinations to a representative of the Statewide Council for the Coordination of the Regional Training Programs; creating an advisory committee to the Council to Establish Academic Standards for Public Schools for the review of the high school proficiency examination; revising provisions governing the plan to improve the achievement of pupils prepared by the State Board of Education and the plans to improve the achievement of pupils prepared by school districts to include strategies to increase and improve parental involvement; authorizing the regional training programs for the professional development of teachers and administrators to provide training and information concerning effective communication with parents; providing for the establishment of the Advisory Council on Parental Involvement; prescribing the membership and duties of the Advisory Council; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding education. (BDR 34-482)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 390.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1193.

Amend the bill as a whole by deleting sec. 8 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. 1. This section and sections 1, 2, 3, 5 and 7 of this act become effective on July 1, 2005.

2. Sections 4 and 6 of this act become effective on January 1, 2006.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblymen Carpenter, Mortenson, Hettrick, and Buckley.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

Roll call on Senate Bill No. 149:

YEAS—41.

NAYS—Angle.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 105 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 156.

Bill read third time.

Roll call on Senate Bill No. 156:

YEAS—42.

NAYS—None.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblywomen Giunchigliani, Angle, Weber, and Buckley.

Roll call on Assembly Bill No. 198:

YEAS—42.

NAYS—None.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Denis, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 314.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 674.

Amend section 1, page 2, line 2, by deleting “8,” and inserting “8.5,”.

Amend sec. 2, page 2, line 17, by deleting “home” and inserting: “home, mobile home or commercial coach that was”.

Amend sec. 2, page 2, line 23, by deleting: “private business use.” and inserting: “own industrial, professional or commercial purposes.”.

Amend sec. 3, page 2, line 24, after “Sec. 3.” by inserting “1.”.

Amend sec. 3, page 2, by deleting lines 28 through 34 and inserting: “accordance with NRS 489.325.

2. *The term does not include:*

(a) *A licensed manufacturer engaged in the repair or service of a manufactured home, mobile home or commercial coach that was manufactured by the licensed manufacturer;*

(b) *The owner or purchaser of a manufactured home or mobile home who uses the manufactured home or mobile home as his private residence; or*

(c) *The owner or purchaser of a commercial coach who uses the commercial coach for his own industrial, professional or commercial purposes.”.*

Amend sec. 5, page 3, by deleting line 6 and inserting:

“3. *In addition to any other remedy or penalty authorized pursuant to this chapter, if the holder of a license violates any provision of this section, the violation is”.*

Amend sec. 6, page 3, by deleting lines 9 through 13 and inserting: “*order to cease and desist to any person or combination of persons who:*

(a) *Engages in the business or acts in the capacity of a licensee within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or*

(b) *Submits a bid or enters into a contract for a job located within this State for which a license is required pursuant to this chapter,*

without having a license issued pursuant to this chapter, unless that person or combination of persons is exempt from licensure pursuant to this chapter. The”.

Amend sec. 6, page 3, lines 16, 21 and 24, after “*person*” by inserting: “*or combination of persons*”.

Amend sec. 6, page 3, by deleting lines 29 through 38 and inserting:

“3. *In seeking injunctive relief against any person or combination of persons for an alleged violation of this chapter, it is sufficient to allege that the person or combination of persons, upon a certain day and in a certain county of this State:*

(a) *Engaged in the business or acted in the capacity of a licensee within this State; or*

(b) *Submitted a bid or entered into a contract for a job located within this State for which a license is required pursuant to this chapter,*

and the person or combination of persons did not have a license issued pursuant to this chapter and was not exempt from licensure pursuant to this chapter, without alleging any further or more particular facts concerning the matter.”.

Amend sec. 6, page 3, line 40, after “*person*” by inserting: “*or combination of persons*”.

Amend sec. 6, page 3, line 43, by deleting “*a person*” and inserting: “*any person or combination of persons has*”.

Amend sec. 7, page 4, by deleting lines 4 and 5 and inserting: “*within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or*

(b) Submit a bid or enter into a contract for a job located within this State for which a license is required pursuant to this chapter.”.

Amend sec. 7, page 4, by deleting lines 15 and 16 and inserting:

“3. In addition to any other remedy or penalty authorized pursuant to this chapter, any person or combination of persons convicted of violating any provision of subsection 1 may”.

Amend sec. 7, page 4, line 21, by deleting “*he*” and inserting: “*the person or combination of persons*”.

Amend sec. 7, page 4, line 22, by deleting “*his*” and inserting “*any*”.

Amend sec. 7, page 4, line 24, by deleting “*a person*” and inserting: “*any person or combination of persons*”.

Amend sec. 8, page 4, line 26, after “*person*” by inserting: “*or combination of persons*”.

Amend sec. 8, page 4, line 31, by deleting “*penalty imposed*” and inserting: “*remedy or penalty authorized*”.

Amend sec. 8, page 4, by deleting lines 35 through 37.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

(a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or

(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney’s fees or the costs of an investigation, or both.”.

Amend sec. 11, page 5, by deleting line 10 and inserting: “*homes, mobile homes { } or commercial coaches, and responsible managing employees*”.

Amend sec. 11, page 5, by deleting lines 33 and 34 and inserting: “*servicemen, manufacturers of manufactured homes , mobile homes or commercial coaches, and suppliers of the various components for constructing such homes { } or coaches, including heating*”.

Amend sec. 11, page 6, line 1, after “*homes*” by inserting: “*, mobile homes or commercial coaches*”.

Amend sec. 16, page 8, by deleting lines 30 and 31 and inserting: “*serviceman or specialty serviceman of manufactured homes, mobile homes* ~~[.]~~ *or commercial coaches*, or a responsible managing employee or salesman, the”.

Amend sec. 18, page 10, by deleting lines 18 and 19 and inserting: “single employer who is a licensed dealer . ~~[rebuilder, serviceman or installer.]~~”.

Amend sec. 19, page 11, by deleting lines 43 and 44 and inserting: “single employer who is a licensed dealer . ~~[rebuilder, serviceman or installer.]~~”.

Amend sec. 26, page 15, line 43, by deleting “Division” and inserting “~~[Division]~~ Administrator”.

Amend sec. 26, page 15, line 44, by deleting “a fine” and inserting: “~~[a]~~ an administrative fine”.

Amend sec. 26, page 16, line 5, by deleting “Division” and inserting “~~[Division]~~ Administrator”.

Amend sec. 26, page 16, line 6, by deleting “a fine” and inserting: “~~[a]~~ an administrative fine”.

Amend the title of the bill by deleting the seventh and eighth lines and inserting: “and desist order against unlicensed persons who engage in acts requiring a license; providing for the imposition of certain remedies and penalties against such unlicensed persons; deleting the provisions that require a”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 427.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 574.

Bill read third time.

Roll call on Assembly Bill No. 574:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 462; Senate Bills Nos. 521, 522.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 267, 437.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 521.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 522.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 63, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 919 of the Senate be receded from and a 3rd reprint be created in accordance with this action which is attached to and hereby made a part of this report.

MARCUS CONKLIN

SHEILA LESLIE

HEIDI S. GANSERT

Assembly Conference Committee

JOE HECK

WARREN B. HARDY

MICHAEL SCHNEIDER

Senate Conference Committee

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 63.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 380, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 895 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA11, which is attached to and hereby made a part of this report.

DAVID PARKS

SUSAN GERHARDT

VALERIE WEBER

Assembly Conference Committee

JOE HECK

STEVEN HORSFORD

MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA11.

Amend sec. 4, pages 1 and 2, by deleting lines 11 through 15 on page 1 and lines 1 through 22 on page 2, and inserting:

“2. *The district board of health consists of:*

(a) *Representatives selected by the following entities from among their elected members:*

(1) *Two representatives of the board of county commissioners;*

(2) *Two representatives of the governing body of the largest incorporated city in the county; and*

(3) *One representative of the governing body of each other city in the county; and*

(b) *The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment:*

(1) *Two representatives who are physicians licensed to practice medicine in this State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;*

(2) *One representative who is a nurse licensed to practice nursing in this State;*

(3) *One representative who has a background or expertise in environmental health or environmental health services; and*

(4) *One representative of a business or from an industry that is subject to regulation by the health district.”.*

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 380.

Remarks by Assemblymen Leslie and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Motion carried by a constitutional majority with Assemblyman Hardy not voting.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 87, consisting of the undersigned members, has met and reports that:

No decision was reached.

CHRIS GIUNCHIGLIANI
MARILYN KIRKPATRICK
SCOTT SIBLEY

Assembly Conference Committee

RANDOLPH J. TOWNSEND
MAGGIE CARLTON
WARREN B. HARDY

Senate Conference Committee

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 87.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 236.

The following Senate amendment was read:

Amendment No. 687.

Amend sec. 3, page 5, by deleting lines 16 through 18 and inserting: *“generator’s bill for that billing period but must be reflected as a credit that is carried forward to offset the value of the electricity supplied by the utility during a subsequent billing period. At the discretion of the utility, the credit*

may be in a dollar amount or in kilowatt hours. If the credit is reflected as excess electricity and the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods. Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if the net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities, the customer-generator ceases to be a customer of the utility at the premises served by the net metering system or the customer-generator transfers the net metering system to another person."

Amend sec. 3, page 5, between lines 20 and 21, by inserting:

"(3) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive."

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, *solar or wind energy*, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including,

without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 9. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive. Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To provide for recreational needs.
- (d) To protect life and property in areas subject to floods, landslides and other natural disasters.

(e) To conform to the adopted population plan, if required by NRS 278.170.

(f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.

(g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(h) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(i) To promote health and the general welfare.

(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(k) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(l) *To promote systems which use solar or wind energy.*

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan."

Amend sec. 8, page 8, line 25, by deleting "structure," and inserting: "structure ~~}~~ *if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,*".

Amend sec. 8, page 8, line 28, after “5.” by inserting: “*The amendments required by subsection 4 may address, without limitation:*

(a) *The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.*

(b) *The recognition of any impediments to the development of systems using solar and wind energy.*

(c) *The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.*

6.”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. The Legislature hereby declares that wind energy is a clean, renewable energy source, the use of which must be promoted. Regional planning is needed for communities to choose good turbine locations where wind is available. The provisions of this act allow the governing bodies of cities and counties to promote the use of this renewable resource while promoting the general welfare by regulating the location, height and noise level of wind turbines, as well as the parcel size on which turbines may be placed. The provisions of this act require cities and counties to balance the effects that wind turbines have on the environment through the existing master plan and zoning process.”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 236.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 550, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1063 of the Senate be receded from and a 4th reprint be created in accordance with this action which is attached to and hereby made a part of this report.

MARK MANENDO
JOHN C. CARPENTER
JOHN OCEGUERA

Assembly Conference Committee

DENNIS NOLAN
MICHAEL SCHNEIDER
MAURICE E. WASHINGTON

Senate Conference Committee

Assemblyman Manendo moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 550.

Remarks by Assemblyman Manendo.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 3:00 p.m.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 4:03 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 524.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 575—AN ACT relating to education; making appropriations to the State Distributive School Account for purposes relating to class-size reduction; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 576—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2005, and ending June 30, 2006, and beginning July 1, 2006, and ending June 30, 2007; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 524.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 127.

Bill read third time.

Roll call on Assembly Bill No. 127:

YEAS—42.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—42.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—42.

NAYS—None.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1192.

Amend sec. 8, page 2, by deleting lines 34 through 38 and inserting:

“(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.”

Amend sec. 8, page 3, between lines 21 and 22, by inserting:

“4. The governing body of a municipality shall not, after October 1, 2009, create a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS.”.

Amend sec. 9, page 3, by deleting lines 35 through 43 and inserting:

“2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to both the governing body and the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:”.

Amend sec. 9, page 4, by deleting lines 16 through 44 and inserting:

“4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 8 of this act on the provision of local governmental services, including education.

After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to section 8 of this act, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to section 12 of this act.

5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.

Amend sec. 10, page 6, by deleting lines 16 through 28 and inserting:

“Sec. 10. Any determination, written finding or approval made pursuant to section 9 of this act is conclusive in the absence of fraud or gross abuse of discretion.”.

Amend sec. 12, page 7, by deleting lines 9 through 12 and inserting:

“(a) The governing body has made a written finding pursuant to subsection 3 of section 9 of this act that the project and the use of any money

pledged pursuant to section 8 of this act will not have a positive fiscal effect on the provision of local governmental services; or”.

Amend sec. 14, pages 8 and 9, by deleting lines 36 through 44 on page 8 and lines 1 through 9 on page 9, and inserting:

“Sec. 14. 1. *Except as otherwise provided in this section, notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.*

2. *The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.*

3. *The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:*

(a) *From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of section 13 of this act; or*

(b) *Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of section 13 of this act, regardless of whether the project is publicly or privately owned.”.*

Amend sec. 15, pages 9 and 10, by deleting lines 43 through 45 on page 9 and lines 1 and 2 on page 10, and inserting: “[

~~(b) Except as otherwise provided in subsection 3, the board of county commissioners of each county in which the improvement district is located]~~

(b) *The governing body determines, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:”.*

Amend sec. 15, page 11, by deleting lines 17 through 33 and inserting:

“~~[3.]~~ 4. Any determination or approval made pursuant to subsection ~~[2]~~ 3 is conclusive in the absence of fraud or gross abuse of discretion. ~~[If an improvement district is created by a municipality that is not a county and the board of county commissioners refuses to make the determinations required by paragraph (b) of subsection 2, the governing body of the municipality may request the Commission on Tourism to make those determinations. The Commission on Tourism shall make those determinations if a majority of the members of the Commission on Tourism agree that the refusal was unreasonable. If those determinations are made by the Commission on Tourism pursuant to this subsection, those determinations shall be deemed to be as conclusive as determinations made by the board of county~~

~~commissioners pursuant to paragraph (b) of subsection 2, and to satisfy the requirements of that paragraph.~~

4.] 5. As used in this section, “retailer” has the meaning ascribed to it in NRS 374.060.”.

Amend sec. 17, page 13, by deleting lines 31 through 34 and inserting:

“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 5, 6 and 7 of section 9 of this act,”.

Amend the title of the bill, fourth line, after “tourism;” by inserting: “revising certain prerequisites to the pledge of certain sales and use tax proceeds and state funding for certain projects within a local improvement district;”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 17.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted, as amended, and ordered transmitted to the Senate.

Assemblywoman McClain moved that Assembly Concurrent Resolution No. 20 be taken from the Chief Clerk’s desk and placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 20.

Resolution read.

The following amendment was proposed by Assemblywoman McClain:

Amendment No. 1203.

Amend the resolution, pages 1 and 2, by deleting lines 15 through 18 on page 1 and lines 1 through 34 on page 2, and adding a new resolution to read as follows:

“RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Silver Haired Legislative Forum shall conduct a study concerning issues relating to senior citizens in this State; and be it further

RESOLVED, That the study must include, without limitation:

1. An evaluation of state and local governmental services provided to senior citizens in this State and gaps in providing such state and local governmental services;

2. Consideration of issues relating to senior citizens in this State, including, without limitation:

- (a) Health services, including, without limitation, medical, dental and vision services, with a focus on geriatric needs;
- (b) Affordable housing, assisted living and long-term care facilities;
- (c) The needs of patients suffering from Alzheimer's disease or dementia;
- (d) Transportation;
- (e) Communication systems;
- (f) Independent living and personal assistance; and
- (g) Any other issues relevant to the growing needs of senior citizens in this State; and

3. A review of the methods used by other state legislatures to provide ongoing legislative oversight of aging services; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall solicit the assistance, advice and policy recommendations of senior advocacy groups in conducting the study; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall recommend legislation to advance the policy recommendations of the senior advocacy groups and to address identified gaps in services provided to senior citizens in this State; and be it further

RESOLVED, That any recommended legislation proposed by the Nevada Silver Haired Legislative Forum must be approved by a majority of the members of the Nevada Silver Haired Legislative Forum; and be it further

RESOLVED, That the Nevada Silver Haired Legislative Forum shall submit a report of the results of the study and any recommendations for legislation to the Legislative Commission.”.

Amend the title of the resolution, by deleting the second and third lines and inserting: “Nevada Silver Haired Legislative Forum to conduct a study concerning issues relating to”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs the Nevada Silver Haired Legislative Forum to conduct a study concerning issues relating to senior citizens in this State. (BDR R-491)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Resolution ordered reprinted and re-engrossed.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 64, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 872 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA18, which is attached to and hereby made a part of this report.

MARCUS CONKLIN
CHRIS GIUNCHIGLIANI
JOHN C. CARPENTER

Assembly Conference Committee

BOB BEERS
BERNICE MATHEWS
WARREN B. HARDY

Senate Conference Committee

Conference Amendment No. CA18.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

- (a) Not to exceed \$5,000 for a first willful violation of this chapter;
- (b) Not to exceed \$10,000 for a separate act or event that constitutes a second willful violation of this chapter; and
- (c) Not to exceed \$25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney’s fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.

5. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~[-~~

~~(a) Relied]~~ *establishes by sufficient evidence that he satisfied all of the following requirements:*

(a) *He relied* in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~[Was]~~ *He was* unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~[Took]~~ *He took* action that was not contrary to a prior published opinion issued by the Commission.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.”.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

“Sec. 5. This act becomes effective upon passage and approval and the amendatory provisions of subsection 2 of section 3 of this act apply retroactively to January 1, 2004.”.

Amend the title of the bill, seventh line, after “State;” by inserting: “revising the provisions relating to the circumstances under which a public

officer or employee has not committed a willful violation of certain provisions of the Nevada Ethics in Government Law;”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 64.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 52, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 1037 and 1082 of the Senate be receded from.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA19, which is attached to and hereby made a part of this report.

JOHN OCEGUERA
KELVIN ATKINSON
JOHN C. CARPENTER

Assembly Conference Committee

DENNIS NOLAN
MARK E. AMODEI
MICHAEL SCHNEIDER
Senate Conference Committee

Conference Amendment No. CA19.

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

“(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:”.

Amend sec. 3, page 3, by deleting lines 15 through 28 and inserting:

“Sec. 3. 1. A person to whom a driver’s license is issued pursuant to section 2 of this act shall not, during the first 3 months after the date on which the driver’s license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver’s license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a fine in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a fine and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver’s license for the purposes of NRS 483.360.”.

Amend sec. 4, pages 3 and 4, by deleting lines 29 through 43 on page 3 and lines 1 through 4 on page 4, and inserting:

“Sec. 4. 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. Except as otherwise provided in subsection 2, a citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence that the person has held the driver’s license for the period required pursuant to section 3 of this act.”.

Amend the bill as a whole by adding the following committee as a primary joint sponsor: Senate Committee on Transportation and Homeland Security.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 505, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1012 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA30, which is attached to and hereby made a part of this report.

JOHN OCEGUERA
KELVIN ATKINSON
PETE GOICOECHEA

DENNIS NOLAN
MAGGIE CARLTON

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA30.

Amend sec. 33, page 27, by deleting lines 22 through 29 and inserting:

“3. The Commission may employ ~~such~~ :

(a) Such other clerks, experts , ~~for~~ engineers or other persons as may be necessary ~~to~~ ; and

(b) Peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.”.

Amend the bill as a whole by renumbering sec. 128 as sec. 129 and adding a new section designated sec. 128, following sec. 127, to read as follows:

“Sec. 128. NRS 706.88185 is hereby amended to read as follows:

706.88185 1. When the Taxicab Authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, is being violated, the Taxicab Authority shall investigate the alleged violation. After a hearing the Taxicab Authority may issue an order requiring that the certificate holder or a driver cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive.

2. The Taxicab Authority shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive.”.

Amend the bill as a whole by renumbering sections 129 through 140 as sections 134 through 145 and adding new sections designated sections 130 through 133, following sec. 128, to read as follows:

“Sec. 130. NRS 706.8822 is hereby amended to read as follows:

706.8822 The Administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the Taxicab Authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the Taxicab Authority or the Department of Motor Vehicles;

2. Complaints against certificate holders;

3. Complaints against taxicab drivers ~~{ }~~, *including, without limitation, a complaint alleging a violation of NRS 706.8846;*

4. Applications for, or suspension or revocation of, drivers' permits which may be required by the Administrator; and

5. Imposition of monetary penalties.

Sec. 131. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; ~~{or}~~

(d) A violation of section 10 of ~~{this act}~~ chapter 63, *Statutes of Nevada 2005*, or a law of any other jurisdiction that prohibits the same or similar conduct ~~{ }~~; or

(e) A third violation of a provision of NRS 706.8846.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 132. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 ~~to 706.8847, inclusive,~~, 706.8845 or 706.8847, the Administrator may impose the following sanctions:

(a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.

(c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than \$500, or both suspension and fine.

(e) Fifth offense: Revocation of a driver's permit or a fine of not more than \$500, or both revocation and fine.

2. *If a driver violates any provision of NRS 706.8846, the Administrator may impose the following sanctions:*

(a) For a first offense, a warning notice or a fine of not more than \$100, or both warning and fine.

(b) For a second offense, a suspension of his driver's permit for not more than 3 days or a fine of not more than \$200, or both suspension and fine.

(c) For a third offense, revocation of his driver's permit or a fine of not more than \$500, or both revocation and fine.

3. Only violations occurring in the 12 months immediately preceding the most current violation shall be considered for the purposes of subsection 1 ~~1~~ or 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

~~{3.}~~ 4. The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine under this section or NRS 706.8849.

Sec. 133. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. A taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of his taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of his taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) *Not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a*

board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.

(e) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~((e))~~ (f) Not remove or alter fare schedules which have been posted in his taxicab by the certificate holder.

~~((f))~~ (g) Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~((g))~~ (h) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~((h))~~ (i) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~((i))~~ (j) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in his possession.

~~((j))~~ (k) Obey all provisions and restrictions of his employer's certificate of public convenience and necessity.

2. If a driver violates any provision of subsection 1, the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph (g) of subsection 1.

3. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

4. *The Administrator shall notify the appropriate board of county commissioners, county liquor board, county licensing board or city council or other governing body of an incorporated city which issued a license to a*

person from whom a driver accepted a tip, gift, gratuity, money, fee or any other valuable consideration of any kind in violation of paragraph (d) of subsection 1.”.

Amend the title of the bill, seventh line, after “Nevada;” by inserting: “revising provisions governing regulation of certain taxicab drivers; providing penalties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning transportation. (BDR 43-973)”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 505.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 337, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 735 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA10, which is attached to and hereby made a part of this report.

PEGGY PIERCE
WILLIAM HORNE
VALERIE WEBER

Assembly Conference Committee

BARBARA CEGAVSKE
DINA TITUS
DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA10.

Amend the bill as a whole by renumbering sections 4 through 11 as sections 5 through 12 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

- (a) Facilities for the care of adults during the day; and
- (b) Residential facilities for groups, which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living

services. The ~~regulations must prohibit a~~ Board shall not allow the licensing of a facility as a residential facility for groups which provide assisted living services and a residential facility for groups ~~from claiming~~ shall not claim that it provides “assisted living services” unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident’s stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) ~~Contain~~ Except as otherwise provided in subsection 8, contain toilet facilities ~~and a~~ ;

(2) Contain a sleeping area or bedroom; and

~~[(2)]~~ (3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident’s quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident’s individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident’s need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. *The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a residential facility for groups on or before the effective date of this act and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:*

(a) *Strict application of that requirement would result in economic hardship to the facility requesting the exception; and*

(b) *The exception, if granted, would not:*

(1) *Cause substantial detriment to the health or welfare of any resident of the facility;*

(2) *Result in more than two residents sharing a toilet facility; or*

(3) *Otherwise impair substantially the purpose of that requirement.*

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. *As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility."*

Amend the bill as a whole by renumbering sections 12 through 15 as sections 14 through 17 and adding a new section designated sec. 13, following sec. 11, to read as follows:

"Sec. 13. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive.

2. The State Fire Marshal or his designee shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection ~~{8}~~ 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection ~~{8}~~ 9 of NRS 449.037, to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or his designee shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license."

Amend the title of the bill, first line, after "welfare;" by inserting:

“revising certain provisions governing the licensure of residential facilities for groups which provide assisted living services;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Enacts provisions governing residential care services for certain persons, including elderly persons and persons with disabilities. (BDR 40-375)”.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 337.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 143, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 846 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA25, which is attached to and hereby made a part of this report.

MARCUS CONKLIN
JOHN C. CARPENTER
WILLIAM HORNE

Assembly Conference Committee

MARK E. AMODEI
TERRY CARE
MIKE MCGINNESS

Senate Conference Committee

Conference Amendment No. CA25.

Amend sec. 2, page 3, by deleting lines 1 through 3 and inserting:

“(a) *Negotiate in good faith with the owner of the property and attempt to reach an agreement regarding the amount of compensation to be paid for the property;*”.

Amend sec. 13, page 9, by deleting lines 42 through 44 and inserting:

“(c) *Each acre of the property is necessary for the purpose of open-space use and will be devoted to open-space use for not less than 50 years; and*”.

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. Section 3 of Senate Bill No. 326 of this session is hereby amended to read as follows:

Sec. 3. ~~[Notwithstanding]~~

1. *Except as otherwise provided in subsection 2, notwithstanding any other provision of law, if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property pursuant to the provisions of this chapter:*

~~[1.]~~ (a) *Fails to use the property for the public purpose for which it was acquired; and*

~~[2.]~~ (b) *Seeks to convey the right, title or interest in all or part of that property to any person,*

within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which

does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.

2. *This section does not apply to property that is:*

(a) *Acquired through the use of federal funds; or*

(b) *Purchased as an early or total acquisition at the request of the owner of the property.”.*

Amend the bill as a whole by deleting sec. 16 and adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. 1. This act becomes effective upon passage and approval.

2. Section 13.5 of this act expires by limitation on July 1, 2007.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 143.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 239, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 951 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA27, which is attached to and hereby made a part of this report.

KELVIN ATKINSON

JOSEPH M. HOGAN

ROD SHERER

Assembly Conference Committee

JOE HECK

MICHAEL SCHNEIDER

DENNIS NOLAN

Senate Conference Committee

Conference Amendment No. CA27.

Amend sec. 2, page 2, by deleting lines 23 through 26 and inserting:

“3. *The Director shall prescribe:”.*

Amend sec. 4, page 3, by deleting lines 15 through 27 and inserting:

“3. *The Department may apply for and accept any gift, grant,”.*

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

“Sec. 9. NRS 484.287 is hereby amended to read as follows:

484.287 1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, *or section 15 of this act*, or on monorail stations.

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

6. As used in this section, “monorail station” means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.”

Amend the bill as a whole by renumbering sections 10 and 11 as sections 19 and 20 and adding new sections designated sections 11 through 18, following sec. 9, to read as follows:

“Sec. 11. NRS 244.187 is hereby amended to read as follows:

244.187 A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that county by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including but not limited to the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that county by an agency of the State.

6. Concessions on, over or under property owned or leased by the county.

7. Operation of landfills.

8. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 12. NRS 268.081 is hereby amended to read as follows:

268.081 The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that city by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that city by an agency of the State.

6. Concessions on, over or under property owned or leased by the city.

7. Operation of landfills.

8. Search and rescue.

9. Inspection required by any city ordinance otherwise authorized by law.

10. ~~{Construction}~~ *Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.*

11. Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.

Sec. 13. NRS 269.128 is hereby amended to read as follows:

269.128 A town board or board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the town and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:

1. Ambulance service.

2. Taxicabs and other public transportation, unless regulated in that town by an agency of the State.

3. Collection and disposal of garbage and other waste.

4. Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.

5. Water and sewage treatment, unless regulated in that town by an agency of the State.

6. Concessions on, over or under property owned or leased by the town.

7. Operation of landfills.

8. ~~[Construction]~~ Except as otherwise provided in section 15 of this act, construction and maintenance of benches and shelters for passengers of public mass transportation.

Sec. 14. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. *In a county whose population is 400,000 or more:*

1. *The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.*

2. *In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:*

(a) *Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or*

(b) *Grant an exclusive franchise to any person to provide those services.*

3. *The commission shall post on each bench, and within each shelter, a notice that provides a telephone number that a person may use to report damage to the bench or shelter.*

4. *No board of county commissioners, governing body of an incorporated city or town board may provide for the construction or maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 16. 1. *In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction and maintenance of benches and shelters for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:*

(a) *Two members of the general public from each city within the county who are appointed by the governing body of that city; and*

(b) *Six members of the general public appointed by the commission.*

2. *Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*

3. *A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*

4. *The advisory committee shall meet at least six times annually.*

5. *At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice chairman from among its members.*

6. *Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.*

Sec. 17. NRS 405.030 is hereby amended to read as follows:

405.030 1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or section 15 of this act, or on

monorail stations, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right-of-way of any state highway or road which is owned or controlled by the Department of Transportation.

(b) Within 20 feet of the main-traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

5. As used in this section, "monorail station" means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.

Sec. 18. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or *section 15 of this act*, or on monorail stations, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations

set forth in NRS 118B.145. As used in this subsection, the term “political sign” has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

8. As used in this section, “monorail station” means:

(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(b) Any facilities or appurtenances within such a structure.”.

Amend the bill as a whole by deleting sec. 12 and adding new sections designated sections 21 through 23, following sec. 11, to read as follows:

“Sec. 21. On July 1, 2005, any contract for the construction and maintenance of benches and shelters for passengers of public mass transportation, or for an exclusive franchise to provide such services, entered into by a local government in a county whose population is 400,000 or more shall be deemed to be a contract with the regional transportation commission for that county. All rights and obligations of the local government on that date under such a contract become the rights and obligations of the regional transportation commission.

Sec. 22. 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 15 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.

2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along

fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 16 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.

Sec. 23. 1. This section and sections 9, 11 to 18, inclusive, 21 and 22 of this act become effective on July 1, 2005.

2. Sections 1, 2, 3, 5, 10, 19 and 20 of this act become effective on October 1, 2005.

3. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; providing under certain circumstances for the examination of a holder of a driver’s license; authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver’s license or identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles; transferring the authority to provide for benches and shelters for passengers of public mass transportation from local governments to the regional transportation commission in certain larger counties; requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; revising certain provisions relating to the licensure of authorized inspection stations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to transportation. (BDR 43-566)”.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 239.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 296, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 942 and 1042 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA29, which is attached to and hereby made a part of this report.

BONNIE PARNELL
SUSAN GERHARDT
JOE HARDY

Assembly Conference Committee

SANDRA J. TIFFANY
STEVEN HORSFORD
MAURICE E. WASHINGTON
Senate Conference Committee

Conference Amendment No. CA29.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 6 through 10 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

“Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 432.100 to 432.130, inclusive, “Central Registry” means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 2. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by ~~and in the Central Office of~~ the Division.

2. The Central Registry must contain:

(a) The information in any *substantiated* report of child abuse or neglect made pursuant to NRS 432B.220 ; ~~[- and the results, if any, of the investigation of the report;]~~

(b) Statistical information on the protective services provided in this State; and

(c) Any other information which the Division determines to be in furtherance of NRS 432.100 to 432.130, inclusive, *and section 1 of this act*, and 432B.010 to 432B.400, inclusive.

3. The Division may ~~designate a county hospital in each county whose population is 100,000 or more as a regional registry for the collection of information concerning the abuse or neglect of a child.~~ *release information contained in the Central Registry to an employer:*

(a) *If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and*

(b) *Either:*

(1) *The employer is required by law to conduct the background investigation of the person for employment purposes; or*

(2) *The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,*

but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. *Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by an employee of the Division and by an agency which provides child welfare services.*

Sec. 3. NRS 432.110 is hereby amended to read as follows:

432.110 ~~{The}~~

1. *Except as otherwise provided in subsection 2, the Division shall maintain a record of ~~the~~:*

(a) *The names and identifying data, dates and circumstances of any persons requesting or receiving information from the ~~{central or regional registries and any}~~ Central Registry; and*

(b) *Any other information which might be helpful in furthering the purposes of NRS 432.100 to 432.130, inclusive, and section 1 of this act, and 432B.010 to 432B.400, inclusive.*

2. *The Division is not required to maintain a record of information concerning requests for information from or the receipt of information by employees of an agency which provides child welfare services.*

Sec. 4. NRS 432.120 is hereby amended to read as follows:

432.120 1. ~~Information contained in the {central or regional registries or obtained for these registries} Central Registry must not be released unless the right of the applicant to the information is confirmed {and}, the information concerning the report of abuse or neglect of the child has been reported pursuant to NRS 432B.310, the released information discloses {the nature of} the disposition of the case {for its current status.}~~

~~2. Unless an investigation of a report, conducted pursuant to NRS 432.100 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive, reveals some credible evidence of alleged abuse or neglect of a child, all information identifying the subject of a report must be expunged from the central and regional registries at the conclusion of the investigation or within 60 days after the report is filed, whichever occurs first. In all other cases, the record of the substantiated reports} and, if the information is being provided pursuant to subsection 3 of NRS 432.100, the person who is the subject of the~~

background investigation provides written authorization for the release of the information.

2. The information contained in the ~~{central or regional registries}~~ Central Registry concerning cases in which a report of abuse or neglect of a child has been substantiated by an agency which provides child welfare services must be ~~{sealed no}~~ deleted from the Central Registry not later than 10 years after the child who is the subject of the report reaches the age of 18 ~~{ } years.~~

3. The Division shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 432.130 is hereby amended to read as follows:

432.130 Any person who willfully releases data or information contained in the ~~{central or regional registries}~~ Central Registry to unauthorized persons in violation of NRS 432.120 or 432B.290 is guilty of a misdemeanor.”.

Amend sec. 5, page 7, line 10, by deleting “expunge” and inserting “~~{expunge} delete~~”.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 13 and 14 and adding new sections designated sections 11 and 12, following sec. 5, to read as follows:

“Sec. 11. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and NRS 432B.513, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized, by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(s) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; ~~for~~

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services ~~to~~; or

(u) *An employer in accordance with subsection 3 of NRS 432.100.*

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides child welfare services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides child welfare services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 432B.310 is hereby amended to read as follows:

432B.310 1. Except as otherwise provided in subsection 5 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

~~{1.}~~ (a) Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

~~{2.}~~ (b) The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

~~{3.}~~ (c) The disposition of the case.

2. *An agency which provides child welfare services shall not report to the Central Registry any information concerning a child identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure unless the agency determines that a person has abused or neglected the child.*

3. *As used in this section, "Central Registry" has the meaning ascribed to it in section 1 of this act."*

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 7, to read as follows:

"Sec. 15. As soon as practicable after October 1, 2005, each county hospital that was designated as a regional registry for the collection of information concerning the abuse or neglect of a child pursuant to NRS 432.100 shall transfer any information that the county hospital collected for that purpose to the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100."

Amend the title of the bill, first line, after "children;" by inserting: "revising the provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child; authorizing an employer to obtain under certain circumstances certain information concerning whether a person has been found to have abused or neglected a child;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing abuse or neglect of children. (BDR 38-372)".

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 296.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 411.

The following Senate amendment was read:

Amendment No. 1173.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Nevada Association of School Boards shall study the feasibility and necessity of the use of safety restraints by pupils on school buses. The study must include, without limitation:

(a) A determination whether safety restraints are necessary to enhance the safety of pupils on school buses;

(b) A plan for the installation of appropriate safety restraints in school buses and the implementation of requirements for pupils to wear the safety restraints, including, without limitation, a time frame for carrying out the plan;

(c) The costs of implementing the plan described in paragraph (b);

(d) The manner by which the school districts in this State may enforce the use of safety restraints by pupils; and

(e) Recommendations for appropriate disciplinary action for pupils who refuse to wear the safety restraints or who use the safety restraints in an unsafe manner.

2. On or before February 1, 2007, the Nevada Association of School Boards shall submit a written report of the results of the study conducted pursuant to subsection 1, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the transportation of pupils; requiring the Nevada Association of School Boards to study the feasibility and necessity of safety restraints for use by pupils on school buses; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Nevada Association of School Boards to study feasibility and necessity of safety restraints on school buses. (BDR 34-260)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 411.

Remarks by Assemblyman Arberry.
 Motion carried by a constitutional majority.
 Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 338, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 815 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA23, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK E. AMODEI

MAURICE E. WASHINGTON

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA23.

Amend the bill as a whole by deleting sec. 57 and adding a new section designated sec. 57, following sec. 56, to read as follows:

“Sec. 57. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a local government sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the local government shall require the domestic or foreign limited-liability company to submit a disclosure to the local government setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section:*

(a) *“Land” includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise.*

(b) *“Local government” means any political subdivision of this State, including, without limitation, any county, city, town, board, airport authority, regional transportation commission, fire protection district, irrigation district, school district or other special district that performs a governmental function.”.*

Amend the bill as a whole by deleting sections 58 through 60 and adding:

“Secs. 58–60. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 61 and adding a new section designated sec. 61, following sec. 60, to read as follows:

“Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the State Land Registrar sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the State Land Registrar shall require the domestic or foreign limited-liability company to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."*

Amend the bill as a whole by deleting sections 62 through 64 and adding:
"Secs. 62–64. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 65 and adding a new section designated sec. 65, following sec. 64, to read as follows:

"Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the System sells, leases, transfers or conveys land to, or exchanges land with, a domestic or foreign limited-liability company, the Board of Regents shall require the domestic or foreign limited-liability company to submit a disclosure to the Board of Regents setting forth the name of any person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "land" includes all lands, including improvements and fixtures thereon, lands under water, all easements and hereditaments, corporeal or incorporeal, and every estate, interest and right, legal or equitable, in lands or water, and all rights, interests, privileges, easements, encumbrances and franchises relating to the same, including terms for years and liens by way of judgment, mortgage or otherwise."*

Amend the bill as a whole by deleting sec. 67 and adding a new section designated sec. 67, following sec. 66, to read as follows:

"Sec. 67. NRS 602.017 is hereby amended to read as follows:

602.017 1. No person may adopt any fictitious name which includes "Corporation," "Corp.," "Incorporated," or "Inc." in its title, unless that person is a corporation organized or qualified to do business pursuant to the laws of this State.

2. No person may adopt any fictitious name which includes "Limited-Liability Company," "Limited Liability Company," "Limited Company," or the abbreviations "L.L.C.," "L.C.," "LLC" or "LC" in its title, unless that person is a limited-liability company organized or registered to do business pursuant to the laws of this State.

3. *No person may adopt any fictitious name which includes “Business Trust” or the abbreviation “B.T.” or “BT” in its title unless that person is a business trust organized or registered to do business pursuant to the laws of this State.*

4. *No person may adopt any fictitious name which includes “Professional Corporation” or the abbreviation “Prof. Corp.,” “P.C.” or “PC,” the word “Chartered” or the abbreviation “Chtd.,” in its title unless that person is a professional corporation organized to do business pursuant to the laws of this State.*

5. *No person may adopt any fictitious name which includes “Professional Association,” “Professional Organization” or the abbreviations “Prof. Ass’n” or “Prof. Org.” in its title unless that person is a professional association organized to do business pursuant to the laws of this State.*

6. *No person may adopt any fictitious name which includes “Limited” or the abbreviation “Ltd.,” in its title unless the person is a corporation, limited-liability company, registered limited-liability partnership, limited partnership or professional corporation organized, qualified or registered to do business pursuant to the laws of this State.*

7. *No natural person may adopt any fictitious name which appears to be the name of a natural person unless the name includes an additional word or words which indicate that the fictitious name is not the name of a natural person.*

8. *No county clerk may accept for filing a certificate which violates any provision of this chapter.”*

Amend the title of the bill by deleting the seventeenth through nineteenth lines and inserting: “requiring a domestic or foreign limited-liability company to disclose the names of certain owners of the domestic or foreign limited-liability company to the State, a local government or the Board of Regents of the University of Nevada under certain circumstances;”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 338.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 7:00 p.m.

Motion carried.

Assembly in recess at 4:38 p.m.

ASSEMBLY IN SESSION

At 7:45 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 357, 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 274, Amendment No. 1183, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 525.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1175 to Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, Titus and Rhoads as a first Conference Committee concerning Senate Bill No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Beers and Mathews as a first Conference Committee concerning Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cegavske, Nolan and Washington as a first Conference Committee concerning Senate Bill No. 221.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Cegavske and Mathews as a first Conference Committee concerning Senate Bill No. 460.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bills Nos. 29, 68, 198, 296, 302, 325, 335, 338, 367, 434, 453; Assembly Bills Nos. 52, 63, 64, 87, 143, 239, 337, 380, 505, 550.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20.

Assemblywoman McClain moved the adoption of the resolution.

Remarks by Assemblywoman McClain.

Resolution adopted, as amended.

Assemblyman Ocegüera moved that Assembly Bills Nos. 176, 567, and 572 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Concurrent Resolution No. 42 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assemblyman Ocegüera moved to rescind the action whereby Amendment No. 1195 to Senate Concurrent Resolution No. 42 was adopted.

Remarks by Assemblyman Ocegüera.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1212.

Amend section 1, page 3, line 20, by deleting "(i)" and inserting "(j)".

Amend sec. 2, pages 3 through 7, by deleting lines 25 through 43 on page 3, lines 1 through 45 on page 4, lines 1 through 45 on page 5, lines 1 through 45 on page 6 and lines 1 through 6 on page 7, and inserting:

"Sec. 2. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the

residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to NRS 439.635 to 439.690, inclusive, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive, and administering any program established pursuant to NRS 422.274 or 422.2745. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent minus ~~[\$200,000]~~ \$350,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Reserve not more than \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this Session; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this Session and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to section 4 of Assembly Bill No. 248 of this Session.

The Director shall develop policies and procedures for allocating money which is reserved pursuant to this paragraph.

(f) *Reserve \$150,000 of all revenues deposited in the Fund for a Healthy Nevada each year if available for allocation by the Aging Services Division of the Department in the form of contracts or grants for existing or new programs that provide dental benefits to persons who are domiciled in this State and are 62 years of age or older:*

(1) *Who satisfy the residency requirement set forth in subsection 2 of NRS 439.665;*

(2) *Whose incomes are not over the amounts set forth in subsection 2 of NRS 439.665, as adjusted pursuant to the provisions of that section.*

(g) *Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.*

~~((g))~~ (h) *Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.*

~~((h))~~ (i) *Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:*

(1) *Programs that provide respite for persons caring for persons with disabilities;*

(2) *Programs that provide positive behavioral supports to persons with disabilities; and*

(3) *Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.*

~~((j))~~ (j) *Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to NRS 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to NRS 422.2745.*

~~((k))~~ (k) *Maximize expenditures through local, federal and private matching contributions.*

~~((l))~~ (l) *Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.*

~~((m))~~ (m) *Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for*

administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

~~[(m)]~~ (n) To make the allocations required by paragraphs ~~[(f), (g) and (h)]~~ (g), (h) and (i):

- (1) Prioritize and quantify the needs for these programs;
- (2) Develop, solicit and accept applications for allocations;
- (3) Conduct annual evaluations of programs to which allocations have been awarded; and

- (4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

~~[(n)]~~ (o) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by ~~paragraph~~ paragraphs (d) and (f) of subsection 1, the Aging Services Division of the Department shall:

- (a) Prioritize and quantify the needs of senior citizens for these programs;
- (b) Develop, solicit and accept grant applications for allocations;
- (c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;
- (d) Award grants, contracts or other allocations;
- (e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

- (f) Submit annual reports concerning the ~~grant program~~ allocations made by the Aging Services Division pursuant to paragraphs (d) and (f) of subsection 1 to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, or to pay for any program established pursuant to NRS 422.274 or 422.2745.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph ~~[(f), (g) or (h)]~~ (g), (h) or (i) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract

or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.”.

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. Section 2 of Assembly Bill No. 248 of this Session is hereby amended to read as follows:

Sec. 2. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Task Force for the Fund for a Healthy Nevada shall:

(a) Conduct public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the use of tobacco;

(4) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(5) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities.

(c) Reserve not more than 30 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to pay for prescription drugs and pharmaceutical services for senior citizens pursuant to NRS 439.635 to 439.690, inclusive, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. From the money reserved to the Department pursuant to this paragraph, the Department may subsidize all of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in carrying out the provisions of NRS 439.635 to 439.690, inclusive, and administering any program established pursuant to NRS 422.274 or 422.2745. The Department shall submit a quarterly report to the Governor, the Task Force for the Fund for a Healthy Nevada and the Interim Finance Committee regarding the general manner in which expenditures have been made pursuant to this paragraph and the status of the program.

(d) Reserve not more than 30 percent minus ~~[\$50,000]~~ \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Aging Services Division of the Department in the form of grants for

existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of family caretakers;
- (2) Transportation to new or existing services to assist senior citizens in living independently; and
- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

The Aging Services Division of the Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada concerning the independent living needs of senior citizens.

(e) Reserve not more than ~~[\$50,000]~~ \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for allocation by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this ~~act~~ session; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in section 3 of Assembly Bill No. 248 of this ~~act~~ session and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to section 4 of Assembly Bill No. 248 of this ~~act~~ session.

The Director shall develop policies and procedures for allocating money which is reserved pursuant to this paragraph.

(f) Allocate, by contract or grant, for expenditure not more than 20 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco.

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve health services for children.

(h) Allocate, by contract or grant, for expenditure not more than 7.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Task Force shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite for persons caring for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Reserve not more than 2.5 percent of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Department to fund in whole or in part any program established pursuant to

NRS 422.2745. The Department shall consider recommendations from the Task Force for the Fund for a Healthy Nevada in administering any program established pursuant to NRS 422.2745.

(j) Maximize expenditures through local, federal and private matching contributions.

(k) Ensure that any money expended from the Fund for a Healthy Nevada will not be used to supplant existing methods of funding that are available to public agencies.

(l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Conduct annual evaluations of programs to which allocations have been awarded; and

(4) Submit annual reports concerning the programs to the Governor and the Interim Finance Committee.

(n) Transmit a report of all findings, recommendations and expenditures to the Governor and each regular session of the Legislature.

2. The Task Force may take such other actions as are necessary to carry out its duties.

3. The Department shall take all actions necessary to ensure that all allocations for expenditures made by the Task Force are carried out as directed by the Task Force.

4. To make the allocations required by paragraph (d) of subsection 1, the Aging Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the grant program to the Governor and the Interim Finance Committee.

5. The Aging Services Division of the Department shall submit each proposed grant which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend

the money. The Aging Services Division of the Department shall not expend or transfer any money allocated to the Aging Services Division pursuant to this section to subsidize any portion of the cost of policies of health insurance that provide coverage to senior citizens for prescription drugs and pharmaceutical services pursuant to NRS 439.635 to 439.690, inclusive, or to pay for any program established pursuant to NRS 422.274 or 422.2745.

6. The Department, on behalf of the Task Force, shall submit each allocation proposed pursuant to paragraph (f), (g) or (h) of subsection 1 which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the contract or grant is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public health; revising provisions governing the reserve and allocation of revenue in the Fund for a Healthy Nevada; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing reserve and allocation of revenue in the Fund for Healthy Nevada. (BDR 40-347)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 567.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1208.

Amend sec. 2, page 1, by deleting line 6 and inserting: “*the Repair, Replacement and Renovation of School Buildings and*”.

Amend sec. 3, page 1, by deleting line 8 and inserting:

“Sec. 3. 1. *The Account for the Repair, Replacement and*”.

Amend sec. 4, page 2, by deleting line 20 and inserting: “*the repair, replacement and renovation of school buildings and*”.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. 1. *The board of trustees of a school district in a county whose population is less than 40,000 may submit an application for a grant of money from the Account if the board of trustees has determined that:*

(a) One of the facilities that is located on the grounds of a school within the school district is:

(1) Unsuitable for use as a result of:

(I) Structural defects;
(II) Barriers to accessibility; or
(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner;
or

(2) In such a condition that the cost of removing barriers to accessibility would exceed 40 percent of the cost of constructing a new facility; and

(b) The remaining allowable increase in ad valorem taxes available to the school district is within 90 percent of the limit imposed pursuant to NRS 361.453 or the board of county commissioners of the county in which the school district is located has imposed a tax pursuant to NRS 374A.010.

2. An application submitted pursuant to subsection 1 must include a written description of the:

(a) Project for the repair, replacement or renovation for which the grant of money will be used, including, without limitation, a description of how the money will be used in an efficient manner; and

(b) Financial status of the school district, including, without limitation, the criteria for approval set forth in paragraphs (b) and (c) of subsection 4.

3. Upon receipt of an application, the Director of the Department of Administration shall forward the application to the:

(a) Department of Taxation to determine whether the application satisfies the showing of proof required by paragraphs (b), (c) and (d) of subsection 4;

(b) State Public Works Board to determine whether the application satisfies the showing of proof required by paragraph (a) of subsection 4; and

(c) Department of Education for its review and comment.

4. The Director of the Department of Administration shall, in consultation with the Department of Education, the Department of Taxation and the State Public Works Board, determine whether to forward an application to the State Board of Examiners based upon:

(a) The needs of the school district, as set forth in paragraph (a) of subsection 1;

(b) Proof that the county in which the school district is located satisfies the requirements of paragraph (b) of subsection 1;

(c) Information that the assessed valuation of the taxable property in the county in which the school district is located is declining or that all other resources available to the school district for financing capital improvements are diminishing; and

(d) The proposed use of the money for which the application is made, including, without limitation, whether the money will be used in an efficient manner.

5. The Department of Taxation and the State Public Works Board shall submit written statements of their determinations pursuant to subsection 4

regarding an application to the Director of the Department of Administration.

6. *The Director of the Department of Administration shall forward each application that satisfies the requirements of subsection 4 accompanied by the statements provided pursuant to subsection 5 for that application to the State Board of Examiners.”.*

Amend sec. 8, page 5, by deleting line 2 and inserting: “*Repair, Replacement and Renovation of School Buildings and*”.

Amend the bill as a whole by deleting sec. 13 and adding:

“Sec. 13. (Deleted by amendment.)”.

Amend sec. 15, page 6, by deleting line 28 and inserting: “for the Repair, Replacement and Renovation of School Buildings”.

Amend the title of the bill to read as follows:

“AN ACT relating to school facilities; creating an Account for the Repair, Replacement and Renovation of School Buildings and Facilities; providing for the submission of applications by certain school districts for grants of money from the Account; prescribing the process for the review and approval of applications; revising provisions governing the local tax for school facilities; repealing the provisions creating the Fund to Assist School Districts in Financing Capital Improvements; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for Repair, Replacement and Renovation of School Buildings and Facilities. (BDR 34-1443)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 572.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1213.

Amend section 1, page 2, by deleting line 22 and inserting: “of \$600,000,000, at least part of which is attributable to sales taxes, excise taxes”.

Amend section 1, page 3, by deleting lines 9 through 15 and inserting:

“14. Pursuant to the American Jobs Creation Act of 2004, Public Law 108-357, the United States Congress granted to taxpayers the option to deduct state and local general sales taxes in lieu of deducting state and local income taxes on their federal income tax returns. However, this election applies only:

(a) For taxable years beginning after December 31, 2003, and before January 1, 2006; and

(b) To taxpayers who elect to itemize deductions.

15. According to the Las Vegas Business Press, the annual household income in Nevada averaged \$63,005 for 2004 and, as per Internal Revenue Service “Publication 600: Optional State Sales Tax Tables,” a family with an annual household income of \$63,005 and four exemptions would be presumed to have paid \$858 in state sales taxes during 2004.

16. It is the sense of the Legislature that the residents of this State have each paid to the State of Nevada, in the form of sales taxes, excise taxes on gasoline or taxes on diesel fuel, or a combination of all three such taxes, \$175 more than necessary to address the State’s budgetary needs and that, as a result, the sum of \$175 should be returned in the form of a rebate check to each person who qualifies to receive such a check pursuant to section 4 of this act.”.

Amend sec. 2, page 3, by deleting line 17 and inserting:
“Sales Taxes, State Excise Taxes on Gasoline and State Taxes on Diesel Fuel is hereby”.

Amend sec. 4, page 3, by deleting lines 24 through 39 and inserting:

“Sec. 4. 1. Except as otherwise provided in section 5 of this act, as soon as practicable after July 1, 2005, the State Treasurer shall issue a rebate check in the sum of \$175 for:

(a) State sales taxes paid by a person before January 1, 2004; and

(b) State fuel taxes paid by a person since January 1, 1995, whether such fuel taxes were paid directly through the purchase of fuel or indirectly through the purchase of a ticket, the payment of a fare or the making of another form of payment in exchange for transportation by way of motor vehicle.

2. The State Treasurer shall issue the rebate check in the sum of \$175 to each person who:

(a) Was at least 55 years of age on or before January 1, 2005, held a valid driver’s license or identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid driver’s license or identification card; or

(b) Was at least 18 years of age but not yet 55 years of age on or before January 1, 2005, held a valid driver’s license issued by the Department of Motor Vehicles on or before that date and continues to hold such valid driver’s license.

3. Except as otherwise provided in section 5 of this act or in the”.

Amend sec. 4, page 3, line 43, by deleting “3.” and inserting “4.”.

Amend the title of the bill by deleting the third and fourth lines and inserting: “residents of this State for the money those residents paid to the State in the form of certain sales taxes and for the money those residents paid to the State, directly or indirectly, as taxes imposed on”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for one-time rebate of certain sales taxes and taxes imposed on certain motor vehicle fuels. (BDR S-1474)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that all rules be suspended and the reprinting of Assembly Bill No. 572 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1213, and the bill be placed on third reading and final passage

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assemblyman Arberry moved that Senate Bill No. 105 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

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

Assembly in recess at 8:00 p.m.

ASSEMBLY IN SESSION

At 8:05 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 105.

Bill read third time.

Roll call on Senate Bill No. 105:

YEAS—42.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1204.

Amend sec. 3, page 5, by deleting lines 5 through 22 and inserting:

"5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" has the meaning ascribed to it in NRS 179D.060.

(b) "*Person professionally qualified to conduct psychosexual evaluations*" has the meaning ascribed to it in NRS 176.133.

(c) “Sexual offense” means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.”.

Amend the bill as a whole by deleting sec. 22.5 and adding:

“Sec. 22.5. (Deleted by amendment).”.

Amend the bill as a whole by deleting sections 23.3 and 23.7 and adding:

“Secs. 23.3 and 23.7. (Deleted by amendment).”.

Amend the bill as a whole by deleting sections 24.3 and 24.7 and adding:

“Secs. 24.3 and 24.7. (Deleted by amendment).”.

Amend sec. 27, page 25, by deleting lines 24 through 35 and inserting:

“5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.”.

Amend sec. 34.5, pages 29 and 30, by deleting lines 39 through 45 on page 29 and lines 1 through 25 on page 30, and inserting:

“5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive.

(n) *An offense that is determined to be sexually motivated pursuant to NRS 175.547.*

(o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.”.

Amend the title of the bill by deleting the twenty-first through twenty-sixth lines and inserting: “increasing penalties for a second or subsequent violation of certain requirements concerning registration of sex offenders and offenders convicted of a crime against a child;”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Ohrenschall.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1214.

Amend sec. 16, pages 11 and 12, by deleting lines 43 through 45 on page 11 and lines 1 through 7 on page 12, and inserting:

“Sec. 16. 1. *A person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or section 15 of this act is liable:*

(a) *In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney’s fees and costs incurred as the result of the violation; and*

(b) *In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs of the action, including investigative costs and attorney’s fees.*

2. *In addition to any civil liability, a person who uses information obtained from the community notification website to commit a crime punishable as:*

(a) *A misdemeanor, is guilty of a gross misdemeanor.*

(b) *A gross misdemeanor or felony, is guilty of a category C felony and shall be punished as provided in NRS 193.130.”.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Smith moved that Senate Bill No. 306 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 282.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 282 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 357.

Bill read third time.

Roll call on Senate Bill No. 357:

YEAS—42.

NAYS—None.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—26.

NAYS—Buckley, Conklin, Gerhardt, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, McCleary, Mortenson, Munford, Parks, Parnell, Pierce, Smith—16.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Ohrenschall moved that the action whereby Senate Bill No. 400 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—23.

NAYS—Anderson, Atkinson, Buckley, Conklin, Gerhardt, Giunchigliani, Hogan, Horne, Kirkpatrick, Leslie, Manendo, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Pierce, Smith—19.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 572.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 572:

YEAS—42.

NAYS—None.

Assembly Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 260, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 866 and 1048 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA32, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

PEGGY PIERCE

FRANCIS ALLEN

Assembly Conference Committee

JOE HECK

MAGGIE CARLTON

SANDRA J. TIFFANY

Senate Conference Committee

Conference Amendment No. CA32.

Amend sec. 19, pages 8 and 9, by deleting lines 1 through 44 on page 8 and lines 1 through 22 on page 9, and inserting:

“Sec. 19. NRS 625A.110 is hereby amended to read as follows:

625A.110 1. ~~[To]~~ *Except as otherwise provided in this section, to be eligible for a certificate of registration [s] as an environmental health specialist, an applicant [must have:*

(a) A] :

(a) *Must:*

(1) *Possess a baccalaureate or higher degree from an [accredited college or university;*

~~(b) Satisfactorily]~~ *institution of higher education approved by the Board;*

(2) *Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work [approved by the Board in environmental health and public hygiene or the physical and biological sciences, or a combination of both; and*

(c) *At] in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;*

(3) *Have passed the written examination pursuant to NRS 625A.120; and*

(4) *Have at least 2 years of experience approved by the Board in [this field of public health.*

~~2.—The Board may register]~~ *the practice of environmental health;*

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120;

(c) Must possess a master's degree in public health from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120; or

(d) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to at least 2 years of experience in the practice of environmental health and have passed the written examination pursuant to NRS 625A.120.

2. Except as otherwise provided in this subsection, the Board shall issue a certificate of registration as an environmental health specialist to a person who is not qualified under subsection 1 ~~[-if he:]~~ if the Board determines to its satisfaction that the person:

(a) Was actively ~~[employed in this field of public]~~ engaged in the practice of environmental health in this State on July 1, ~~[1987;~~

~~(b) Is a graduate of an accredited high school;~~

~~(c) Has had] 2005; and~~

(b) Has completed at least ~~[4]~~ 2 years of successful experience in ~~[this field;~~

~~(d) Passes a written or oral examination administered by the Board; and~~

~~(e) Completes all the requirements of this subsection before July 1, 1991.~~

3. ~~The Board may register, upon written application, any person who:~~

~~(a) Was employed in this field of public health in this State on July 1, 1987, and was a registered sanitarian in this State before July 1, 1977; or~~

~~(b) Is registered as an] the practice of environmental health.~~

To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2007.

3. Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as:

(a) An environmental health specialist with the National Environmental Health Association ~~[and is a resident of this State.]~~ ; or

(b) An environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 367, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 838 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA13, which is attached to and hereby made a part of this report.

WILLIAM HORNE

MARK MANENDO

GARN MABEY

Assembly Conference Committee

DENNIS NOLAN

SANDRA J. TIFFANY

STEVEN HORSFORD

Senate Conference Committee

Conference Amendment No. CA13.

Amend section 1, page 3, by deleting lines 8 through 10 and inserting:
 “warrant ~~for~~ *a specific* educational program , *including, without limitation, a charter school* specifically designed to serve a single gender ~~and emphasize~~ *that emphasizes* personal responsibility and rehabilitation; or”.

Amend the title of the bill by deleting the first through third lines and inserting:

“AN ACT relating to pupils; revising provisions governing the formation of charter schools designed exclusively for pupils with disciplinary problems; providing that a pupil who is”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 367.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

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

Assembly in recess at 8:19 p.m.

ASSEMBLY IN SESSION

At 8:24 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 29, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 834 of the Assembly be concurred in.

KATHY MCCLAIN

BARBARA BUCKLEY

FRANCIS ALLEN

Assembly Conference Committee

JOE HECK

WARREN B. HARDY

MICHAEL SCHNEIDER

Senate Conference Committee

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 29.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 198, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1041 of the Assembly be receded from and a 3rd reprint be created in accordance with this action.

BARBARA BUCKLEY

JOHN C. CARPENTER

MARCUS CONKLIN

Assembly Conference Committee

TERRY CARE

MIKE MCGINNESS

MARK E. AMODEI

Senate Conference Committee

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 198.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 453, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 881 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA17, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

JOHN C. CARPENTER

BERNIE ANDERSON

Assembly Conference Committee

MARK E. AMODEI

MIKE MCGINNESS

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA17.

Amend sec. 36, page 31, between lines 13 and 14, by inserting:

“6. As used in this section, “record” means information that is:

(a) *Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and*

(b) *Filed or offered for filing by a person pursuant to any provision of title 7 of NRS or Article 9 of the Uniform Commercial Code.”.*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 453.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 80.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 80, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 722 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA34, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

DAVID PARKS

BOB SEALE

Assembly Conference Committee

JOHN LEE

WARREN B. HARDY

RANDOLPH J. TOWNSEND

Senate Conference Committee

Conference Amendment No. CA34.

Amend sec. 3, page 3, by deleting lines 7 through 11 and inserting:

“6. The presence of a security freeze in the file of a consumer must not be considered to be an adverse factor in the consumer’s credit worthiness, credit standing or credit capacity.”

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. 1. Except as otherwise provided in this section:

(a) A reporting agency may charge a consumer a reasonable fee, not to exceed \$15, to place a security freeze in his file.

(b) After a security freeze has been placed in the file of a consumer, a reporting agency may charge the consumer a reasonable fee:

(1) Not to exceed \$18, to remove the security freeze from his file pursuant to section 9 of this act.

(2) Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to section 8 of this act.

(3) Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to section 8 of this act.

2. A reporting agency may not charge a consumer the fees set forth in subsection 1 to place a security freeze in his file, to temporarily release his consumer report for a specific period or to a specific person, or to remove a security freeze from his file if the consumer is a victim of identity theft and the consumer submits, at the time the security freeze is requested, a valid copy of a police report, investigative report or complaint which the consumer has filed with a law enforcement agency regarding the unlawful use of the personal information of the consumer by another person.

3. On January 1 of each year, a reporting agency may increase the fees set forth in subsection 1 based proportionally on changes to the Consumer Price Index of All Urban Consumers, as determined by the United States Department of Labor, with fractional changes rounded to the nearest 25 cents.”

Amend sec. 11, page 7, by deleting lines 13 through 17 and inserting:

“1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 80.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 314, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 947 of the Senate be concurred in.

MARCUS CONKLIN

MO DENIS

SCOTT SIBLEY

Assembly Conference Committee

BOB BEERS

DINA TITUS

WARREN B. HARDY

Senate Conference Committee

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 314.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 95, 203, 314, 523.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 95.

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

Motion carried.

Senate Bill No. 203.

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

Motion carried.

Senate Bill No. 314.

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

Motion carried.

Senate Bill No. 523.

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

Motion carried.

Senate Bill No. 525.

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

Motion carried.

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

Assembly in recess at 8:33 p.m.

ASSEMBLY IN SESSION

At 8:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 189, Amendment No. 1186; Assembly Bill No. 385, Amendments Nos. 1136, 1205, and respectfully requests your honorable body to concur in said amendments.

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 80.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 560.

The following Senate amendment was read:

Amendment No. 1174.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sections 3 through 7 as sections 2 through 6 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 396.918 is hereby amended to read as follows:

396.918 “Millennium scholarship” means a ~~[scholarship]~~ *Governor Guinn Millennium Scholarship* that is awarded from the Trust Fund to a student.”.

Amend sec. 3, page 2, line 7, after “1.” by inserting: “*The Governor Guinn Millennium Scholarship Program is hereby created for the distribution of the Governor Guinn Millennium Scholarships in accordance with NRS 396.911 to 396.938, inclusive.*”.

Amend sec. 3, page 2, by deleting lines 19 through 22 and inserting:

“3. The State Treasurer shall administer the Trust Fund. As administrator of the Trust Fund, the State Treasurer, except as otherwise provided in this section:”.

Amend sec. 3, page 2, line 27, by deleting “and”.

Amend sec. 3, page 2, by deleting lines 29 through 33 and inserting: “made with the money in the Trust Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Trust Fund.”.

Amend sec. 3, page 3, by deleting lines 40 through 43 and inserting:

“7. Not more than ~~[2]~~ 3 percent of the ~~[amount of money]~~ *anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund* may be used to pay the costs of administering the Trust Fund.

8. The money in the Trust Fund remains in the Fund and does”.

Amend sec. 3, page 4, by deleting lines 1 through 3 and inserting:

“9. Money in the Trust Fund may be used only for the purposes set forth in NRS 396.914 to 396.934, inclusive.”.

Amend sec. 4, page 4, line 8, by deleting “2” and inserting “[~~2~~] 3”.

Amend sec. 4, page 4, line 32, by deleting “and” and inserting “[~~and~~]”.

Amend sec. 4, page 4, line 37, by deleting “institution.” and inserting: “institution ~~[;]~~ ; and

(f) *Has submitted a Free Application for Federal Student Aid (FAFSA) and the entity reviewing the application has determined that the application is complete.*”.

Amend sec. 4, page 5, line 21, by deleting “2” and inserting “[~~2~~] 3”.

Amend sec. 5, page 5, line 36, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 5, page 5, line 39, by deleting “If” and inserting: “[~~If~~] *Subject to the limitation set forth in this paragraph, if*”.

Amend sec. 5, page 6, by deleting lines 2 through 25 and inserting: “division courses for the purposes of this paragraph. *In no event may a student who is eligible for a millennium scholarship pursuant to this paragraph receive more than:*

(1) *If he is enrolled in at least 6 credits but less than 12 credits in a semester, the cost of 6 semester credits for that semester.*

(2) *If he is enrolled in at least 12 credits in a semester, the cost of 12 semester credits for that semester.*

(b) ~~[H]~~ *Subject to the limitation set forth in this paragraph, if he is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less. In no event may a student who is eligible for a millennium scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.*

(c) ~~[H]~~ *Subject to the limitation set forth in this paragraph, if he is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less. In no event may a student who is eligible for a millennium scholarship receive more than the cost of 12 semester credits per semester pursuant to this paragraph.*

2. No student may be awarded a millennium scholarship ~~[for]~~ :

(a) *To pay for remedial courses.*

(b) *For a total amount in excess of \$10,000.*

~~[2.]~~ 3. A student who receives a millennium scholarship shall:

(a) *Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection ~~[5:]~~ 7; and*

(b) *If the student graduated from high school after May 1, 2003, maintain ~~[at]~~ :*

(1) *At least a ~~[2.6]~~ 2.60 grade point average on a 4.0 grading scale ~~[3:]~~ for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.*

(2) *At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program.*

(3) *At least a 3.0 grade point average on a 4.0 grading scale for each semester during the third year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.*

4. *If a student does not satisfy the requirements of”.*

Amend sec. 5, page 7, between lines 15 and 16 by inserting:

“8. The Board of Regents shall establish procedures to ensure that all money from a millennium scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.”.

Amend the bill as a whole by adding new sections designated sections 7 and 7.5, following sec. 7, to read as follows:

“Sec. 7. The provisions of section 4 of this act requiring students to maintain a prescribed grade point average for each semester depending upon the year of enrollment in the Governor Guinn Millennium Scholarship Program apply to all students who graduated after May 1, 2003, including, without limitation, students who are currently enrolled in an eligible institution and are receiving a millennium scholarship.

Sec. 7.5. The criteria established by the Board of Regents pursuant to section 4 of this act with respect to students who have a documented physical or mental disability apply to all students who satisfy the criteria including, without limitation, students who are currently enrolled in an eligible institution and are receiving a millennium scholarship, regardless of the year of enrollment in the Governor Guinn Millennium Scholarship program.”.

Amend sec. 8, page 8, by deleting lines 14 through 17 and inserting:

“Sec. 8. 1. This section and sections 1 to 4, inclusive, 6, 7 and 7.5 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2005.”.

Assemblyman Arberry moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 560.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered to be transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 42, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 847 and 1040 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA37, which is attached to and hereby made a part of this report.

SHEILA LESLIE

WILLIAM HORNE

VALERIE WEBER

Assembly Conference Committee

MAURICE E. WASHINGTON

STEVEN HORSFORD

JOE HECK

Senate Conference Committee

Conference Amendment No. CA37.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 12 through 22 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

“Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. “Accommodation facility” means a child care facility which is operated:

1. By a business that is licensed to conduct a business other than the provision of care to children; and

2. As an auxiliary service provided for the customers of the primary business.

Sec. 3. 1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless his parents or guardian submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.

Sec. 4. 1. *To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum amount of space per child in the facility, an accommodation facility may include the space occupied by any recreational toys that are used in the accommodation facility in satisfying the requirement for the minimum amount of space per child in the facility.*

2. *To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to make available a minimum number of toilets per child in the facility, the Board or agency shall adjust the number of toilets per child required in an accommodation facility to a number that is appropriate for accommodation facilities, taking into account the unique nature of such facilities.*

3. *An accommodation facility shall permit each parent or guardian of a child who is receiving care in the accommodation facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by one person.*

Sec. 5. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.021 to 432A.028, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, and section 4 of this act is guilty of a misdemeanor.

Sec. 7. NRS 432A.230 is hereby amended to read as follows:

432A.230 *Except as otherwise provided in section 3 of this act for accommodation facilities:*

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless his parents or guardian submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his designee or a

registered nurse or his designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility; and

(b) Completed the immunizations required by this section.

Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~or~~ *or section 3 of this act*, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 ~~or~~ *or section 3 of this act*, as the case may be, for purposes of admission.

Sec. 10. NRS 432A.260 is hereby amended to read as follows:

432A.260 If, after a child has been admitted to a child care facility, including a facility licensed by a county or city, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates *or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act* to the operator of the facility stating that such child has met the new immunization requirements.

Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 or section 3 of this act is guilty of a misdemeanor.”.

Amend section 1, page 2, line 2, by deleting: “2 and 3” and inserting: “13 and 14”.

Amend sec. 3, page 3, by deleting lines 10 through 20 and inserting:

“Sec. 14. 1. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

(a) The subject of an investigation of alleged abuse or neglect of a child;
or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

2. *Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.”.*

Amend sec. 4, page 4, line 34, by deleting “3” and inserting “14”.

Amend sec. 7, page 6, line 41, by deleting “2” and inserting “13”.

Amend sec. 11, page 11, by deleting lines 25 through 31 and inserting:

“Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, and 16 to 21, inclusive, of this act become effective on October 1, 2005.

3. Sections 14 and 15 of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2006, for all other purposes.”.

Amend the title of the bill by deleting the first line and inserting:

“AN ACT relating to children; making various changes relating to child care facilities that are operated by businesses as an auxiliary service provided for their customers; requiring an agency”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning certain child care facilities and protection of children from abuse and neglect. (BDR 38-670)”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 392, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Giunchigliani, and Hettrick as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 392.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 47, 51, 154, 221, 404, 458, 464, 501, 534, 569, 570 and 571; Senate Bills Nos. 34, 107, 173, 209, 515, 517, and 514; Senate Concurrent Resolutions Nos. 45 and 46.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, June 6, 2005, at 9:00 a.m.

Motion carried.

Assembly adjourned at 8:51 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly

THE ONE-HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 6, 2005

Assembly called to order at 9:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we thank You for all the gifts of the Legislative Session: for friendships that formed bonds for life; for uneasy alliances that kept us on our toes; for your gracious care that sustained us these several months; for Your loving protection of our families while we've been apart; for the chance to participate in democracy, the boldest experiment in governing of all time. For all this, and more, we thank You. And still we ask You a blessing for this day, too: for the patience of Job, who, however, was not very patient, but as he wrestled, continued to trust You and expect every good. Give us patience with our process, patience with each other and patience with ourselves, trusting You for every good. And, at the end of this day, let us be able to say, "We done good."

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 576; Senate Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 42.

Assemblyman Oceguela moved the adoption of the resolution.

Remarks by Assemblyman Oceguela.

Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 577—AN ACT relating to state employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 578—AN ACT relating to statutes; making technical corrections to certain legislative measures; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

Roll call on Assembly Bill No. 176:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Roll call on Assembly Bill No. 567:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—41.

NAYS—None.

EXCUSED—Sherer.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 576 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Giunchigliani moved that Senate Bill No. 306 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1209.

Amend sec. 6, page 2, by deleting lines 14 through 29 and inserting:

“Sec. 6. *“Project” means:*

1. *With respect to a county whose population is 400,000 or more:*

(a) *An art project, as defined in NRS 271.037;*

(b) *A tourism and entertainment project, as defined in NRS 271.234; or*

(c) *A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.*

2. *With respect to a city in a county whose population is 400,000 or more:*

(a) *A project described in paragraph (a), (b) or (c) of subsection 1; or*

(b) *A recreational project, as defined in NRS 268.710.*

3. *With respect to a municipality other than a municipality described in subsection 1 or 2,*

any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2 and 4 to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.

4. *Any real or personal property suitable for retail, tourism or entertainment purposes.*

5. *Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.*

6. *Any combination of the projects set forth in this section.”.*

Amend sec. 9, pages 3 through 6, by deleting lines 36 through 45 on page 3, lines 1 through 45 on page 4, lines 1 through 45 on page 5 and lines 1 through 26 on page 6, and inserting:

“Sec. 9. *The governing body of a municipality shall not adopt an ordinance pursuant to section 8 of this act unless:*

1. *If the ordinance:*

(a) *Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within*

the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body, to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, and to the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to section 8 of this act;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 8 of this act on the provision of local governmental services, including education.

After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to section

8 of this act, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to section 12 of this act.

5. If the governing body is not the board of county commissioners for the county in which the tourism district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 8 of this act on the provision of local governmental services.

After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to section 8 of this act, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to section 12 of this act.

6. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.

8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to section 8 of this act will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:

(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide him with an appropriate fiscal report; and

(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to section 8 this act. The payments may be provided pursuant to agreements with owners of property within the district authorized by section 12 of this act or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to section 8 of this act.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to section 8 of this act and NRS 271.650 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to section 13 of this act.

Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to section 13 of this act to which all or any portion of that money is pledged.”.

Amend sec. 17, pages 13 and 14, by deleting lines 42 through 44 on page 13 and lines 1 through 4 on page 14, and inserting:

“(b) Approved by the governing body, Commission on Tourism and Governor in the manner required to satisfy the requirements of subsections 6, 7 and 8 of section 9 of this act,

and after the provision of notice to and an opportunity to make comments by the board of trustees of the school district in which the tourism improvement district is located in accordance with subsection 4 of section 9 of this act and, if applicable, by the board of county commissioners of the

county in which the tourism improvement district is located in accordance with subsection 5 of section 9 of this act.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 524:

YEAS—41.

NAYS—Sherer.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 9:48 a.m.

ASSEMBLY IN SESSION

At 9:52 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 189.

The following Senate amendment was read:

Amendment No. 1186.

Amend sec. 3, page 4, by deleting lines 1 through 14 and inserting:

“4. *The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission’s order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission’s findings or order are:*

- (a) In violation of constitutional, statutory or regulatory provisions;*
- (b) In excess of the statutory authority of the Commission;*
- (c) Made upon unlawful procedure;*
- (d) Affected by other error of law;*
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*

(f) *Arbitrary or capricious or characterized by abuse of discretion.*

If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful discriminatory practice in housing or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more."

Amend sec. 4, page 4, by deleting lines 19 through 40 and inserting:

"Sec. 4. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons ~~[reasonably to seek, obtain and hold employment and housing accommodations, and]~~ reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, *sexual orientation*, national origin or ancestry.

2. *It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations without discrimination, distinction or restriction in violation of federal law.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning ~~[actual and alleged]~~ *unlawful* practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State."

Amend sec. 5, pages 4 and 5, by deleting lines 41 through 44 on page 4 and lines 1 through 16 on page 5, and inserting:

"Sec. 5. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. "Administrator" means the Administrator of the Commission.
2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.
3. "Disability" means, with respect to a person:
 - (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
 - (b) A record of such an impairment; or
 - (c) Being regarded as having such an impairment.
4. "Member" means a member of the Nevada Equal Rights Commission.
5. "*Sexual orientation*" means *having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*
6. "*Unlawful discriminatory practice in housing*" means *a practice prohibited by NRS 118.100."*

Amend sec. 6, page 5, by deleting lines 17 through 40 and inserting:

"Sec. 6. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. ~~{Order}~~ If the Commission determines that a complaint may be meritorious, order its Administrator to :

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, *sexual orientation*, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to employment and housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group in violation of federal law, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.”

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 5 on page 6, and inserting:

“Sec. 7. NRS 233.157 is hereby amended to read as follows:

233.157 The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter. The Commission shall adopt regulations setting forth the manner in which the Commission will process any such complaint and determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint. *If a complaint alleging an unlawful discriminatory practice in housing is not resolved at an informal settlement meeting, the Commission shall investigate any such complaint that it determines may be meritorious.*”

Amend the bill as a whole by deleting sec. 13 and adding a new section designated sec. 13, following sec. 12, to read as follows:

“Sec. 13. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction ~~{because of race, religious creed, color, national origin, disability, ancestry, familial status or sex.}~~ *in violation of federal law.*

2. Nothing in this chapter shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.”

Amend sec. 15, pages 11 through 13, by deleting lines 39 through 45 on page 11, lines 1 through 44 on page 12 and lines 1 through 19 on page 13, and inserting:

“Sec. 15. NRS 118.100 is hereby amended to read as follows:

118.100 1. Except as otherwise provided in subsection 2, a person shall not ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex:]~~ *in violation of federal law:*

(a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

(b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

(c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this paragraph, “dwelling” includes a house, room or unit described in subsection 2 or 3 of NRS 118.060.

(d) Represent to any person ~~[because of race, religious creed, color, national origin, disability, ancestry, familial status or sex]~~ that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

(e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person . ~~[of a particular race, religious creed, color, national origin, disability, ancestry, familial status or sex.]~~

(f) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of *his having exercised or enjoyed, or on account of* that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in this chapter.

(g) If his business includes engaging in residential real estate-related transactions, discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction.

(h) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against such a person in the terms or conditions of such access, membership or participation.

2. The provisions of ~~[subsection 1 do not prohibit any act that is not prohibited by the provisions of the Fair Housing Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended.]~~ *this section do not:*

(a) Prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from

giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.

(b) Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Regarding familial status, apply with respect to housing for older persons as defined in 42 U.S.C. § 3607.

3. As used in this section, unless the context otherwise requires, “residential real estate-related transaction” means any of the following:

(a) The making or purchasing of loans or providing other financial assistance for the purchasing, constructing, improving, repairing or maintaining of a dwelling.

(b) The making or purchasing of loans or providing other financial assistance secured by residential real estate.

(c) The selling, brokering or appraising of residential real estate.”

Assemblywoman Giunchigliani moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 189.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Bill ordered to be transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess until 2:00 p.m.

Motion carried.

Assembly in recess at 9:53 a.m.

ASSEMBLY IN SESSION

At 2:25 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 95, 195, 369, 522, 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 574.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1193 to Senate Bill No. 390.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 851 to Senate Bill No. 445; Assembly Amendments Nos. 944, 1171 to Senate Bill No. 462.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bills Nos. 20, 62, 394, 457; Assembly Bills Nos. 42, 260, 314.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymen Perkins and Koivisto (emergency request by Perkins):

Assembly Bill No. 579—AN ACT relating to health care; requiring certain major hospitals to accept certain payments for the provision of emergency services and care to certain patients as payment in full; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

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

Assembly in recess at 2:29 p.m.

ASSEMBLY IN SESSION

At 2:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—41.

NAYS—McCleary.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1217.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State.

2. This section does not:

(a) Prohibit the use of manufacturers’, distributors’ or dealers’ license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this State, he shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he obtains his driver’s license,

whichever occurs earlier, apply for the registration of each vehicle he owns which is operated in this State. When a person, formerly a nonresident, applies for a driver’s license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection. *A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. A person who violates the provisions of this subsection is guilty of a misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$1,000 and such fine is in addition to any*

fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested. In addition, the Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of this subsection and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

4. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

5. A person registering a vehicle pursuant to the provisions of subsection 3, 4 or 6 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of his previous registration.

6. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

7. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

8. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State; or

(b) The vehicle is used in this State for a gainful purpose.”.

Amend the title of the bill, fourth line, after “veterans;” by inserting: “providing a penalty;”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 525 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Assemblywoman Giunchigliani requested that her remarks be entered in the Journal.

I just want to note, for the record, contained within this legislation is an addition with the whole restructuring of the property tax and the reduction for our taxpayers. We also commensurately reduced how much goes into the Distributive School Account for the local districts. We just wanted to make sure that everybody knew that what we also added here, as a qualification, that, if because we reground those numbers it was not accurate, the districts would be held harmless and the State would be obligated to make up those dollars when they redid it. We made this be put on the record in the Ways and Means Committee, but we also wanted to do so here, as well. As they ran their numbers through their formula, some of the rural counties notified us that we might have a problem, and we wanted to make sure that, for the record, the state is obligated to make up that General Fund any property tax loss and if there was one, the districts would be made whole.

Secondly, I would also say that this is a good piece of legislation in that it helps get us home, and most importantly, it does take care of our school districts. We made some gains in the per-pupil funding and we tried to deal with textbook inflation, which was very good, as we have not had that in the past, some things that really are the core for our students and their parents. I commend my colleagues on Ways and Means for having worked on this manner. I urge your support.

Roll call on Senate Bill No. 525:

YEAS—42.

NAYS—None.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Roll call on Senate Bill No. 95:

YEAS—42.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Roll call on Senate Bill No. 195:

YEAS—42.

NAYS—None.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:47 p.m.

ASSEMBLY IN SESSION

At 2:49 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 282 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 282.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 1223.

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court,

may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of his probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~[the court in which the person was convicted]~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring his civil rights,
as proof that he has been restored to the civil rights set forth in subsection 3.

Sec. 11. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after ~~{10}~~ 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after ~~{3}~~ 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.”.

Amend the bill as a whole by deleting sections 11 and 12 and adding new sections designated sections 13 through 17, following sec. 10, to read as follows:

“Sec. 13. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~[the court in which the person was convicted]~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,
as proof that he has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 14. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil

rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,
as proof that he has been restored to the civil rights set forth in subsection 1.

Sec. 15. Notwithstanding the provisions of sections 1 to 9, inclusive, and 12 of this act, a person is not required to possess a license issued by the State Board of Health to operate or maintain a facility for transitional living for released offenders in this State before January 1, 2006, unless the Board establishes, by regulation, an earlier date for compliance with the amendatory provisions of sections 1 to 9, inclusive, and 12 of this act.

Sec. 16. 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2, a person who was dishonorably discharged from probation or parole before the effective date of this section, until July 1, 2008, may apply to the Division of Parole and Probation of the Department of Public Safety, in accordance with the regulations adopted by the Division pursuant to the provisions of this section, to request that his dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole.

2. A person who was dishonorably discharged from probation or parole may not apply to change his discharge to an honorable discharge pursuant to this section if his dishonorable discharge was based, in whole or in part, upon:

(a) The fact that he committed a new crime, other than a violation of a traffic law for which he was issued a citation, during the period of his probation or parole;

(b) The fact that his whereabouts were unknown at the time of his discharge from probation or parole; or

(c) Any incident involving his commission of a violent act or an act that threatened public safety during the period of his probation or parole.

3. The Division shall adopt regulations establishing guidelines and procedures to be used to carry out the provisions of this section. The regulations must include, without limitation, provisions requiring that to be granted a change of discharge pursuant to this section, if an applicant failed to make full restitution as ordered by the court or failed to pay the fees to defray the cost of his supervision as required pursuant to NRS 213.1076, the applicant must have made or must be making an effort in good faith and satisfactory progress towards paying the restitution ordered or fees owed, as determined by the Division.

4. A person whose application for a change of discharge is granted by the Division and whose discharge from probation or parole is changed to an honorable discharge from probation or parole pursuant to this section:

(a) Shall be deemed to have been issued an honorable discharge from probation or parole effective as of the date of his original dishonorable discharge from probation or parole;

(b) Is subject to, and must be restored to his civil rights in accordance with, the provisions of NRS 176A.850 or 213.155, as amended by this act; and

(c) Must be given an official document which:

(1) Provides that he has received an honorable discharge from probation or parole; and

(2) States, as applicable, the dates on which his civil rights to vote, to serve as a juror in a civil action, to hold office and to serve as a juror in a criminal action will be restored to him.

5. The Division shall, on or before January 1, 2009, submit a written report to the Director of the Legislative Counsel Bureau that includes, without limitation, the following information:

(a) The number of persons who applied for a change of discharge pursuant to this section;

(b) The number of applications that were granted or denied and the general reasons for denial of the applications;

(c) The estimated amount of restitution and fees for supervision paid as the result of the enactment of this section;

(d) Any recommendations and conclusions concerning the desirability of extending the application of the provisions of this section; and

(e) Any other information deemed appropriate by the Division.

Sec. 17. 1. This section and sections 10, 11 and 13 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 12 of this act become effective upon passage and approval for the purpose of adopting regulations and on October 1, 2005, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to convicted persons; prohibiting a person other than a state or local government or agency thereof from operating or maintaining a facility for transitional living for released offenders without licensure by the State Board of Health; providing that each alcohol and drug abuse program operated by such a facility must be certified by the Health Division of the Department of Human Resources; providing that such facilities are facilities for the dependent; revising the definition of “halfway house for recovering alcohol and drug abusers”; requiring the Board to adopt standards and regulations governing the licensure and operation of such facilities; authorizing the Board to impose fees for the issuance and renewal of a license to operate such a facility; providing that the fact that a facility for transitional living for released offenders is located near real property which is

the subject of a sale, lease or rental is not material to the transaction and is not required to be disclosed by the seller, lessor or landlord; revising the provisions governing the sealing of records of convictions pertaining to certain crimes; making various changes concerning the restoration of civil rights of certain persons; allowing certain persons who have been dishonorably discharged from probation or parole to apply, for a limited period, to the Division of Parole and Probation of the Department of Public Safety to request that their dishonorable discharge be changed to an honorable discharge; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning convicted persons. (BDR 40-622)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 369.

Bill read third time.

Roll call on Senate Bill No. 369:

YEAS—41.

NAYS—Angle.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Roll call on Senate Bill No. 522:

YEAS—42.

NAYS—None.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 579.

Bill read third time.

Remarks by Assemblywoman Gansert.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Assembly Bill No. 579:

YEAS—28.

NAYS—Allen, Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Marvel, Seale, Sherer, Sibley, Weber—14.

Assembly Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 577.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Arberry, Seale, and Parnell.

Roll call on Assembly Bill No. 577:

YEAS—42.

NAYS—None.

Assembly Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 394, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1077 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA15, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK

CHRIS GIUNCHIGLIANI

SCOTT SIBLEY

Assembly Conference Committee

SANDRA J. TIFFANY

DEAN A. RHOADS

JOHN LEE

Senate Conference Committee

Conference Amendment No. CA15.

Amend sec. 32, page 21, by deleting lines 5 through 26 and inserting:

“Sec. 32. 1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) The value of the land; and

(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence,

determined in accordance with the manual established pursuant to subsection 2.

2. The Nevada Tax Commission shall establish a manual for determining the value for open-space use of real property used as a golf course. The manual must:

(a) Require the use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable.

(b) For the purpose of determining the value of the land, define various classifications of golf courses and provide for the valuation of each such classification in a manner that is consistent with the provisions of NRS 361.227, except that the value of the land must not be determined to exceed the product of \$2,860 per acre multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004.

(c) For the purpose of determining the value of the improvements made to the real property, require the use of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include, for the purpose of determining obsolescence, a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.”.

Amend the bill as a whole by adding new sections designated sections 52.1 through 52.8, following sec. 52, to read as follows:

“Sec. 52.1. Section 1 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

(a) Obtain two independent appraisals of the land before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.*

4. *An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.*

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market*

value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.

Sec. 52.2. Section 5 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. *The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:*

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.*

4. *An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

Sec. 52.3. Section 7 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 *Except as otherwise provided in this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 [and 244.288:], 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise*

required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or ~~for exchange~~ lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~[at public auction,]~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~[Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.~~

(c) ~~Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.] Lease the property in the manner prescribed for the lease of real property in NRS 244.283.~~

2. Before the board of county commissioners may sell ~~for exchange~~ or lease any real property as provided in ~~[paragraphs (b) and (c) of]~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or ~~exchanged~~ leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or ~~exchanged;~~ leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

(a) ~~A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

(b) ~~An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

4.] If the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers pursuant to section 4 of this act to appraise the property [.] and, except for property acquired pursuant to NRS 371.047, shall not sell or ~~exchange~~ lease it for less than the highest appraised value.

~~5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~sell it~~ :

(a) Lease the property; or

(b) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and

(2) The sale will be in the best interest of the county.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

6. *A board of county commissioners that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.*

7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.*

8. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 52.4. Assembly Bill No. 312 of this session is hereby amended by adding thereto a new section to be designated as sec. 7.5, immediately following sec. 7, to read as follows:

Sec. 7.5. NRS 244.283 is hereby amended to read as follows:

244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279, before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

(a) Describe the property proposed to be leased in such manner as to identify it.

(b) Specify the minimum rental, and the terms upon which it will be leased.

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the board to be held at its regular place of meeting, at which sealed proposals to lease will be received and considered.

3. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

4. At the time and place fixed in the resolution for the meeting of the board, all sealed proposals which have been received must, in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease and which are made by responsible bidders, the proposal which is the highest must be finally accepted, unless a higher oral bid is accepted or the board rejects all bids.

5. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution, for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person must be finally accepted.

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, he submits to the board written notice of his intent to make an oral bid and a statement establishing his financial responsibility to the satisfaction of the board.

7. The final acceptance by the board may be made either at the same session or at any adjourned session of the same meeting held within the ~~{40}~~ 21 days next following.

8. The board may, either at the same session or at any adjourned session of the same meeting held within the ~~{40}~~ 21 days next following, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from lease.

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chairman to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of his contract which are to be performed concurrently therewith.

10. All money received from rentals of real property must be deposited forthwith with the county treasurer to be credited to the county general fund.

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

Sec. 52.5. Section 12 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the*

city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Obtain two independent appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.

Sec. 52.6. Section 13 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 13. Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

1. If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it

may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.

2. Before the governing body may sell or lease any real property as provided in subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the city; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

(a) Lease the real property; or

(b) Sell the real property for:

(1) Cash; or

(2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:

(a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

(1) The real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

(2) The sale or lease will be in the best interest of the city.

(b) Another governmental entity if:

(1) The sale or lease restricts the use of the real property to a public use; and

(2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 52.7. Section 14 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 14. 1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution

declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;

(2) The minimum price of the real property proposed to be sold or leased at auction; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. *The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.*

7. *Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.*

Sec. 52.8. Section 25 of Assembly Bill No. 312 of this session is hereby amended to read as follows:

Sec. 25. This act becomes effective on ~~July~~ October 1, 2005.”.

Amend sec. 57, page 30, by deleting lines 10 through 13 and inserting:

“Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill, eighth line, after “citizen;”, by inserting: “revising certain provisions relating to the sale, lease or other disposal of public property by a governmental entity;”.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 394.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 39, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1084 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA33, which is attached to and hereby made a part of this report.

DAVID PARKS
WILLIAM HORNE
JOE HARDY

Assembly Conference Committee

SANDRA J. TIFFANY
TERRY CARE
JOHN LEE

Senate Conference Committee

Conference Amendment No. CA33.

Amend sec. 10, page 9, by deleting lines 13 through 20 and inserting:

“1. *If a request for an opinion is submitted to or initiated by the Commission concerning a present or former state officer or employee, unless the state officer or employee retains his own legal counsel or the Attorney General tenders the defense of the state officer or employee to an insurer who, pursuant to a contract of insurance, is authorized to defend the state officer or employee, the Attorney General shall defend the state officer or employee or employ special counsel to defend the state officer or employee in any proceeding relating to the request for the opinion if:*”.

Amend the bill as a whole by renumbering sec. 12 as sec. 13 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. The provisions of section 10 of this act do not apply to any present or former state officer or employee concerning to whom a request for an opinion was submitted or initiated by the Commission on Ethics pursuant to NRS 281.411 to 281.581, inclusive, before July 1, 2005.”

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 39.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 325, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 884, 1032 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA21, which is attached to and hereby made a part of this report.

WILLIAM HORNE

FRANCIS ALLEN

MARK MANENDO

Assembly Conference Committee

MICHAEL SCHNEIDER

JOHN LEE

MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA21.

Amend sec. 54, pages 19 and 20, by deleting lines 33 through 45 on page 19 and lines 1 through 7 on page 20, and inserting:

“2. This chapter does not apply to:

(a) ~~[Associations created for the limited purpose of maintaining;~~

~~(1) The landscape of the common elements of a common interest community;~~

~~(2) Facilities for flood control; or~~

~~(3) Except as otherwise provided in NRS 116.31075,] A limited-purpose association, except that a limited-purpose association:~~

~~(1) Shall pay the fees required pursuant to NRS 116.31155;~~

~~(2) Shall register with the Ombudsman pursuant to NRS 116.31158;~~

~~(3) Shall comply with the provisions of:~~

~~(I) NRS 116.31038, 116.31083 and 116.31152; and~~

~~(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;~~

~~(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and~~

~~(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.”.~~

Amend sec. 74.5, page 51, by deleting lines 1 through 31 and inserting:

“2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed \$100 per year per such member, officer, community manager or person.”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 325.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 954.

Amend section 1, page 2, line 1, after “customers,” by inserting: “guests, casino hosts, key employees,”.

Amend section 1, page 2, line 6, after “business” by inserting: “of the resort hotel”.

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. 1. Each owner or operator of a resort hotel shall:

(a) To the greatest extent practicable, meet and confer with all other owners and operators of resort hotels in this State; and

(b) Prepare a report concerning limousines and other motor vehicles to which the provisions of section 1 of this act apply.

2. The report must include, without limitation, a discussion of the following subjects:

(a) The employment practices used for employees who drive limousines and other motor vehicles, including, without limitation, conducting background investigations, policies concerning testing for the presence of drugs and reviewing of driving records;

(b) The training provided for drivers to ensure proficiency in the operation of limousines and other motor vehicles; and

(c) The procedures used for the maintenance of limousines and other motor vehicles.

3. The report must be submitted on or before February 1, 2007, to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.

4. As used in this section, "resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

(a) More than 200 rooms available for sleeping accommodations;

(b) At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(c) At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(d) A gaming area within the building or group of buildings.

Sec. 4. This act becomes effective upon passage and approval."

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 504.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 302, consisting of the undersigned members, has met and reports that:

No decision was reached.

DEBBIE SMITH
BERNIE ANDERSON
HEIDI S. GANSERT

Assembly Conference Committee

SANDRA J. TIFFANY
JOHN LEE
TERRY CARE

Senate Conference Committee

Assemblywoman Smith moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 302.

Remarks by Assemblywoman Smith.
Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 17.

The following Senate amendment was read:

Amendment No. 1158.

Amend the bill as a whole by adding the following Senators as joint sponsors: Senators Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 17.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 578.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1232.

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

“Sec. 21.5. Section 21 of Senate Bill No. 347 of this session is hereby amended to read as follows:

Sec. 21. *“Personal information” means a natural person’s first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:*

- 1. Social security number.*
- 2. Driver’s license number or identification card number.*
- 3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person’s financial account.*

The term does not include publicly available information that is lawfully made available to the general public.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 457, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1087, 1108 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA42, which is attached to and hereby made a part of this report.

JOHN OCEGUERA

MARCUS CONKLIN

FRANCIS ALLEN

Assembly Conference Committee

MIKE MCGINNESS

MARK E. AMODEI

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA42.

Amend sec. 2, page 2, by deleting line 44 and inserting:

“(c) “Liquor” does not include beer or malt-based beverages, but does include flavored malt beverages if the supplier and the wholesale dealer holding the franchise for such flavored malt beverages consent in writing. As used in this paragraph, “flavored malt beverages” means flavored malt beverages that are not marketed, merchandised or sold as beer.”.

Amend sec. 3, page 3, by deleting lines 18 through 28 and inserting:

“2. If any person knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488, a wholesale dealer, supplier, retailer or retail liquor dealer who is injured by the violation may bring an action in a court of competent jurisdiction against the person to recover:

(a) For the first violation, \$100 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.

(b) For the second violation, \$250 plus treble the actual damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.

(c) For the third and any subsequent violation, \$500 plus treble the actual damages sustained by him and punitive damages as the facts may warrant, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110.”.

Amend the bill as a whole by deleting sections 8 through 10 and inserting new sections designated sections 8 through 10, following sec. 7, to read as follows:

“Sec. 8. 1. “Establishment” includes:

(a) A business that sells alcoholic beverages by the drink for consumption on the premises; and

(b) In a county whose population is 400,000 or more, a business that sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.

2. The term includes, without limitation, a retail liquor store.

3. The term does not include:

(a) A wholesale dealer; or

(b) A private club or other facility not in fact open to the public.

Sec. 9. 1. Except as otherwise provided in subsection 5, on and after July 1, 2007, a person who owns or operates an establishment shall not:

(a) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, within 30 days after the date on which he is hired, successfully completes a certified program and obtains a valid alcohol education card; or

(b) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(1) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed a certified program and already holds a valid alcohol education card; or

(2) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment, not later than July 31, 2007, successfully completes a certified program and obtains a valid alcohol education card.

2. The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(a) For the first violation within a 24-month period, \$500.

(b) For the second violation within a 24-month period, \$1,000.

(c) For the third and any subsequent violation within a 24-month period, \$5,000.

3. Of the money collected by the Department from fines pursuant to subsection 2:

(a) Fifty percent must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(b) Fifty percent must be deposited in the Alcoholic Beverage Awareness Program Account, which is hereby created in the State General Fund. The

Account must be administered by the Commission. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account must be used solely to reduce the costs for employees to complete programs certified by the Commission pursuant to subsection 3 of section 10 of this act.

4. Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

5. The provisions of this section apply only in a jurisdiction that:

- (a) Is located in a county whose population is 100,000 or more; or
- (b) Is located in a county whose population is less than 100,000, if the governing body of the jurisdiction has, by the affirmative vote of a majority of its members, agreed to be bound by the provisions of this section.

6. As used in this section:

(a) "Certified program" means an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(b) "Valid alcohol education card" means a card issued by a certified program which has been obtained or renewed within the immediately preceding 4 years.

Sec. 10. 1. The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.

2. The curriculum described in subsection 1:

- (a) Must consist of not fewer than 2 hours of instruction; and
- (b) Must include, without limitation, instruction on the following topics:
 - (1) The clinical effects of alcohol on the human body;
 - (2) Methods of identifying intoxicated persons;
 - (3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;
 - (4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and
 - (5) Methods of preventing:
 - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;
 - (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and
 - (III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.

3. The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:

- (a) The program meets the curricular requirements set forth in subsection 2; and

(b) The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.

4. An alcoholic beverage awareness program certified by the Commission:

(a) Must not cost a person more than \$40 to complete; and

(b) May be presented through the use of audiovisual technology. As used in this paragraph, "audiovisual technology" includes, without limitation, the use of closed-circuit video, videoconferencing, videotapes, computers, television, the Internet or any other electronic means of communication, or any combination thereof.

5. The Commission shall adopt such regulations:

(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and

(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to subsection 3 receives a card which verifies that the person has successfully completed that program. The regulations must provide additionally that a card described in this paragraph:

(1) Is valid for a period of 4 years from the date of issuance and may be renewed for like consecutive periods upon successful completion by the holder of the card of an alcoholic beverage awareness program certified by the Commission; and

(2) Must be honored, in any jurisdiction in which the provisions of section 9 of this act apply, as indicia of the successful completion of an alcoholic beverage awareness program certified by the Commission.

6. As used in this section, "minor" means a person who is under 21 years of age."

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 457.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Assemblyman Ocegüera moved that the Assembly recess until 6:00 p.m.

Motion carried.

Assembly in recess at 3:19 p.m.

ASSEMBLY IN SESSION

At 6:15 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 165, 203, 314, 518, 521, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 26, 35; Assembly Concurrent Resolutions Nos. 11, 17.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1198 to Senate Bill No. 380.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 17.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 576 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 576.

Bill read third time.

Roll call on Assembly Bill No. 576:

YEAS—42.

NAYS—None.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Roll call on Assembly Bill No. 578:

YEAS—42.

NAYS—None.

Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Roll call on Senate Bill No. 282:

YEAS—42.

NAYS—None.

Senate Bill No. 282 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1219.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of ~~each~~ each school district shall ~~report~~ :

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the

examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

~~(2) [An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~

~~(3)]~~ A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

~~[(4)]~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~[(5)]~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~[(6)]~~ (5) The percentage of pupils who were not tested;

~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~[(4)]~~ (3);

~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~[(9)]~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~[(10)]~~ (9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; ~~and~~

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State ~~[-]~~ ;

(4) *For each middle school, junior high school and high school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(5) *For each elementary school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or*

assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

- (1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial [education] study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before ~~April 1~~ *August 15* of each year, the board of trustees of each school district shall submit to ~~the~~

~~(a) Each~~ each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~[(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.]~~

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) ~~{Submit}~~ *Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:*

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) *Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008."

Amend the bill as a whole by deleting sec. 10 and adding:

"Sec. 10. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 12 and adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. ~~[A]~~ *Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

- (a) Is a sibling of a pupil who is currently enrolled in the charter school; or
- (b) Resides *within the school district and* within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk . ~~;~~

~~before the charter school enrolls other pupils who are eligible for enrollment.]~~ *If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.*

If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability, of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the

charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.”.

Amend the bill as a whole by deleting sections 15 and 16 and adding new sections designated sections 15 and 16, following sec. 14, to read as follows:

“Sec. 15. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school that is sponsored by the board of trustees of a school district shall submit the information concerning the charter school that is required

pursuant to subsection 2 of NRS 385.347 to the board of trustees that sponsors the charter school for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. ~~{On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall forward the information to the school district in which the charter school is located for inclusion in the summary that is prepared by the school district pursuant to section 3 of Assembly Bill 154 of this session and the report that is prepared by the school district pursuant to NRS 385.347.~~

3.] The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 16. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before July 1 of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board. The written report must include ~~{an}~~ :

(a) An evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

(b) *A description of all administrative support and services provided by the school district to the charter school.*

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.”.

Amend the bill as a whole by deleting sec. 30 and adding a new section designated sec. 30, following sec. 29, to read as follows:

“Sec. 30. 1. This section and sections 1 to 14, inclusive, 16 to 26, inclusive, and 28 and 29 of this act become effective on July 1, 2005.

2. Section 15 of this act becomes effective at 12:01 a.m. on July 1, 2005.

3. Section 4 of this act expires by limitation on June 30, 2006.

4. Section 26 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

5. Section 27 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—42.

NAYS—None.

Senate Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Roll call on Senate Bill No. 203:

YEAS—42.

NAYS—None.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 314 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—42.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 521.

Bill read third time.

Roll call on Senate Bill No. 521:

YEAS—42.

NAYS—None.

Senate Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 180, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 765, 1105 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA49, which is attached to and hereby made a part of this report.

BONNIE PARNELL

DEBBIE SMITH

JOE HARDY

Assembly Conference Committee

BARBARA CEGAVSKE

VALERIE WIENER

MAURICE E. WASHINGTON

Senate Conference Committee

Conference Amendment No. CA49.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of ~~the~~ each school district shall ~~report~~:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) ~~[An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~

~~(3)~~ A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

~~[(4)]~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~[(5)]~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~[(6)]~~ (5) The percentage of pupils who were not tested;

~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~[(4)]~~ (3);

~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and

389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~[(9)]~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~[(10)]~~ (9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; ~~and~~

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State ~~[-]~~ ;

(4) *For each middle school, junior high school and high school:*

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial [education] study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and , to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before ~~{April 1}~~ August 15 of each year, the board of trustees of each school district shall submit to ~~the~~:

~~(a) Each~~ each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~{(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.}~~

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) ~~{Submit}~~ *Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:*

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) *Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.”.

Amend the bill as a whole by deleting sec. 5 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. ~~[A]~~ *Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:*

- (a) Is a sibling of a pupil who is currently enrolled in the charter school; or
- (b) *Resides within the school district and* within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk . ~~;~~

~~before the charter school enrolls other pupils who are eligible for enrollment.]~~ *If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.*

If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall

determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 7, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,
of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.”.

Amend the bill as a whole by deleting sec. 8 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ a charter school *that is sponsored by the board of trustees of a school district* shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~of the school district in which~~ *that sponsors* the charter school ~~is located, regardless of the sponsor of the charter school,~~ for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before ~~August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.]~~ *July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall forward the information to the school district in which the charter school is located for inclusion in the report that is prepared by the school district pursuant to NRS 385.347.*

3. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.”.

Amend the bill as a whole by deleting sections 10 and 11 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

“Sec. 10. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) *must be used for the purpose of improving the achievement of pupils and improving classroom instruction but* must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 ; ~~{, including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;}~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~{located within a school district}~~ shall report the data to the ~~{school district for incorporation into the report of the school district, regardless of the}~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 11. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the *sponsor of the charter school* ~~[district in which the charter school is located]~~ such information as is necessary for the ~~[school district]~~ *sponsor* to carry out the provisions of this subsection. ~~[, regardless of the sponsor of the charter school.]~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4)."

Amend the bill as a whole by renumbering sections 12 through 14 as sections 13 through 15 and adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 1 of Assembly Bill No. 206 of this session is hereby amended to read as follows:

Section 1. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) *Providing for the issuance and renewal of a special qualifications license to an applicant who holds a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:*

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the master's degree or doctoral degree held by that person.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. *A person who is licensed pursuant to subparagraph (7) of paragraph (a) of subsection 1:*

(a) *Shall comply with all applicable statutes and regulations.*

(b) *Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.*

(c) *Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.”*

Amend sec. 14, page 24, by deleting lines 32 through 35 and inserting:

“Sec. 15. 1. This section and sections 2, 12 and 13 of this act become effective upon passage and approval.

2. Sections 1, 3 to 11, inclusive, and 14 of this act become effective on July 1, 2005.”.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 180.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 17, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 753, 1051 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA43, which is attached to and hereby made a part of this report.

PEGGY PIERCE
BONNIE PARNELL
TOM GRADY

Assembly Conference Committee

RANDOLPH J. TOWNSEND
DINA TITUS
DEAN A. RHOADS

Senate Conference Committee

Conference Amendment No. CA43.

Amend sec. 2, page 4, by deleting lines 1 through 39 and inserting:

“Sec. 2. NRS 233B.0675 is hereby amended to read as follows:

233B.0675 1. If the Legislative Commission or the subcommittee to review regulations has objected to a regulation, the agency ~~[may revise it]~~ shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel ~~[]~~ within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~[at its next regularly scheduled meeting. If the Commission does not object]~~ or subcommittee for review. If there is no objection to the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission or subcommittee objects to the revised regulation, the ~~[agency may]~~ Legislative Counsel shall attach to the revised regulation a written notice of the objection, including a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission ~~[]~~.

~~3.— If the agency refuses to revise a regulation to which the Legislative Commission has objected, the Commission may suspend the filing of the regulation until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective. The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not be enforced. If the Legislature has not so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.] or subcommittee within 30 days after the agency received the written notice of the objection to the revised regulation.”.~~

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 17.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 9:00 p.m.

Motion carried.

Assembly in recess at 6:38 p.m.

ASSEMBLY IN SESSION

At 9:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 580—AN ACT relating to public administration; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order under certain circumstances; creating the Office of Minority Health within the Department of Human Resources; providing for the establishment of a statewide nonemergency telephone system that is accessible by dialing the digits 2-1-1; requiring the Governor to publish a Nevada Report to taxpayers on the status of the state finances; providing for the periodic review of school districts to determine whether the school districts are carrying out certain financial management principals under certain circumstances; requiring the boards of trustees of school districts to pay increased salaries to certain speech pathologists who are employed by those districts; providing various benefits for members of the Nevada National Guard who are called into active service; requiring the Director of the Department of Human Resources to include in the State Plan for Medicaid a requirement that young adults who have “aged out” of foster care are eligible for Medicaid; creating the Account for the Control of Weeds; making appropriations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Leslie moved that the Assembly do not recede from its action on Senate Bill No. 462, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Leslie.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Leslie, Pierce, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 462.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 44, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 859 of the Senate be receded from and a 2nd reprint be created in accordance with this action.

BOB MCCLEARY
MARCUS CONKLIN
JOE HARDY

Assembly Conference Committee

JOE HECK
WARREN B. HARDY
SANDRA J. TIFFANY

Senate Conference Committee

Assemblyman McCleary moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 44.

Remarks by Assemblyman McCleary.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 523 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1215.

Amend the bill as a whole by deleting sections 3 through 9 and adding new sections designated sections 3 through 9, following sec. 2, to read as follows:

“Sec. 3. “Account” means the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act.

Sec. 4. “Commission” means the Commission on Educational Excellence created by section 5 of this act.

Sec. 5. 1. The Commission on Educational Excellence, consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Three teachers, two of whom have experience in providing instruction at public elementary schools and who have been successful in school improvement efforts and one of whom has experience in providing

instruction at secondary schools and who has been successful in school improvement efforts;

(b) Two principals, one of whom has experience in administering successful school improvement efforts at an elementary school and one of whom has experience in administering successful school improvement efforts at a secondary school;

(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more; and

(d) One parent or legal guardian of a pupil enrolled in a public school in this State.

One or more of the members appointed pursuant to subsection 1 may be retired from employment but those retired members that are appointed must have been employed with a public school in this State in the immediately preceding 5 years.

2. The Governor may solicit recommendations for appointments pursuant to this subsection from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils, the Statewide Council for the Coordination of the Regional Training Programs and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chairman from among the members he appoints.

3. After the initial terms, the term of each appointed member of the Commission is 2 years, commencing on January 1 of the year in which he is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his successor is appointed. Upon the expiration of a term of a member, he may be reappointed if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

4. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chairman.

5. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and travel expenses must be paid from the Account and accounted for separately in that Account. In addition, money in the Account may be used to pay compensation necessary for the employment of substitute teachers who are hired on those days when a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

6. The Department shall provide:

- (a) Administrative support;
 - (b) Equipment; and
 - (c) Office space,
- as is necessary for the Commission to carry out its duties.

7. *The Legislative Counsel Bureau:*

- (a) *Must be provided with adequate notice of each meeting of the Commission; and*
- (b) *Shall provide, as requested by the Committee, technical expertise and assistance to the Commission.*

Sec. 6. 1. *The Commission shall:*

- (a) *Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:*

- (1) *The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;*

- (2) *The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;*

- (3) *The plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation; and*

- (4) *Any other information that the Commission considers relevant to the development of the program of educational excellence.*

- (b) *Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

- (c) *Develop a concise application and simple procedures for the submission of applications by school districts and public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both. All school districts and public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the school district or school has made adequate yearly progress or failed to make adequate yearly progress. A school district or public school selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.*

- (d) *Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and public schools that desire to participate in the program.*

- (e) *Prescribe accountability measures to be carried out by a school district or public school that participates in the program if that school district or public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:*

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(f) Determine the amount of money that is available from the Account for those school districts and public schools that are selected to participate in the program.

(g) Allocate money to school districts and public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff;

(4) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(5) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. If a school district or public school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1 over a 2-year period, the Commission may consider not awarding future allocations of money to that school district or public school.

4. On or before July 1 of each year, the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of

schools in the immediately preceding year for consideration by the Commission in its development of procedures for the applications.

5. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 7. 1. A school district or public school that receives an allocation of money from the Account shall:

(a) Account for the money separately;

(b) Use the money to supplement and not replace the money that would otherwise be expended by the school district or public school for the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable; and

(c) Submit an evaluation of the effectiveness of the allocation in improving the achievement of pupils in kindergarten through grade 6 or pupils in grades 7 through 12, as applicable, in accordance with the criteria for evaluation established by the Commission pursuant to section 6 of this act.

2. A school district or public school that receives an allocation of money from the Account shall not:

(a) Use the money to settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district or public school and the school district or public school, as applicable.

(b) Use the money to adjust the schedules of salaries and benefits of the employees of the school district or public school, as applicable.

Sec. 8. 1. The Commission shall prepare an annual report that describes the distribution of money to the school districts and public schools and the programs for which money was allocated from the Account. The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.

2. The Commission shall:

(a) Prepare an annual report that describes:

(1) The activities of the Commission;

(2) An analysis of the progress of the school districts and public schools in carrying out the plans to improve the achievement of pupils; and

(3) An analysis of the progress of the school district and public schools that received an allocation of money from the Account in improving the achievement of pupils.

(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.

3. *The Commission shall submit the reports required by this section to the:*

- (a) *State Board;*
- (b) *Governor;*
- (c) *Committee;*
- (d) *Bureau;*
- (e) *Interim Finance Committee; and*
- (f) *Board of trustees of each school district.*

Sec. 9. 1. *The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

2. *The money in the Account may only be used for the allocation of money to school districts and public schools whose applications are approved by the Commission pursuant to section 6 of this act.”.*

Amend the bill as a whole by adding new sections designated sections 16.3 and 16.7, following sec. 16, to read as follows:

“Sec. 16.3. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by section 9 of this act the following sums:

For the Fiscal Year 2005–2006 \$50,000,000

For the Fiscal Year 2006–2007 \$28,000,000

2. Except as otherwise provided in this section, the money appropriated by subsection 1 must be used first for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.

3. If money is remaining from the appropriation made by subsection 1 after allocations for kindergarten through sixth grades are complete, school districts and schools may apply for allocations from the remainder of the appropriation for programs for grades 7 through 12.

Sec. 16.7. 1. The Department of Education shall transfer the following sums to the Account for Programs for Innovation and the Prevention of Remediation apportioned for the State Distributive School Account in the State General Fund for the 2005–2007 biennium:

For the Fiscal Year 2005–2006 \$6,818,788

For the Fiscal Year 2006–2007 \$7,089,336

2. The sums transferred pursuant to subsection 1 must be used first for application to grades 7 through 12 for programs for the achievement of pupils

linked to the plan to improve the achievement of pupils or for innovative programs, or both. If money is remaining from the transfer after allocations for grades 7 through 12 are complete, school districts and public schools may apply for allocations for kindergarten through grade 6 for programs for the achievement of pupils linked to the plan to improve the achievement of pupils or for innovative programs, or both.”.

Amend sec. 18, page 17, by deleting lines 36 through 38 and inserting:

“1. Two teachers, one principal, one school district administrator to”.

Amend sec. 19, page 18, line 1, by deleting: “on July 1, 2005,” and inserting: “upon passage and approval”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; creating the Commission on Educational Excellence; prescribing the membership and duties of the Commission; creating the Account for Programs for Innovation and the Prevention of Remediation; authorizing school districts and public schools to apply for grants of money from the Account; revising the provisions governing the statewide system of accountability; making appropriations; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 461.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1226.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sec. 10 as sec. 13 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

“Section 1. Title 34 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. 1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.

2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university

studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. *It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils be open to all qualified applicants, regardless of race, culture, ethnicity or economic means, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant.*

4. *It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity or economic means and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.*

Sec. 3. *As used in this chapter, unless the context otherwise provides, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Profoundly gifted pupil” means a person who is under the age of 18 years:*

1. *Whose intelligence quotient as determined by an individual administration of the Wechsler or Stanford-Binet Series tests or other test approved by the governing body of the university school for profoundly gifted pupils is at or above the 99.9th percentile; or*

2. *Who scores at or above the 99.9th percentile for his age on an aptitude or achievement test, including, without limitation, the Scholastic Aptitude Test or the American College Test.*

Sec. 5. *“University school for profoundly gifted pupils” means a school that:*

1. *Is located on the campus of a university within the University and Community College System of Nevada;*

2. *Is operated through a written agreement with the university;*

3. *Is operated by or is itself a nonprofit corporation that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);*

4. *Demonstrates at least 5 years of successful experience providing educational services to profoundly gifted youth;*

5. *Provides a full-time alternative program of education for profoundly gifted pupils who have been identified as possessing the abilities and skills necessary for advanced academic work, including accelerated middle school, junior high school, high school and early university entrance; and*

6. *Does not charge tuition to pupils enrolled in the school.*

Sec. 6. *Notwithstanding the provisions of NRS 385.007 to the contrary, a university school for profoundly gifted pupils shall be deemed a public school.*

Sec. 7. 1. *Except as otherwise provided by specific statute, the provisions of title 34 of NRS do not apply to a university school for profoundly gifted pupils, except that a university school for profoundly gifted pupils is not entitled to receive any money from the State.*

2. *The employees of a university school for profoundly gifted pupils shall be deemed public employees.*

Sec. 8. 1. *A university school for profoundly gifted pupils shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.*

2. *A university school for profoundly gifted pupils may apply for and accept any gift, bequest, grant, appropriation or donation from any source, except that the acceptance of any gift, bequest, grant, appropriation or donation may not violate any state or federal law.*

Sec. 9. 1. *At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.*

2. *A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS 389.015 and 389.550.*

Sec. 10. *The Superintendent of Public Instruction shall:*

1. *Authorize any pupil who is admitted to a university school for profoundly gifted pupils to enroll in that school in lieu of enrolling in the middle school, junior high school or high school that the pupil is otherwise scheduled to attend.*

2. *Adopt regulations to carry out the provisions of this chapter with which each university school for profoundly gifted pupils must comply.*

Sec. 11. 1. *A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil's potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.*

2. *A person who wishes to apply for admission to a university school for profoundly gifted pupils must:*

(a) *Submit to the governing body of the school:*

(1) *A completed application;*

(2) *Evidence that he possesses advanced intellectual and academic ability, including, without limitation, proof that he scored in the 99.9th percentile or above on achievement and aptitude tests such as the Scholastic Aptitude Test and the American College Test;*

(3) *At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant; and*

(4) *A transcript from each school previously attended by the applicant.*

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil successfully passes the high school proficiency examination and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the President of the university where the university school for profoundly gifted pupils is located, the State Board of Education and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 12. 1. The governing body of a university school for profoundly gifted pupils must consist of nine members and must include the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, who serve ex-officio. The Governor shall appoint three members to serve 4-year terms. The members appointed by the Governor may not be employees of the State, a municipality of the State or the Board of Regents of the University and Community College System of Nevada. The remaining four members of the governing body shall be appointed by the entity that operates the university school for profoundly gifted pupils. A person may serve on a governing body pursuant to this subsection only if he submits an affidavit to the Department of Education indicating that the person has not been convicted of a felony or any crime involving moral turpitude.

2. The governing body of a university school for profoundly gifted pupils is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be required to attain the ends for which the school is established and to promote the welfare of pupils who are enrolled in the school.

3. The governing body of a university school for profoundly gifted pupils shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the school is located.”.

Amend the bill as a whole, by deleting sections 11 through 15 and renumbering sec. 16 as sec. 14.

Amend the bill as a whole by deleting sections 17 through 37 and renumbering sections 38 and 39 as sections 15 and 16.

Amend sec. 38, page 30, by deleting lines 39 and 40 and inserting:

“6. A university school for profoundly gifted pupils is a public school established pursuant to sections 2 to 12, inclusive, of this act.”.

Amend the bill as a whole by deleting sections 40 and 41 and renumbering sections 42 through 44 as sections 17 through 19.

Amend sec. 42, page 32, line 2, by deleting “9” and inserting “11”.

Amend sec. 43, page 32, line 7, by deleting “9” and inserting “11”.

Amend sec. 44, page 32, line 26, by deleting “9” and inserting “11”.

Amend the bill as a whole by deleting sections 45 through 55 and renumbering sections 56 through 58 as sections 20 through 22.

Amend sec. 57, page 40, line 24, by deleting “9,” and inserting “12,”.

Amend sec. 58, page 41, lines 22 and 27, by deleting “9,” and inserting “12,”.

Amend the bill as a whole by deleting sec. 59, renumbering sec. 60 as sec. 24 and adding a new section designated sec. 23, following sec. 58, to read as follows:

“Sec. 23. 1. On or before July 1, 2006, the governing body of each university school for profoundly gifted pupils shall provide a report to the Legislative Committee on Education.

2. On or before February 1, 2007, the governing body of each university school for profoundly gifted pupils shall provide a report to the Superintendent of Public Instruction, the State Board of Education and the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

3. The reports required by subsections 1 and 2 must include, without limitation, the status of the university school for profoundly gifted pupils, the progress of the school, the effectiveness of the school in meeting its goals, any recommendations for legislation and any relevant fiscal information.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; providing for the enrollment of certain pupils in a university school for profoundly gifted pupils in lieu of enrolling in the schools that such pupils are otherwise scheduled to attend; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for enrollment of certain pupils in university school for profoundly gifted pupils. (BDR 34-1323)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

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

Assembly in recess at 9:17 p.m.

ASSEMBLY IN SESSION

At 9:27 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that all rules be suspended and the reprinting of Senate Bill No. 404 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1215, and the bill be placed on third reading and final passage

Motion carried unanimously.

Assemblyman Ocegura moved that all rules be suspended and the reprinting of Senate Bill No. 461 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1226, and the bill be placed on third reading and final passage

Motion carried unanimously.

Assemblyman Arberry moved that Senate Bill No. 101 be taken from the Chief Clerk's desk and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 101.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1220.

Amend section 1, page 1, by deleting lines 1 through 8 and inserting:

"Section 1. There is hereby appropriated from the State General Fund to the Legislative Counsel Bureau the sum of \$1,772,861 to be allocated as follows:

For the cost of reproducing out-of-print publications.....	\$130,842
For informational technology upgrades.....	\$1,091,235
For building improvements and an emergency generator.....	\$335,000

For a portion of the payments for the lease-purchase of a warehouse connected to the State Printing Office, resurfacing of the exterior of the State Printing Office and a parking lot:

For the Fiscal Year 2005–2006.....\$107,892

For the Fiscal Year 2006–2007.....\$107,892”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

“Sec. 3. The Legislative Counsel Bureau may enter into a lease-purchase agreement for the construction of a warehouse to be connected to the State Printing Office, the resurfacing of the exterior of the State Printing Office and the construction of a parking lot, to the extent that money, including the money appropriated by section 1 of this act, is available to make any payments required during the 2005-2007 biennium for such a lease-purchase agreement. The provisions of NRS 353.500 to 353.630, inclusive, are hereby made applicable to any lease-purchase agreement entered into pursuant to this act, with the Director of the Legislative Counsel Bureau being substituted for the Executive Branch officers in all provisions imposing powers and duties relating to the agreement.

Sec. 4. The Legislative Counsel Bureau shall solicit bids as appropriate for all contracts for construction that are funded in whole or in part by money appropriated by this act and shall comply with the provisions of NRS 338.010 to 338.090, inclusive, for all construction work performed under such contracts. All contracts entered into to carry out the provisions of this act must include a provision that prevailing wages must be paid on all work performed under the contracts in compliance with the provisions of NRS 338.010 to 339.090, inclusive. The remaining provisions of chapter 338 of NRS do not apply to such contracts.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Legislative Counsel Bureau; making an appropriation to the Legislative Counsel Bureau for the cost of reproducing out-of-print publications, informational technology upgrades, building improvements, an emergency generator for the State Printing Office and a portion of the payments for the lease-purchase of a warehouse connected to the State Printing Office, the resurfacing of the exterior of the State Printing Office and a parking lot; authorizing the Legislative Counsel Bureau to enter into a lease-purchase agreement; providing the requirements for such a lease-purchase agreement; and providing other matters properly relating thereto.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and the reprinting of Senate Bill No. 101 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1220, and the bill be placed on third reading and final passage

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 523.

Bill read third time.

Roll call on Senate Bill No. 523:

YEAS—42.

NAYS—None.

Senate Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Roll call on Senate Bill No. 56:

YEAS—42.

NAYS—None.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

Roll call on Assembly Bill No. 580:

YEAS—42.

NAYS—None.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Roll call on Senate Bill No. 101:

YEAS—42.

NAYS—None.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Roll call on Senate Bill No. 404:

YEAS—42.

NAYS—None.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—41.

NAYS—Angle.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 327, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1072 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA38, which is attached to and hereby made a part of this report.

SHEILA LESLIE
WILLIAM HORNE
GARN MABEY

Assembly Conference Committee

DENNIS NOLAN
BERNICE MATHEWS
JOE HECK

Senate Conference Committee

Conference Amendment No. CA38.

Amend sec. 2, page 2, by deleting lines 28 through 33 and inserting:

“(c) Professional fee billing; and

(d) The opportunity to rent office space in facilities owned”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 7, line 2, by deleting: “sections 3 and 4” and inserting “section 3”.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “and providing other matters”.

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 327.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 224, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1102 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA45, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
MO DENIS
SCOTT SIBLEY
Assembly Conference Committee

BOB BEERS
DINA TITUS
BARBARA CEGAVSKE
Senate Conference Committee

Conference Amendment No. CA45.

Amend section 1, pages 2 and 3, by deleting lines 28 and 29 on page 2 and lines 1 through 12 on page 3, and inserting:

“3. ~~{A}~~ *Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~{designated a reasonable area as required by}~~ violated subsection 1 ~~{~~*

~~4. ~~The~~ or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.”.~~

Amend sec. 2, page 3, by deleting lines 28 through 37 and inserting:

“Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 or subsection ~~{5}~~ 7 of NRS 293.5235.”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection ~~{9}~~ 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~{ The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered. }~~

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~{The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered. }~~ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. *The applicant shall be deemed to be registered or to have corrected the information in the register:*

(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or

(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.

8. If the applicant fails to check the box described in paragraph (b) of subsection ~~{9}~~ 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

~~{8}~~ 9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

~~{9}~~ 10. The application to register to vote by mail must include:

- (a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

~~{10.}~~ 11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~{11.}~~ 12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

~~{12.}~~ 13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

~~{13.}~~ 14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

~~{14.}~~ 15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

~~{15.}~~ 16. A person who willfully violates any of the provisions of subsection ~~{12, 13 or}~~ 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~{16.}~~ 17. The Secretary of State shall adopt regulations to carry out the provisions of this section.”.

Amend the bill as a whole by deleting sections 3 and 4 and adding:

“Secs. 3 and 4. (Deleted by amendment.)”.

Amend sec. 5, page 4, by deleting lines 20 through 31 and inserting:

“Sec. 5. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:*

(a) *Soliciting or receiving contributions from any other person, group or entity;*

(b) *Making contributions to candidates or other persons; or*

(c) *Making expenditures,*

designed to affect the outcome of any primary, general or special election or question on the ballot.

2. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.”.*

Amend the bill as a whole by deleting sections 6 through 11 and adding:

“Secs. 6–11. (Deleted by amendment.)”.

Amend sec. 12, pages 8 through 11, by deleting lines 11 through 45 on page 8, lines 1 through 44 on page 9, lines 1 through 45 on page 10 and lines 1 through 20 on page 11, and inserting:

“Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election *and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation* shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat ~~or~~ *or each year in which a person or group receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum*; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every

person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. *Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection.* A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be

recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions ~~[-]~~ *or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum*, the reports must be itemized by question ~~[-]~~ *or petition*.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”.

Amend sec. 13, pages 11 through 14, by deleting lines 21 through 45 on page 11, lines 1 through 45 on page 12, lines 1 through 45 on page 13 and lines 1 through 28 on page 14, and inserting:

“Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election *and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such*

initiation or circulation shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat ~~for~~ *or each year in which a person or group of persons receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum*; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. *Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection.* A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions ~~or~~ *or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum*, the reports must be itemized by question ~~or~~ *petition*. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report."

Amend the bill as a whole by deleting sections 15 through 19 and adding: "Secs. 15-19. (Deleted by amendment.)".

Amend sec. 20, page 18, by deleting lines 10 and 11 and inserting:

“Sec. 20. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each petition for initiative or referendum must:*

(a) *Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and*

(b) *Set forth, in not more than 200 words, a description of the effect of the initiative or referendum if the initiative or referendum is approved by the voters. The description must appear on each signature page of the petition.*

2. *For the purposes of paragraph (a) of subsection 1, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.”.*

Amend the bill as a whole by deleting sections 21 and 22 and adding:

“Secs. 21 and 22. (Deleted by amendment.)”.

Amend sec. 23, pages 19 and 20, by deleting lines 8 through 45 on page 19 and lines 1 through 6 on page 20, and inserting:

“Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 ~~{A copy of}~~

1. ~~Before a petition for initiative {must be placed on file in the Office of the Secretary of State before it}~~ or referendum may be presented to the registered voters for their signatures ~~{-}~~, a copy of the petition for initiative or referendum, including the description required pursuant to section 20 of this act, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to section 20 of this act and any fiscal note prepared pursuant to subsection 2, on his Internet website.”.

Amend sec. 25, pages 20 and 21, by deleting lines 29 through 45 on page 20 and lines 1 through 5 on page 21, and inserting:

“Sec. 25. NRS 295.061 is hereby amended to read as follows:

295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 20 of this act may be challenged by filing a*

complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition ~~[filed pursuant to NRS 295.015 to 295.061, inclusive,]~~ for initiative or referendum may be challenged by filing a complaint in district court not later than ~~[5]~~ 7 days, Saturdays, Sundays and holidays excluded, after the petition is ~~[filed with]~~ certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.”.

Amend the bill as a whole by deleting sec. 27 and adding:

“Sec. 27. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 34 and adding:

“Sec. 34. (Deleted by amendment.)”.

Amend sec. 37, page 31, by deleting lines 33 through 44 and inserting:

“6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~[appoint the committee,]~~ in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring certain persons or groups of persons initiating or circulating a petition for a constitutional amendment or a petition for a statewide measure proposed by initiative or referendum to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be indicated in the title; requiring a petition for initiative or referendum to have a description of the

effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 7 days after the petition is certified as sufficient by the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 224.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 460, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 970 of the Assembly be concurred in.

CHRIS GIUNCHIGLIANI

DEBBIE SMITH

BOB SEALE

Assembly Conference Committee

MAURICE E. WASHINGTON

BARBARA CEGAVSKE

BERNICE MATHEWS

Senate Conference Committee

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 460.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 208, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 925 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA47, which is attached to and hereby made a part of this report.

WILLIAM HORNE

BARBARA BUCKLEY

FRANCIS ALLEN

Assembly Conference Committee

JOE HECK

SANDRA J. TIFFANY

MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA47.

Amend the bill as a whole by deleting sections 5 through 12 and adding new sections designated sections 5 through 12, following sec. 4, to read as follows:

“Sec. 5. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.2 to 10, inclusive, of this act.

Sec. 5.2. *As used in sections 5.2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.4, 5.5 and 5.6 of this act have the meanings ascribed to them in those sections.*

Sec. 5.4. *“Practitioner” means:*

- 1. A homeopathic physician licensed pursuant to this chapter;*
- 2. A physician licensed pursuant to chapter 630 of NRS; or*
- 3. An osteopathic physician licensed pursuant to chapter 633 of NRS.*

Sec. 5.5. *1. “Researcher” means a practitioner who intends to undertake or is undertaking a research study.*

2. The term does not include a practitioner who intends to undertake or is undertaking any research, study or trial described in section 5.8 of this act.

Sec. 5.6. *1. “Research study” means any research, study or trial using devices, therapies or substances regulated by the Board of Homeopathic Medical Examiners, or any combination of those devices, therapies or substances, in a manner that is considered to be a form of alternative or complementary integrative medicine.*

2. The term does not include any research, study or trial described in section 5.8 of this act.

Sec. 5.8. *The provisions of sections 5.2 to 10, inclusive, of this act do not apply to any research, study or trial that is conducted under the auspices of a federally qualified institutional review board and in accordance with applicable federal statutes.*

Sec. 6. *1. The Nevada Institutional Review Board is hereby created.*

2. The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.

3. The Nevada Institutional Review Board consists of seven members appointed as follows:

(a) After consultation with organizations in Nevada representing medical disciplines, the Board of Homeopathic Medical Examiners shall appoint four members who represent various medical disciplines in Nevada.

(b) Three members who are lay members of the general public and residents of Nevada and who are not licensed in any medical discipline must be appointed as follows:

- (1) One member appointed by the Governor;*
- (2) One member appointed by the Majority Leader of the Senate; and*
- (3) One member appointed by the Speaker of the Assembly.*

4. The members of the Nevada Institutional Review Board serve at the pleasure of the appointing authority. A vacancy on the Nevada Institutional Review Board must be filled by the appointing authority in the same manner as the original appointment.

5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.

6. *Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.*

7. *The Nevada Institutional Review Board shall elect officers from within its membership, fix the time and place of its meetings and adopt rules of procedure as it deems necessary to carry out its duties.*

Sec. 7. *Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:*

1. *The constitutional oath or affirmation of office; and*
2. *An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.*

Sec. 7.3. 1. *The Nevada Institutional Review Board shall adopt regulations to carry out the provisions of sections 5.2 to 10, inclusive, of this act.*

2. *All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

Sec. 7.7. 1. *A researcher who intends to undertake a research study must submit a proposal for the research study to the Nevada Institutional Review Board for its review and approval.*

2. *A researcher shall not undertake a research study unless the proposal for the research study has been approved by the Nevada Institutional Review Board.*

Sec. 8. 1. *The Nevada Institutional Review Board shall:*

(a) *Review proposals for research studies and oversee, review and control all research studies it has approved;*

(b) *Evaluate, determine and act upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and*

(c) *Analyze, coordinate and integrate the diagnostic techniques and treatments related to alternative and complementary integrative medicine with the diagnostic techniques and treatments of other health care practices.*

2. *The Nevada Institutional Review Board shall oversee, review and control any research studies which it has approved and which involve the use of human research subjects and any related issues, including, without limitation:*

(a) *The qualifications required for conducting such research studies;*

(b) *The proper clinical outcome to be attributed to such research studies;*
and

(c) *The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies.*

3. *The Nevada Institutional Review Board shall evaluate:*

(a) *The social and economic impact of the research studies it has approved; and*

(b) The relationship between alternative and complementary integrative medicine and other health care practices.

4. The Nevada Institutional Review Board shall:

(a) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners, the Board of Medical Examiners and the State Board of Osteopathic Medicine with quarterly reports of all transactions; and

(b) Make any additional reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.

5. The Nevada Institutional Review Board is accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board.

Sec. 9. 1. All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.

2. The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.

Sec. 10. 1. Except as otherwise provided in subsection 3, the Nevada Institutional Review Board may be funded by:

(a) A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and

(b) Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 5.2 to 10, inclusive, of this act.

2. Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.

3. The Nevada Institutional Review Board may not be funded by any money from:

(a) The sponsor of any research study; or

(b) The manufacturer of any device, drug or other substance regulated by the Board of Homeopathic Medical Examiners.

Sec. 11. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. ~~This~~ Except as otherwise provided in sections 5.2 to 10, inclusive, of this act, this chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 12. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board ~~[including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine,]~~ or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. *Supervise the Nevada Institutional Review Board created by section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*

6. *Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.”.*

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 17, following sec. 16, to read as follows:

“Sec. 17. 1. As soon as practicable, each appointing authority responsible for the appointment of members to the Nevada Institutional Review Board shall make its initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 7.3 of this act on or before October 1, 2005.”.

Amend the title of the bill by deleting the twelfth through seventeenth lines and inserting: “defining its powers and duties; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding alternative and complementary integrative medicine; and”.

Assemblyman Horne moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 208.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 62, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 892, 1079 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA44, which is attached to and hereby made a part of this report.

PEGGY PIERCE
BONNIE PARNELL
PETE GOICOCHEA

Assembly Conference Committee

DEAN A. RHOADS
MARK E. AMODEI
MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA44.

Amend sec. 3, page 4, by deleting lines 12 through 32 and inserting:

“Sec. 3. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State Treasury a fund to be designated as the Water Rights Technical Support Fund to be administered by the Board for Financing Water Projects.*

2. *The Water Rights Technical Support Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

3. *The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Technical Support Fund.*

4. *Except as otherwise provided in subsection 5, money in the Water Rights Technical Support Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:*

(a) *Obtain and provide expert and technical assistance to gather data to protect its existing water rights; or*

(b) *Fund projects to enhance or protect its existing water rights.*

5. *Any grant of money from the Water Rights Technical Support Fund must not be used by a local government to pay for any assistance or projects as set forth in subsection 4 if the only purpose of the assistance or project is to obtain evidence, including, without limitation, technical evidence and oral*

testimony or to pay for expert witnesses or attorney's fees for or in anticipation of any administrative or judicial proceeding, including, without limitation, hearings before the State Engineer or in any state or federal court."

Amend the bill as a whole by renumbering sections 4 and 5 as sections 18 and 19 and adding new sections designated sections 4 through 17, following sec. 3, to read as follows:

"Sec. 4. Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Section consists of the Chief and any other necessary personnel.*
2. *The Chief is appointed by the State Engineer and is in the unclassified service of the State.*

Sec. 5. NRS 540.021 is hereby amended to read as follows:

540.021 As used in this chapter:

1. ~~["Administrator"]~~ *"Chief"* means the ~~[Administrator]~~ Chief of the ~~[Division.]~~Section.

2. *"Department"* means the State Department of Conservation and Natural Resources.

3. *"Division"* means the Division of Water ~~[Planning in the State Department of Conservation and Natural Resources.]~~Resources of the Department.

4. *"Section"* means the Water Planning Section of the Division.

Sec. 6. NRS 540.031 is hereby amended to read as follows:

540.031 The ~~[Division of]~~ Water Planning Section of the ~~[State Department of Conservation and Natural Resources]~~ Division is hereby created.

Sec. 7. NRS 540.041 is hereby amended to read as follows:

540.041 1. The ~~[Administrator.]~~Chief:

(a) Must be selected with special reference to his training, experience, capability and interest in the field of water resource planning.

(b) ~~[Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.~~

(c) Shall coordinate the activities of the ~~[Division.]~~Section.

2. The ~~[Administrator]~~ Chief is responsible for the administration of all provisions of law relating to the functions of the ~~[Division.]~~Section.

3. The ~~[Administrator]~~ Chief, with the approval of the State Engineer, may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties.

4. The ~~[Administrator]~~ Chief, through the State Engineer, shall, not later than the fifth calendar day of each regular session of the Legislature, submit to the Director of the Legislative Counsel Bureau for distribution to the Legislature a written report summarizing the actions of the ~~[Division]~~ Section taken pursuant to the provisions of NRS 540.051 ~~[and 540.101]~~ during the preceding biennium.

Sec. 8. NRS 540.051 is hereby amended to read as follows:

540.051 The ~~{Division}~~ Section shall:

1. ~~{Provide political subdivisions and private enterprises in arid regions with information, alternatives and recommendations bearing upon regional shortages of water including feasible selections or courses of planning and action for acquiring additional water or for conserving water now available, or both.}~~

2.} Include in its planning:

(a) ~~{The investigation of new sources of water such as desalinization, importation and conservation, and means of transporting existing water;}~~

~~{b)}~~ Recognition and protection of existing water rights consistent with chapters 533 and 534 of NRS; and

~~{(c)}~~ (b) Consideration of the factors relating to the quality of water in this State and the importance of considering the issues of quantity and quality simultaneously, but the State Environmental Commission and Division of Environmental Protection of the ~~{State Department of Conservation and Natural Resources}~~ Department retain full responsibility for the management of water quality.

~~{3.} Evaluate previous studies and compile existing information to assist in determining the suitability of potential sites as facilities for the storage of water upstream.~~

4. ~~Develop forecasts of supply and demand for future needs.~~

5. ~~Advise the State Department of Conservation and Natural Resources and the Legislature concerning economic and social effects of water policy.~~

6.} 2. Suggest to the Legislature changes in water policy which may be necessary to meet new requirements of law or of the people of the State.

~~{7.} Cooperate with}~~

3. Assist the State Engineer in dealings with the Federal Government and other states, but the State Engineer is solely responsible for the allocation of water resources and litigation.

~~{8.} Provide the Board for Financing Water Projects and the Director of the Department of Business and Industry with necessary technical and clerical assistance in financing water projects.}~~

4. Review local and federal documents regarding water planning that are relevant to the use of water in Nevada, including, without limitation, local water and resource plans. Reviews conducted pursuant to this subsection must consider, without limitation:

(a) The accuracy of information relating to water use and water planning;

(b) Compliance with the water law of this State; and

(c) General advice relating to water planning.

5. Compile and update summarized data relating to hydrographic basins to support decisions that the State Engineer makes regarding such basins, and provide summarized information regarding such basins to the public. The Section shall cause to be generated and updated a summary for each

hydrographic basin to show critical information regarding that basin, including, without limitation:

- (a) Whether the basin is designated;
- (b) All appurtenant or associated studies related to the availability of water;
- (c) Rulings and orders affecting new appropriations of water;
- (d) The availability of crop and pumpage inventories;
- (e) The availability of data regarding water levels; and
- (f) Current commitments of water from the basin that are attributable to existing water rights.

The information described in this subsection must, insofar as practicable, be provided in an electronic format and made available on the website of the State Engineer on the Internet or its successor.

6. Upon request, provide technical assistance to the Board for Financing Water Projects created by NRS 349.957, including, without limitation, the review of letters of intent and applications for grants.

7. Promote water conservation by:

- (a) Consulting with suppliers of water concerning:
 - (1) Community water conservation plans; and
 - (2) The content and scope of water plans; and
- (b) Reviewing plans for compliance with the applicable provisions of NRS 540.121 to 540.151, inclusive.

8. Assist federal, state and local governments and the general public in obtaining information regarding water planning, the availability of water and issues relating to water rights.

9. Support activities in response to drought as provided for under the drought plan established for the State.

10. Administer the statewide program established for the management of floodplains.

11. Upon request, provide updates to local governments on water issues relevant to this State, changes in policy and the availability of new information concerning water resources.

Sec. 9. NRS 540.061 is hereby amended to read as follows:

540.061 It is the intent of the Legislature, in accordance with the state policy set forth in NRS 540.011, to provide for the reporting of all projects to the ~~{Administrator}~~ Chief to ensure effective coordination by the State in its effort to plan water use.

Sec. 10. NRS 540.091 is hereby amended to read as follows:

540.091 1. A local governmental officer or agency that is required to approve a project shall file a report of each project the officer or agency approves on a form provided by the ~~{Administrator}~~ Chief.

2. Each report of an approved project must include:

- (a) The name and mailing address of the owner or developer of the project;
- (b) A legal description of the location of the project;

(c) A description of the project, including a summary of the amount of water required annually for the project;

(d) A statement concerning how the water will be supplied; and

(e) If the water is self-supplied, the source of the water and identification of the water rights.

3. A local governmental officer or agency may require the owner or developer of an approved project to fill out the report.

4. The local governmental officer or agency shall file all reports for projects approved during a quarter of a calendar year on or before 15 days after the last day of the quarter. The local governmental officer or agency shall submit a fee with each report in the amount of \$75 plus 50 cents per acre-foot of water, or fraction thereof, required by the project. The local governmental officer or agency shall collect the fee from the owner or developer of the project, plus an additional administrative fee of \$10 which may be retained by the local government.

5. The ~~[Administrator]~~ Chief shall deposit all fees he receives pursuant to this section with the State Treasurer for credit to the State General Fund.

Sec. 11. NRS 540.111 is hereby amended to read as follows:

540.111 1. The Advisory Board on Water Resources Planning and Development, consisting of 15 members appointed by the Governor, is hereby created within the Division.

2. The Governor shall appoint to the Advisory Board:

(a) ~~{Six}~~ Five members who are representatives of the governing bodies of the county with the largest population in the State and the cities in that county;

(b) One member who is a representative of the largest water utility in the county with the largest population in the State;

(c) Two members who are representatives of the county with the second largest population in the State and the cities in that county;

(d) One member who is a representative of the largest water utility in the county with the second largest population in the State;

(e) *One member who is a representative of the governing body of a county whose population is less than 50,000;*

(f) One member who is representative of the general public; and

~~{(f)}~~-(g) Four members, each of whom represents a different one of the following interests:

(1) Farming;

(2) Mining;

(3) Ranching; and

(4) Wildlife.

The Governor shall make the appointments required by this subsection so that at least ~~{seven}~~ six members of the Advisory Board are residents of the county with the largest population in the State, at least three members are residents of the county with the second largest population in the State and at

least ~~three~~ four members are residents of a county whose population is less than 100,000.

3. The members of the Advisory Board serve at the pleasure of the Governor.

4. All vacancies on the Advisory Board must be filled in the same manner of appointment as the member who created the vacancy.

5. The members of the Advisory Board are entitled to receive a salary of \$60 for each day's attendance at a meeting of the Advisory Board and the travel and subsistence allowances provided by law for state officers and employees generally.

6. The Advisory Board shall, at its first meeting and annually thereafter, elect a Chairman from among its members.

7. The Advisory Board may meet at least once in each calendar quarter and at other times upon the call of the Chairman or a majority of the members.

8. A majority of the members of the Advisory Board constitutes a quorum. A quorum may exercise all of the powers and duties of the Advisory Board.

9. The Advisory Board shall:

(a) Advise the ~~{Administrator}~~ Chief on matters relating to the planning and development of water resources;

(b) Be informed on and interested in the administrative duties of the ~~{Division}~~ Section and any legislation recommended by the ~~{Division};~~ Section;

(c) Advise and make recommendations through the *Section and the Division* ~~{and the State Department of Conservation and Natural Resources}~~ to the Governor and the Legislature concerning policies for water planning ; and ~~{the development of water resources in this State;}~~

(d) Advise the ~~{Administrator}~~ Chief concerning the policies of the ~~{Division}~~ Section and areas of emphasis for the planning of water resources . ~~{- and~~

~~{(e) Review, and provide written recommendations to the Division regarding, the plan developed pursuant to NRS 540.101.}~~

Sec. 12. NRS 540.131 is hereby amended to read as follows:

540.131 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of NRS 540.141 ~~{-}~~ , and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water ~~{may request assistance from the Division to develop the plan.}~~ shall submit the plan to the Section for review by the Section pursuant to subsection 3.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited

to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the ~~[Division]~~ Section within 30 days after its submission and approved for compliance with this section before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; ~~and~~

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public ~~[-]; and~~

(c) *Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.*

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area, may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 13. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the ~~[Division]~~ Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) ~~[(Increase)]~~ *Where applicable, increase* the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan.

(f) Measures to evaluate the effectiveness of the plan.

2. A plan or joint plan submitted for review must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.

3. The ~~[(Division)]~~ *Section* shall review any plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The ~~[(Administrator)]~~ *Chief* may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

Sec. 14. NRS 540.151 is hereby amended to read as follows:

540.151 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:

(a) To encourage water conservation in its service area;

(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and

(c) For the installation of landscaping that uses a minimal amount of water.

The supplier of water may request assistance from the ~~[(Division)]~~ *Section* to develop ~~[(the)]~~ its plan.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person to submit written views and recommendations on the plan.

3. The supplier of water shall file a copy of the plan with the ~~[(Division)]~~ *Section* for informational purposes.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.

5. Suppliers of water:

(a) Who are required to adopt a plan for incentives pursuant to this section; and

(b) Whose service areas are located in a common geographical area, may adopt joint plans.

Sec. 15. NRS 540A.090 is hereby amended to read as follows:

540A.090 In addition to the voting members, the commission includes the following nonvoting members:

1. One member appointed by the Public Utilities Commission of Nevada;
2. One member appointed by the *Consumer's Advocate* ~~for Customers of Public Utilities~~ *of the Bureau of Consumer Protection* in the Office of the Attorney General;
3. One member appointed by the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;
4. One member appointed by the State Engineer;
5. One member appointed by the ~~Administrator~~ *Chief* of the ~~Division of~~ *Water Planning Section of the Division of Water Resources* of the State Department of Conservation and Natural Resources;
6. One member appointed by the board of directors of the water conservancy district which is largest in area which includes any part of the region;
7. One member appointed by the county or district board of health;
8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and
9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 16. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following divisions:

- (a) The Division of Water Resources.
- (b) The Division of State Lands.
- (c) The Division of Forestry.
- (d) The Division of State Parks.
- (e) The Division of Conservation Districts.
- (f) The Division of Environmental Protection.
- (g) ~~The Division of Water Planning.~~
- ~~(h)~~ Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for the Preservation of Wild Horses, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

Sec. 17. NRS 232.137 and 540.101 are hereby repealed.”.

Amend sec. 4, page 4, by deleting lines 33 through 35 and inserting:

“Sec. 18. There is hereby appropriated from the State General Fund to the Water Rights Technical Support Fund, created by section 3 of this act, the sum of \$1,000,000.”.

Amend sec. 5, page 4, by deleting lines 36 through 38 and inserting:

“Sec. 19. The Legislature declares that it intends by sections 1 and 2 of this act to clarify rather than change the operation of chapter 533 of NRS with respect to the ownership of water rights.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 22 and adding new sections designated sections 20 and 21, following sec. 5, to read as follows:

“Sec. 20. As soon as practicable after July 1, 2005, the Governor shall:

1. Terminate the appointment of one of the six persons whom the Governor appointed to the Advisory Board on Water Resources Planning and Development pursuant to paragraph (a) of subsection 2 of NRS 540.111. The six existing members of the Board who were appointed pursuant to that paragraph shall draw lots to determine which member’s appointment will be terminated.

2. Appoint to the Advisory Board on Water Resources Planning and Development a new member of the Board who is a representative of the governing body of a county whose population is less than 50,000, as described in paragraph (e) of subsection 2 of NRS 540.111, as amended by this act.

Sec. 21. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.”.

Amend sec. 6, pages 4 and 5, by deleting lines 39 through 41 on page 4 and lines 1 and 2 on page 5, and inserting:

“Sec. 22. 1. This section and sections 1, 2 and 19 of this act become effective upon passage and approval and apply retroactively.

2. Sections 3 to 18, inclusive, 20 and 21 of this act become effective on July 1, 2005.”.

Amend the bill as a whole by adding the text of repealed sections, following sec. 6, to read as follows:

“

TEXT OF REPEALED SECTIONS

232.137 Division of Water Planning: Composition; appointment of Administrator.

1. The Division of Water Planning consists of the Administrator and any other necessary personnel.

2. The Administrator is appointed by the Director and is in the unclassified service of the State.

540.101 Plan to provide guidance and coordination for development, management, conservation and use of water resources: Development; contents; no effect upon law of State; not binding upon certain state and local agencies; submission to Legislature.

1. The Division shall develop a plan to provide guidance and coordination for the development, management, conservation and use of water resources within the State.

2. The Division shall coordinate with local governments in developing the plan pursuant to subsection 1. Upon request of the Division, each local government shall cooperate with and assist the Division in the development of the plan.

3. The water plan developed pursuant to subsection 1 must include provisions designed to protect the identified needs for water for current and future development in the rural areas of the State, giving consideration to relevant factors, including, but not limited to, the economy of the affected areas and the quality of life in the affected areas.

4. The provisions of the plan developed pursuant to subsection 1 must not be construed to supersede, replace, amend or add to the law of the State of Nevada.

5. A state or local governmental agency:

(a) Shall consider the plan developed pursuant to subsection 1 when developing or implementing its mission, programs, plans and responsibilities regarding water resources; and

(b) Is not bound by a recommendation or provision of the plan developed pursuant to subsection 1 unless it formally adopts the recommendation or provision.

6. The Division shall submit to the Legislature for its review and consideration:

(a) The plan developed pursuant to subsection 1; and

(b) The recommendations regarding the plan provided to the Division by the advisory board on water resources planning and development pursuant to NRS 540.111.

7. As used in this section, "local government" means a political subdivision of this State, including, without limitation, a city, county, irrigation district, water district or water conservancy district."

Amend the title of the bill, third line, after "rights;" by inserting: "eliminating the Division of Water Planning of the State Department of Conservation and Natural Resources; creating the Water Planning Section of the Division of Water Resources of the Department; transferring the former duties of the Division of Water Planning to the Water Planning Section;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provisions governing water. (BDR 48-681)".

Assemblywoman Pierce moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 62.

Remarks by Assemblywoman Pierce.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 426, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 889 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA50, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
MARILYN KIRKPATRICK
JOE HARDY

Assembly Conference Committee

WARREN B. HARDY

TERRY CARE
Senate Conference Committee

Conference Amendment No. CA50.

Amend section 1, page 2, by deleting lines 3 through 11 and inserting:

“The provisions of this section and NRS 338.013 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 15 of NRS 338.010.”.

Amend the bill as a whole by deleting sec. 2 and adding:

“Sec. 2. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 28 as sec. 32 and adding new sections designated sections 28 through 31, following sec. 27, to read as follows:

“Sec. 28. NRS 353.540 is hereby amended to read as follows:

353.540 “State agency” means an agency, bureau, board, commission, department, division or any other unit of the government of this State that is required to submit information to the Chief pursuant to subsection 1 or 6 of NRS 353.210 . ~~[- except for the University and Community College System of Nevada.]~~ “State agency” does not include the Nevada System of Higher Education unless it is anticipated that payments under the agreement will be made with state appropriations.

Sec. 29. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction , alteration, repair or remodeling of an improvement ~~[- the]~~ :

1. The construction , alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

~~[1.]~~ (a) Any law requiring competitive bidding; or

~~[2.]~~ (b) Chapter 341 of NRS.

2. *The provisions of NRS 338.013 to 338.090, inclusive, and section 1 of this act, apply to the construction, alteration, repair or remodeling of the improvement.*

Sec. 30. 1. During Fiscal Year 2005–2006 and Fiscal Year 2006–2007, the Nevada System of Higher Education may not enter into more than three agreements pursuant to NRS 353.500 to 353.630, inclusive, as amended by this act, with respect to which it is anticipated that payments under the agreement will be made with state appropriations.

2. The Nevada System of Higher Education shall include with a proposed agreement submitted for approval pursuant to NRS 353.550 an analysis of the fiscal impact of the proposed agreement, including, without limitation, the sources of funding for the ongoing costs relating to the agreement and a method to obtain appropriations to pay for the agreement.

Sec. 31. 1. An advisory group is hereby created to conduct an interim study concerning lease-purchase and installment-purchase agreements by public entities. The advisory group must consist of:

(a) One representative from each of the following fields, appointed by the Legislative Commission:

- (1) Public purchasing;
- (2) Labor;
- (3) Public works;
- (4) Construction project management;
- (5) State governmental financing; and
- (6) Local governmental financing.

(b) One Assemblyman who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Speaker of the Assembly.

(c) One Senator who has knowledge in one or more of the fields described in subparagraphs (1) to (6), inclusive, of paragraph (a), appointed by the Majority Leader of the Senate.

2. The study must include, without limitation:

(a) A review of existing laws relating to lease-purchase and installment-purchase agreements;

(b) An evaluation of the applicability of existing laws relating to public works and public purchasing to existing laws relating to lease-purchase and installment-purchase agreements; and

(c) Consideration of changes to existing provisions of law relating to lease-purchase and installment-purchase agreements to better serve the needs of the State and local governments and to promote and protect the interests of Nevada's workforce.

3. In conducting the study required pursuant to this section, the advisory group shall consult with the Commission to Study Governmental Purchasing, the Committee on Local Government Finance, the Office of the State Treasurer, the State Public Works Board and experts in the fields of contracting, labor and purchasing.

4. The advisory group shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau not later than September 1, 2006, for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 28, page 23, by deleting lines 40 through 42 and inserting:

“Sec. 32. 1. This act becomes effective on July 1, 2005.

2. Section 28 of this act expires by limitation on June 30, 2007.

3. Sections 5 and 6 of this act expire by limitation on May 1, 2013.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public financial administration; revising the provisions regarding the payment of prevailing wages on projects of the Nevada System of Higher Education; providing that certain documents furnished to a public body may be transmitted and stored electronically; requiring that annual energy savings resulting from energy retrofit projects meet or exceed the total annual contract payments; revising the provisions governing performance contracts for operating cost-savings measures in buildings occupied by state agencies; authorizing the issuance of refunding obligations relating to such performance contracts; authorizing the Nevada System of Higher Education for a temporary period to enter into installment-purchase and lease-purchase agreements under certain circumstances; clarifying the applicability of the provisions concerning prevailing wages to installment-purchase and lease-purchase agreements that involve improvements; creating an advisory group to conduct an interim study concerning installment-purchase and lease-purchase agreements; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 426.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 174, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 751 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA46, which is attached to and hereby made a part of this report.

DAVID PARKS
MARCUS CONKLIN
SCOTT SIBLEY

Assembly Conference Committee

MAGGIE CARLTON
SANDRA J. TIFFANY
JOE HECK

Senate Conference Committee

Conference Amendment No. CA46.

Amend section 1, page 2, by deleting lines 1 through 7 and inserting:

“Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person practices chiropractic in this State without maintaining professional liability insurance, the person shall:*

(a) Post in a conspicuous place in each location at which the person practices chiropractic under his license a written disclosure which discloses to patients that the person does not maintain professional liability insurance; or

(b) Before providing any chiropractic treatment or care to a patient, give the patient a written disclosure which discloses to the patient that the person does not maintain professional liability insurance. The written disclosure may be included with other written information given to the patient.

2. The Board:

(a) Shall adopt regulations prescribing the form, size, contents and placement of the written disclosures required by this section; and

(b) May adopt any other regulations that are necessary to carry out the provisions of this section.”.

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

“Sec. 3.5. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant.....	100.00
For an examination for a certificate as a chiropractor's assistant.....	100.00
For the issuance of a license to practice chiropractic.....	300.00
For the annual renewal of a license to practice chiropractic... ~~{300.00}~~	500.00
For the annual renewal of an inactive license to practice chiropractic..... ~~{100.00}~~	150.00
For the annual renewal of a certificate as a chiropractor's assistant..... ~~{50.00}~~	100.00
For the restoration to active status of an inactive license to practice chiropractic.....	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked.....	500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130.....	100.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or for changing the name on a license.....	35.00
For written certification of licensure.....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic.....	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic.....	10.00

For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State.....35.00
 For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic.....25.00
 For each page of a list of continuing education courses that have been approved by the Board..... .50
 For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges.....35.00
 For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....~~10.00~~ 25.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for any other service it provides.

3. For a check made payable to the Board that is dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.”.

Amend the title of the bill to read as follows:

“AN ACT relating to chiropractic; increasing the number of members of the Chiropractic Physicians’ Board of Nevada; requiring any person who practices chiropractic and who does not maintain professional liability insurance to provide notice to patients that the person does not maintain such insurance; revising provisions governing disclosure by the Board of certain information related to investigations and disciplinary actions; increasing certain fees that may be charged by the Board; and providing other matters properly relating thereto.”.

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 174.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 20, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendments Nos. 903 and 1093 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA12, which is attached to and hereby made a part of this report.

KELVIN ATKINSON
 MARILYN KIRKPATRICK
 SCOTT SIBLEY
Assembly Conference Committee

WARREN B. HARDY
 JOHN LEE
 RANDOLPH J. TOWNSEND
Senate Conference Committee

Conference Amendment No. CA12.

Amend sec. 6, page 6, by deleting lines 28 through 31 and inserting:

“Sec. 6. The City Councilmen of the City of North Las Vegas who are in office on December 1, 2006, shall be deemed to represent only the wards in

which they respectively reside for the remainder of their respective terms of office.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. The City Council of the City of North Las Vegas shall submit the question of whether the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that the Councilman will represent to the registered voters of the City of North Las Vegas at the general election to be held on November 7, 2006.”.

Amend sec. 7, page 6, by deleting lines 32 through 42 and inserting:

“Sec. 8. 1. This section and section 7 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of appointing the member of the county fair and recreation board pursuant to paragraph (e) of subsection 1 of NRS 244A.603, as amended by this act, and on July 1, 2005, for all other purposes.

3. Sections 2 to 6, inclusive, of this act become effective on December 1, 2006, if the registered voters of the City of North Las Vegas approve the question submitted pursuant to section 7 of this act at the general election held on November 7, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local government; increasing the membership of certain county fair and recreation boards; requiring that, contingent on the approval of the registered voters of the City of North Las Vegas at the November 2006 general election, the City Councilmen of the City of North Las Vegas must be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.”.

Assemblyman Atkinson moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 20.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 338.

The following Senate amendment was read:

Amendment No. 1120.

Amend sec. 2, page 2, line 5, by deleting: “3 and 4” and inserting: “2.3 to 4, inclusive,”.

Amend the bill as a whole by adding new sections designated sections 2.3 through 2.7, following sec. 2, to read as follows:

“Sec. 2.3. “Administrator” means a person authorized pursuant to NRS 683A.0805 to 683A.0893, inclusive, to conduct business in this State as an administrator.

Sec. 2.5. *“Affiliate of an insurer” means a person who directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with an insurer.*

Sec. 2.7. *“Insurer” means any insurer, fraternal benefit society, nonprofit corporation for hospital, medical and dental services, organization for dental care, health maintenance organization or prepaid limited health service organization authorized pursuant to this title to conduct business in this State.”.*

Amend sec. 3, page 2, by deleting lines 7 through 13 and inserting:

“Sec. 3. “Medical discount plan” means a business arrangement or program evidenced by a membership agreement, contract, card, certificate, device or mechanism in which a person, in exchange for fees, dues, charges or any other form of consideration, offers to provide or provides health care or medical services at a discount from providers of health care who are participating in the business arrangement or program or whom the person advertises as or claims to be participating in the business arrangement or program.”.

Amend sec. 5, page 2, lines 17 and 18, by deleting “discount health” and inserting “medical discount”.

Amend sec. 6, page 2, by deleting lines 19 through 25 and inserting:

“Sec. 6. 1. Except as otherwise provided in this section, it is unlawful for any person to offer, market, sell or engage in business as a medical discount plan in this State without first registering the medical discount plan pursuant to the provisions of this chapter.

2. An insurer is not required to register any medical discount plan pursuant to the provisions of this chapter unless the insurer offers, markets or sells the medical discount plan in this State for separate consideration.

3. If an affiliate of an insurer offers, markets, sells or engages in business as a medical discount plan in this State, the affiliate is required to register the medical discount plan pursuant to the provisions of this chapter.

4. The provisions of this chapter do not apply to any medical discount plan that offers or provides discounts only on prescriptions.”.

Amend sec. 7, page 2, line 27, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 2, line 30, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 7, page 2, line 37, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 3, line 1, by deleting “discount health” and inserting “medical discount”.

Amend sec. 7, page 3, line 8, before “medical” by inserting: “health care or”.

Amend sec. 7, page 3, by deleting lines 16 through 28 and inserting:

“2. Each person who registers a medical discount plan must renew the registration annually before the registration expires. Except as otherwise

provided in this section, an application to renew the registration must include:

(a) An annual renewal fee of \$500; and

(b) Any information set forth in subsection 1 that the Commissioner requires to be included in the application.

3. An administrator or insurer that registers a medical discount plan is not required to pay the fees for registering or renewing the registration of the medical discount plan pursuant to this section.

4. The Commissioner shall, by regulation, designate the provisions of subsection 1 that shall be deemed satisfied by an administrator, insurer or affiliate of an insurer that has complied with substantially similar requirements pursuant to other provisions of this title.”.

Amend sec. 8, page 3, line 30, by deleting “discount health” and inserting “medical discount”.

Amend sec. 8, page 3, line 31, after ““insurance”” by inserting “or “enrollment””.

Amend sec. 8, page 3, lines 32 and 35, by deleting “discount health” and inserting “medical discount”.

Amend sec. 8, page 3, line 37, by deleting ““enrollment,””.

Amend sec. 8, page 3, line 39, by deleting “discount health” and inserting “medical discount”.

Amend sec. 8, pages 3 and 4, by deleting lines 40 through 45 on page 3 and lines 1 through 3 on page 4, and inserting:

“3. Pay a provider of health care any fee for providing any health care or medical services; or

4. Collect or accept money from a member of the medical discount plan for payment to a provider of health care for specific health care or medical services that the provider has provided or will provide to the member unless the registration for the medical discount plan is held by an administrator or insurer.”.

Amend sec. 9, page 4, by deleting lines 5 through 18 and inserting: “writing to any prospective member of a medical discount plan and must be in clear language and prominently displayed in any advertisements, marketing materials and brochures relating to a medical discount plan:

(a) That the medical discount plan is not a policy of health insurance;

(b) That the medical discount plan provides discounts from providers of health care who provide health care or medical services to members;

(c) That the medical discount plan does not make payments directly to the providers of health care;

(d) That the member will be required to pay for all health care or medical services but will receive a discount from those providers of health care who have contracted with the medical discount plan;

(e) The corporate name of the person offering the medical discount plan and the location and address of each office for the medical discount plan; and”.

Amend sec. 9, page 4, line 24, after “Ten” by inserting “business”.

Amend sec. 9, page 4, lines 25 and 27, by deleting “discount health” and inserting “medical discount”.

Amend sec. 10, page 4, by deleting lines 29 and 30 and inserting: “*printed in type that is not smaller than 12-point type.*”.

Amend sec. 11, page 4, line 31, by deleting “discount health” and inserting “medical discount”.

Amend sec. 11, page 4, by deleting lines 34 and 35 and inserting: “*of a registration for a medical discount plan unless the person registering or renewing the registration certifies that the medical discount plan has a net worth of at least \$100,000.*”.

Amend sec. 12, page 4, line 40, by deleting “discount health” and inserting “medical discount”.

Amend sec. 12, page 4, by deleting line 41 and inserting: “*with a medical discount plan unless the medical discount plan is*”.

Amend sec. 12, page 5, by deleting line 4 and inserting: “*all participating providers of health care who have contracted with the medical discount plan and who are located in the applicant’s or*”.

Amend sec. 12, page 5, line 6, before “services” by inserting: “*health care or medical*”.

Amend sec. 12, page 5, by deleting line 7 and inserting: “*be made available, upon the request of the applicant, at the time the applicant purchases a membership*”.

Amend sec. 12, page 5, by deleting lines 12 through 21 and inserting:

“5. *Offers discounted products or services to the applicant or member that are not authorized by a contract with each provider of health care listed in conjunction with the medical discount plan.*

6. *Fails to allow the applicant or member to cancel the membership in the medical discount plan.*

7. *If appropriate, fails to refund any required portion of membership fees paid to the medical discount plan by the applicant or member within 30 days after the applicant or member provides timely notification of the cancellation of the membership to the person administering the medical discount plan.*”.

Amend sec. 14, page 5, line 39, by deleting “discount health” and inserting “medical discount”.

Amend sec. 14, page 5, by deleting lines 41 through 44 and inserting: “*any accounts, books and records concerning the medical discount plan which are reasonably necessary to enable the Commissioner to determine whether the medical discount plan is in compliance with the provisions of*”.

Amend sec. 15, page 6, lines 1 and 4, by deleting “discount health” and inserting “medical discount”.

Amend sec. 15, page 6, by deleting lines 6 through 10 and inserting:

“(b) *The name and address of each member of the medical discount plan;*

(c) A copy of each contract that the medical discount plan enters into with providers of health care for purposes of providing members with health care or medical services at a discount; and”.

Amend sec. 15, page 6, lines 14 and 15, by deleting “discount health” and inserting “medical discount”.

Amend sec. 49, page 12, line 32, by deleting “All” and inserting: “Except as otherwise provided in sections 50 and 51 of this act, all”.

Amend the bill as a whole by deleting sections 50 and 51 and adding new sections designated sections 50 through 51.5, following sec. 49, to read as follows:

“Sec. 50. 1. *The Commissioner may adopt by regulation forms for use in the issuance of credit personal property insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of credit personal property insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. *If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 49 of this act.*

Sec. 51. 1. *The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.*

2. *The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 49 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:*

- (a) Actual and expected loss experience;*
- (b) General and administrative expenses;*
- (c) Loss settlement and adjustment expenses;*
- (d) Reasonable creditor compensation;*
- (e) The manner in which premiums are charged;*
- (f) Other acquisition costs;*
- (g) Reserves;*
- (h) Taxes;*
- (i) Regulatory license fees and fund assessments;*
- (j) Reasonable insurer profit; and*
- (k) Other relevant data consistent with generally accepted actuarial standards.*

Sec. 51.5. *Except as otherwise provided in section 51 of this act:*

1. *A rate that has been filed and approved pursuant to section 49 of this act is effective for a period not to exceed 3 years after the date of approval. The insurer shall file a rate for approval before the expiration of the 3-year*

period. The insurer may file a rate for approval at any time before the expiration of the 3-year period.

2. If an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 49 of this act. An insurer shall not issue credit personal property insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.”.

Amend the bill as a whole by deleting sec. 55 and adding:

“Sec. 55. (Deleted by amendment.)”.

Amend sec. 56, page 14, by deleting lines 7 through 11 and inserting:

“Sec. 56. 1. *Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.*

2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.

3. The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.

4. The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.”.

Amend sec. 60, pages 14 and 15, by deleting lines 41 through 44 on page 14 and lines 1 and 2 on page 15, and inserting:

“Sec. 60. *The Commissioner may adopt regulations to carry out the provisions of this chapter.”.*

Amend the bill as a whole by deleting sections 62 and 63 and adding new sections designated sections 62 and 63, following sec. 61, to read as follows:

“Sec. 62. Chapter 680B of NRS is hereby amended by adding thereto a new section to read as follows:

Each risk retention group which is chartered in a state other than this State and which is registered in this State pursuant to NRS 695E.140 to 695E.200, inclusive, shall pay the tax imposed by NRS 680B.027 at a rate of 2 percent.

Sec. 63. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer’s certificate of authority:

(a) Filing initial application.....\$2,450

(b) Issuance of certificate:

(1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive.....	283
(2) For two or more kinds of insurance as so defined.....	578
(3) For a reinsurer.....	2,450
(c) Each annual continuation of a certificate.....	2,450
(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.	
(e) Registration of additional title pursuant to NRS 680A.240.....	50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240.....	25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document.....	\$10
3. Annual statement or report. For filing annual statement or report...	\$25
4. Service of process:	
(a) Filing of power of attorney.....	\$5
(b) Acceptance of service of process.....	30
5. Licenses, appointments and renewals for producers of insurance:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer.....	15
(c) Triennial renewal of each license.....	125
(d) Temporary license.....	10
(e) Modification of an existing license.....	50
6. Surplus lines brokers:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
7. Managing general agents' licenses, appointments and renewals:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer.....	15
(c) Triennial renewal of each license.....	125
8. Adjusters' licenses and renewals:	
(a) Independent and public adjusters:	
(1) Application and license.....	\$125
(2) Triennial renewal of each license.....	125
(b) Associate adjusters:	
(1) Application and license.....	125
(2) Triennial renewal of each license.....	125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
10. Additional title and property insurers pursuant to NRS 680A.240:	
(a) Original registration.....	\$50
(b) Annual renewal.....	25

11. Insurance vending machines:
 - (a) Application and license, for each machine.....\$125
 - (b) Triennial renewal of each license.....125
12. Permit for solicitation for securities:
 - (a) Application for permit.....\$100
 - (b) Extension of permit.....50
13. Securities salesmen for domestic insurers:
 - (a) Application and license.....\$25
 - (b) Annual renewal of license.....15
14. Rating organizations:
 - (a) Application and license.....\$500
 - (b) Annual renewal.....500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
 - (a) Application and certificate of registration.....\$125
 - (b) Triennial renewal.....125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.
17. Certified copies of certificates of authority and licenses issued pursuant to the ~~Insurance~~ Code.....\$10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee.....\$10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee.....\$10
21. Licenses, appointments and renewals for bail agents:
 - (a) Application and license.....\$125
 - (b) Appointment for each surety insurer.....15
 - (c) Triennial renewal of each license.....125
22. Licenses and renewals for bail enforcement agents:
 - (a) Application and license.....\$125
 - (b) Triennial renewal of each license.....125
23. Licenses, appointments and renewals for general agents for bail:
 - (a) Application and license.....\$125
 - (b) Initial appointment by each insurer.....15
 - (c) Triennial renewal of each license.....125
24. Licenses and renewals for bail solicitors:
 - (a) Application and license.....\$125
 - (b) Triennial renewal of each license.....125
25. Licenses and renewals for title agents and escrow officers:
 - (a) Application and license.....\$125
 - (b) Triennial renewal of each license.....125

(c) Appointment fee for each title insurer.....	15
(d) Change in name or location of business or in association.....	10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts.....	\$125
27. Licenses and renewals for agents for prepaid funeral contracts:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:	
(a) Application and license.....	\$125
(b) Appointment for each insurer.....	15
(c) Triennial renewal of each license.....	125
29. Reinsurance intermediary broker or manager:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license.....	125
30. Agents for and sellers of prepaid burial contracts:	
(a) Application and certificate or license.....	\$125
(b) Triennial renewal	125
31. Risk retention groups:	
(a) Initial registration ~~[and review of an application.....]~~	~~\$2,450~~ \$250
(b) Each annual continuation of a certificate of registration.....	~~[2,450]~~ 250
32. Required filing of forms:	
(a) For rates and policies.....	\$25
(b) For riders and endorsements.....	10
33. Viatical settlements:	
(a) Provider of viatical settlements:	
(1) Application and license.....	\$1,000
(2) Annual renewal.....	1,000
(b) Broker of viatical settlements:	
(1) Application and license.....	500
(2) Annual renewal.....	500
34. Insurance consultants:	
(a) Application and license.....	\$125
(b) Triennial renewal.....	125
35. Licensee's association with or appointment or sponsorship by an organization:	
(a) Initial appointment, association or sponsorship, for each organization.....	\$50
(b) Renewal of each association or sponsorship.....	50
(c) Annual renewal of appointment.....	15
36. Purchasing groups:	
(a) Initial registration and review of an application.....	\$100
(b) Each annual continuation of registration.....	100

Amend sec. 64, page 17, line 2, by deleting "[Insurance]".

Amend sec. 64, page 18, by deleting line 11 and inserting:

“(a) Initial registration.....\$250”.

Amend sec. 64, page 18, line 13, by deleting “2,450” and inserting “250”.

Amend the bill as a whole by deleting sec. 65 and adding a new section designated sec. 65, following sec. 64, to read as follows:

“Sec. 65. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.050 and 690C.110, *and section 62 of this act*, for the privilege of transacting business in this State, each insurer shall pay to the Department of Taxation a tax upon his net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.”.

Amend the bill as a whole by deleting sections 80 and 81 and adding:

“Secs. 80 and 81. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 92 and adding:

“Sec. 92. (Deleted by amendment.)”.

Amend sec. 101, page 44, by deleting line 9 and inserting:

“8. *Other kinds of insurance may be used if those kinds are not*”.

Amend sec. 108, page 48, line 6, by deleting “All” and inserting: “*Except as otherwise provided in sections 109 and 110 of this act, all*”.

Amend the bill as a whole by deleting sections 109 and 110 and adding new sections designated sections 109 through 110.7, following sec. 108, to read as follows:

“Sec. 109. 1. *The Commissioner may adopt by regulation forms for use in the issuance of consumer credit insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of consumer credit insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. *If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 108 of this act.*

Sec. 110. 1. *The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.*

2. *The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 108 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:*

- (a) Actual and expected loss experience;
- (b) General and administrative expenses;
- (c) Loss settlement and adjustment expenses;
- (d) Reasonable creditor compensation;
- (e) The manner in which premiums are charged;
- (f) Other acquisition costs;
- (g) Reserves;
- (h) Taxes;
- (i) Regulatory license fees and fund assessments;
- (j) Reasonable insurer profit; and
- (k) Other relevant data consistent with generally accepted actuarial standards.

Sec. 110.3. *Except as otherwise provided in section 110 of this act, if an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 108 of this act. An insurer shall not issue consumer credit insurance for which the premium rates differ from the rates determined by the schedule approved by the Commissioner.*

Sec. 110.7. 1. *Each individual policy or group certificate must provide for a refund of unearned premiums if the consumer credit insurance is cancelled before the scheduled date of termination of the insurance.*

2. *Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.*

3. *The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.*

4. *The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.”.*

Amend sec. 114, page 49, by deleting lines 22 through 27 and inserting:

“Sec. 114. *The Commissioner may adopt regulations to carry out the provisions of this chapter.”.*

Amend sec. 116, page 50, by deleting lines 5 and 6 and inserting:

“requires, the words and terms defined in NRS 690A.012 to ~~[690A.028,]~~ 690A.018, inclusive, and sections 92 to 99.”.

Amend the bill as a whole by adding a new section designated sec. 116.5, following sec. 116, to read as follows:

“Sec. 116.5. NRS 690A.012 is hereby amended to read as follows:

690A.012 “Compensation” means any valuable consideration, direct or indirect, paid by or on behalf of the insurer, or by any subsidiary or parent, or subsidiary of the parent of the insurer, or by any other person to or on behalf

of any group policyholder or producer or withheld from an insurer by any group policyholder or producer, and includes:

1. Paid or credited commissions or contingent commissions.
2. Fees for services, consulting fees or any other fee paid or credited within or outside this State in direct relation to the volume of premiums produced or written in this State.
3. The use of electronic data processing equipment or services, except for devices provided in lieu of books and charts of rates and refunds usable only for that purpose.
4. The furnishing of supplies, except forms approved by the Commissioner, the usual forms for claims and reports, envelopes for transmitting claims and brochures, and books and charts of rates and refunds.
5. Providing rental equipment of any type.
6. Advertising.
7. Providing telephone service without charge or at a charge less than the usual cost.
8. Participation in a profit-sharing plan.
9. Dividends and refunds or credits based on experience ratings.
10. An allowance for expenses.
11. Participation in stock plans or bonuses.
12. Any form of credit, including the use of money.
13. Commissions for reinsurance, ceded or assumed.
14. Reinsurance with a nonauthorized insurer owned or controlled by a creditor or producer or with a nonauthorized insurer in which a creditor or producer is a stockholder.
15. Any commission or fee, inducement or intention to induce, or any other consideration arising from the sale of insurance or other product or service, except *consumer* credit insurance as part of the transaction in which the indebtedness is arranged or the application for the *consumer* credit insurance is made.”.

Amend the bill as a whole by adding a new section designated sec. 122.5, following sec. 122, to read as follows:

“Sec. 122.5. NRS 690A.260 is hereby amended to read as follows:

690A.260 1. Except as otherwise provided in subsection 2, an authorized insurer issuing *consumer* credit insurance may not enter into any agreement whereby the authorized insurer transfers, by reinsurance or otherwise, to an unauthorized insurer, as they relate to *consumer* credit insurance written or issued in this State:

(a) A substantial portion of the risk of loss under the *consumer* credit insurance written by the authorized insurer in this State;

(b) All of one or more kinds, lines, types or classes of *consumer* credit insurance;

(c) All of the *consumer* credit insurance produced through one or more agents, agencies or creditors;

(d) All of the *consumer* credit insurance written or issued in a designated geographical area; or

(e) All of the *consumer* credit insurance under a policy of group insurance.

2. An authorized insurer may make the transfers listed in subsection 1 to an unauthorized insurer if the unauthorized insurer:

(a) Maintains security on deposit with the Commissioner in an amount which when added to the actual capital and surplus of the insurer is equal to the capital and surplus required of an authorized stock insurer pursuant to NRS 680A.120. The security may consist only of the following:

(1) Cash.

(2) General obligations of, or obligations guaranteed by, the Federal Government, this State or any of its political subdivisions. These obligations must be valued at the lower of market value or par value.

(3) Any other type of security that would be acceptable if posted by a domestic or foreign insurer.

(b) Files an annual statement with the Commissioner pursuant to NRS 680A.270.

(c) Maintains reserves on its *consumer* credit insurance business pursuant to NRS 681B.050.

(d) Values its assets and liabilities pursuant to NRS 681B.010 to 681B.040, inclusive.

(e) Agrees to examinations conducted by the Commissioner pursuant to NRS 679B.230.

(f) Complies with the standards adopted by the Commissioner pursuant to NRS 679A.150.

(g) Does not hold, issue or have an arrangement for holding or issuing any of its stock for which dividends are paid based on:

(1) The experience of a specific risk of all of one or more kinds, lines, types or classes of insurance;

(2) All of the business produced through one or more agents, agencies or creditors;

(3) All of the business written in a designated geographical area; or

(4) All of the business written for one or more forms of insurance.”.

Amend sec. 164, page 68, line 30, by deleting “690A.012,”.

Amend sec. 164, page 68, line 35, by deleting “690A.260,”.

Amend the leadlines of repealed sections by deleting the leadlines of NRS 690A.012 and 690A.260.

Amend the title of the bill by deleting the second through fourth lines and inserting: “medical discount plans; providing the tax rate on premiums for risk retention groups; providing for the regulation of credit personal property insurance; decreasing certain fees for risk retention groups; authorizing an insurer”.

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1120 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried.

The following Senate amendment was read:

Amendment No. 1135.

Amend sec. 21, page 7, by deleting lines 25 through 30 and inserting:

“Sec. 21. “Compensation” means any valuable consideration, direct or indirect, paid by or on behalf of the insurer, or by any subsidiary or parent, or subsidiary of the parent of the insurer, or by any other person to or on behalf of any group policyholder or producer or withheld from an insurer by any group policyholder or producer, and includes:

- 1. Paid or credited commissions or contingent commissions.*
- 2. Fees for services, consulting fees or any other fee paid or credited within or outside this State in direct relation to the volume of premiums produced or written in this State.*
- 3. The use of electronic data processing equipment or services, except for devices provided in lieu of books and charts of rates and refunds usable only for that purpose.*
- 4. The furnishing of supplies, except forms approved by the Commissioner, the usual forms for claims and reports, envelopes for transmitting claims and brochures, and books and charts of rates and refunds.*
- 5. Providing rental equipment of any type.*
- 6. Advertising.*
- 7. Providing telephone service without charge or at a charge less than the usual cost.*
- 8. Participation in a profit-sharing plan.*
- 9. Dividends and refunds or credits based on experience ratings.*
- 10. An allowance for expenses.*
- 11. Participation in stock plans or bonuses.*
- 12. Any form of credit, including the use of money.*
- 13. Commissions for reinsurance, ceded or assumed.*
- 14. Reinsurance with a nonauthorized insurer owned or controlled by a creditor or producer or with a nonauthorized insurer in which a creditor or producer is a stockholder.*

15. Any commission or fee, inducement or intention to induce, or any other consideration arising from the sale of insurance or other product or service, except credit personal property insurance as part of the transaction in which the indebtedness is arranged or the application for the credit personal property insurance is made.”.

Amend the bill as a whole by deleting sec. 55 and adding a new section designated sec. 55, following sec. 54, to read as follows:

“Sec. 55. 1. Except as otherwise provided in subsection 2, an authorized insurer issuing credit personal property insurance may not enter into any agreement whereby the authorized insurer transfers, by reinsurance

or otherwise, to an unauthorized insurer, as they relate to credit personal property insurance written or issued in this State:

(a) A substantial portion of the risk of loss under the credit personal property insurance written by the authorized insurer in this State;

(b) All of one or more kinds, lines, types or classes of credit personal property insurance;

(c) All of the credit personal property insurance produced through one or more agents, agencies or creditors;

(d) All of the credit personal property insurance written or issued in a designated geographical area; or

(e) All of the credit personal property insurance under a policy of group insurance.

2. An authorized insurer may make the transfers listed in subsection 1 to an unauthorized insurer if the unauthorized insurer:

(a) Maintains security on deposit with the Commissioner in an amount which when added to the actual capital and surplus of the insurer is equal to the capital and surplus required of an authorized stock insurer pursuant to NRS 680A.120. The security may consist only of the following:

(1) Cash.

(2) General obligations of, or obligations guaranteed by, the Federal Government, this State or any of its political subdivisions. These obligations must be valued at the lower of market value or par value.

(3) Any other type of security that would be acceptable if posted by a domestic or foreign insurer.

(b) Files an annual statement with the Commissioner pursuant to NRS 680A.270.

(c) Maintains reserves on its credit personal property insurance business pursuant to NRS 681B.050.

(d) Values its assets and liabilities pursuant to NRS 681B.010 to 681B.040, inclusive.

(e) Agrees to examinations conducted by the Commissioner pursuant to NRS 679B.230.

(f) Complies with the standards adopted by the Commissioner pursuant to NRS 679A.150.

(g) Does not hold, issue or have an arrangement for holding or issuing any of its stock for which dividends are paid based on:

(1) The experience of a specific risk of all of one or more kinds, lines, types or classes of insurance;

(2) All of the business produced through one or more agents, agencies or creditors;

(3) All of the business written in a designated geographical area; or

(4) All of the business written for one or more forms of insurance.”.

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1135 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried.

The following Senate amendment was read:

Amendment No. 1147.

Amend the bill as a whole by adding a new section designated sec. 87.5, following sec. 87, to read as follows:

“Sec. 87.5. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 88 and 88.5 of this act.”.

Amend sec. 88, page 46, by deleting lines 29 through 31 and inserting:

“Sec. 88. *“Exclusion for a preexisting condition” means:“.*

Amend the bill as a whole by adding a new section designated sec. 88.5, following sec. 88, to read as follows:

“Sec. 88.5. *An insurer may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.*

Amend the bill as a whole by adding a new section designated sec. 89.5, following sec. 89, to read as follows:

“Sec. 89.5. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 90 and 90.3 of this act.”.

Amend sec. 90, page 47, by deleting lines 7 through 9 and inserting:

“Sec. 90. *Coverage provided under a conversion health benefit plan must”.*

Amend the bill as a whole by adding new sections designated sections 90.3 and 90.7, following sec. 90, to read as follows:

“Sec. 90.3. *An insurer may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.*

Sec. 90.7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

A carrier may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.

Amend the bill as a whole by adding new sections designated sections 159.3 and 159.7, following sec. 159, to read as follows:

“Sec. 159.3. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

A society may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 159.7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

A corporation may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance

with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.

Amend the bill as a whole by adding a new section designated sec. 160.5, following sec. 160, to read as follows:

“Sec. 160.5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

A health maintenance organization may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.

Amend the bill as a whole by adding a new section designated sec. 161.5, following sec. 161, to read as follows:

“Sec. 161.5. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

A managed care organization may, subject to regulation by the Commissioner, offer a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.”.

Amend sec. 165, page 77, by deleting line 37 and inserting:

“75.3, 75.5, 76, 84 to 87.5, inclusive, 88.5, 89.5, 90.3, 90.7, 123.5, 159.3, 159.7, 160, 160.5, 161.5, 162 and 164 of this”.

Amend the title of the bill, fourth line, after “insurance;” by inserting: “allowing certain health insurers to offer, subject to regulation by the Commissioner of Insurance, policies of health insurance that have high deductibles and are in compliance with certain federal requirements for establishing health savings accounts;”.

Assemblyman Arberry moved that the Assembly concur in the Senate Amendment No. 1147 to Assembly Bill No. 338.

Remarks by Assemblyman Arberry.

Motion carried by a two-thirds majority.

Bill ordered to enrollment.

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

Assembly in recess at 9:48 p.m.

ASSEMBLY IN SESSION

At 11:14 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was re-referred Senate Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 127, 176, 289; Senate Bill No. 526.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 175, Amendment No. 1225, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 500, Amendment No. 1231; Assembly Bill No. 554, Amendment No. 1216, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 1006 and 1204 to Senate Bill No. 341 and did not concur in Assembly Amendment No. 1214 to Senate Bill No. 341 .

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 189, Senate Amendment No. 1186, and requests a conference, and appointed Senators Hardy, Townsend, and Less as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 560, Senate Amendment No. 1174, and requests a conference, and appointed Senators Raggio, Beers and Titus as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 39, 180; Senate Bills Nos. 98, 163, 174, 224, 426, 460.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Senate Concurrent Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 290.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 314 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 526.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 28 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 11:22 p.m.

ASSEMBLY IN SESSION

At 11:31 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 548.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1246.

Amend section 1, page 1, by deleting lines 1 through 13 and inserting:

“Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Sports the sum of \$100,000 to fund the operational expenses of the Nevada Commission on Sports.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Commission on Sports shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Commission on Sports through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Commission on Sports, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the State General Fund to Big Brothers Big Sisters of Northern Nevada, Inc., the sum of \$25,000 to be used toward the payment of the cost of a facility for use by the organization.

2. Upon acceptance of the money appropriated by subsection 1, the Big Brothers Big Sisters of Northern Nevada, Inc., shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Big Brothers Big Sisters of Northern Nevada, Inc., through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Big Brothers Big Sisters of Northern Nevada, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend sec. 2, page 1, by deleting line 14 and inserting:

“Sec. 3. This act becomes effective on July 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT making appropriations to the Nevada Commission on Sports to fund operational expenses and to Big Brothers Big Sisters of Northern Nevada, Inc., for costs relating to the purchase of a facility; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Nevada Commission on Sports to fund operational expenses and to Big Brothers Big Sisters of Northern Nevada, Inc., for costs relating to purchase of facility. (BDR S-1412)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and the reprinting of Assembly Bill No. 548 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1246, and the bill be placed on third reading and final passage

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1247.

Amend the bill as a whole by deleting sections 5 and 6, renumbering sec. 7 as sec. 10 and adding new sections designated sections 5 through 9, following sec. 4, to read as follows:

“Sec. 5. NRS 244.286 is hereby amended to read as follows:

244.286 1. The board of county commissioners of any county may enter into an agreement with a person whereby the person agrees to construct or remodel a building or facility according to specifications adopted by the board of county commissioners and thereupon enter into a lease or a lease-purchase agreement with the board of county commissioners for that building or facility.

2. The board of county commissioners may convey property to a person where the purpose of the conveyance is the entering into of an agreement contemplated by subsection 1.

3. The provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any agreement for the construction or remodeling of a building or facility entered into pursuant to subsection 1.

Sec. 6. NRS 244A.763 is hereby amended to read as follows:

244A.763 1. NRS 244A.669 to 244A.763, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 244A.669

to 244A.763, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 244A.669 to 244A.763, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except:

(a) As otherwise provided in those sections.

(b) That a project for the generation and transmission of electricity is subject to review and approval by the state regulatory agencies which have jurisdiction of the matters involved, including, without limitation, the Public Utilities Commission of Nevada, the State Environmental Commission and the State Department of Conservation and Natural Resources.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 244A.669 to 244A.763, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the counties is not applicable to any action taken pursuant to NRS 244A.669 to 244A.763, inclusive, except that the provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be done in a project.

6. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 244A.669 to 244A.763, inclusive, without the necessity of associating with any other person or entity as cofiduciary except that such association is not prohibited.

7. The powers conferred by NRS 244A.669 to 244A.763, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 7. NRS 268.568 is hereby amended to read as follows:

268.568 1. NRS 268.512 to 268.568, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 268.512 to 268.568, inclusive, to be done, including, without limitation, the charter of any city, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 268.512 to 268.568, inclusive, apply to the doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 268.512 to 268.568, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the cities is not applicable to any action taken pursuant to NRS 268.512 to 268.568, inclusive, except that the provisions of NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a project.

6. Notwithstanding the provisions of NRS 662.245 or any other specific statute to the contrary, any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 268.512 to 268.568, inclusive, without meeting the qualifications set forth in NRS 662.245.

7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by, any other law.

8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are

inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. NRS 271.710 is hereby amended to read as follows:

271.710 1. A governing body may adopt an ordinance pursuant to NRS 271.325 creating a district and ordering a project to be acquired or improved and may contract with a person to construct or improve a project, issue bonds or otherwise finance the cost of the project and levy assessments, without complying with the provisions of NRS 271.305 to 271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and except as otherwise provided in this section, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body has entered into a written agreement with the owners of all of the assessable property within the district which states that:

(a) The governing body agrees to enter into a contract for the acquisition, construction or improvement of the project or projects in the district which includes:

(1) A provision stating that the requirements of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any construction work to be performed under the contract; and

(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the project if the project meets all requirements and specifications in the contract.

(b) The owners of the assessable property agree that if the rate of interest on any assessment levied for the district is determined from time to time as provided in NRS 271.487, the owners will provide written notice to the governing body in a timely manner when a parcel of the assessable property in the district is sold to a person who intends to occupy a dwelling unit on the parcel as his residence.

(c) The owners of the assessable property agree that the governing body may create the district, levy the assessments and for all other purposes relating to the district proceed pursuant to the provisions of this section.

2. If an ordinance is adopted and the agreement entered into pursuant to subsection 1 so states:

(a) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to add additional property to the district. The assessments may be redistributed between the assessable property originally in the district and the additional assessable property if:

(1) The owners of additional assessable property also consent in writing to inclusion of their property in the district and to the amount of the assessment against their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(b) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to remove assessable property from the district. The assessments may be redistributed among the assessable property remaining in the district if:

(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(c) The governing body may adopt any ordinance pertaining to the district including the ordinance creating the district required by NRS 271.325, the ordinance authorizing interim warrants required by NRS 271.355, the ordinance levying assessments required by NRS 271.390, the ordinance authorizing bonds required by NRS 271.475 or any ordinance amending those ordinances after a single reading and without holding a hearing thereon, as if an emergency exists, upon an affirmative vote of not less than two-thirds of all voting members of the governing body, excluding from any computation any vacancy on the governing body and any members thereon who may vote to break a tie vote, and provide that the ordinances become effective at the time an emergency ordinance would have become effective. The provisions of NRS 271.308 do not apply to any such ordinance.

(d) The governing body may provide for a reserve fund, letter of credit, surety bond or other collateral for payment of any interim warrants or bonds issued for the district and include all or any portion of the costs thereof in the amounts assessed against the property in the district and in the amount of bonds issued for the district. The governing body may provide for the disposition of interest earned on the reserve fund and other bond proceeds, for the disposition of unexpended bond proceeds after completion of the project and for the disposition of the unexpended balance in the reserve fund after payment in full of the bonds for the district.

Sec. 9. NRS 271.800 is hereby amended to read as follows:

271.800 1. A governing body may, pursuant to NRS 271.275 or 271.710, establish a district to finance an underground conversion project. Before the governing body may adopt an ordinance pursuant to NRS 271.325 to establish such a district, each service provider that owns the overhead service facilities to be converted to underground facilities must submit its written approval of the project to the governing body. The governing body shall not establish a district to finance an underground conversion project without receiving the written approval of each such service provider pursuant to this subsection.

2. Before initiating the establishment of a district pursuant to this section, the governing body must request in writing and receive from each service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.

3. If a district already exists for the location for which the underground conversion project is proposed, the governing body may, pursuant to NRS 271.295, combine the underground conversion project with other projects in that district.

4. An underground conversion project must be constructed by one or more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider that will engage in the construction. Such a project must be constructed in accordance with the standard underground practices and procedures approved by the Public Utilities Commission of Nevada.

5. The provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to a contract entered into by a municipality and a service provider pursuant to this section, except that the contract must include a provision stating that the requirements of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any construction work to be performed under the contract.

6. Construction on an underground conversion project approved pursuant to this chapter may not commence until:

- (a) An ordinance creating a district is adopted pursuant to NRS 271.325;
- (b) The time for filing an appeal pursuant to NRS 271.315 has expired, or if such an appeal has been timely filed, a final, nonappealable judgment upholding the validity of the ordinance has been rendered;
- (c) Arrangements for the financing of the construction have been completed through the issuance of bonds or interim warrants; and
- (d) The service provider has obtained all applicable permits, easements and licenses necessary to convert the facilities.”.

Amend the bill as a whole by deleting sections 8 through 11, renumbering sections 12 through 14 as sections 16 through 18 and adding new sections designated sections 11 through 15, following sec. 7, to read as follows:

“Sec. 11. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency provides property for development at less than the fair market value of the property, or provides financial incentives to the developer with a value of more than \$100,000, the agency must provide in the agreement with the developer that the development project is subject to the provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the agreement between the agency and the developer. This subsection does not apply to future development of the property unless additional financial incentives with a value of more than \$100,000 are provided to the developer.

Sec. 12. NRS 349.670 is hereby amended to read as follows:

349.670 1. NRS 349.400 to 349.670, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including but not limited to the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 349.400 to 349.670, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 349.400 to 349.670, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.400 to 349.670, inclusive, except that the provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director for work to be done in a project.

5. Any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 349.400 to 349.670, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 349.400 to 349.670, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations

imposed by those sections do not affect the powers conferred by any other law.

7. No part of NRS 349.400 to 349.670, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director or a person designated by him may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 349.400 to 349.670, inclusive, without the assistance or intervention of any other officer.

Sec. 13. NRS 349.956 is hereby amended to read as follows:

349.956 A water project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.935 to 349.961, inclusive, except that the provisions of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director or a municipality for work to be done in a water project.

Sec. 14. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in subsection ~~{3}~~:

~~(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing~~

~~the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~The State Public Works Board]~~ 4, the board of trustees of a school district located in a county whose population is 30,000 or more but less than 400,000 shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the building department of the county or other local building department, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of a permit. A permit for construction must be issued before the school district commences construction. The building department shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall contract with a private entity or the building department of another local government to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted.

3. Except as otherwise provided in subsection 4, the board of trustees of a school district located in a county whose population is 400,000 or more or in a county whose population is less than 30,000 shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the State Public Works Board and all other local agencies or departments whose approval is necessary for the issuance of a

permit. A permit for construction must be issued before the school district commences construction. The State Public Works Board shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The State Public Works Board may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the Board in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. The State Public Works Board may, if it determines that the building department of the county or other local building department has the necessary expertise, enter into an agreement with the appropriate building department to review plans, designs and specifications and conduct inspections of all the work of a school district pursuant to this subsection.

4. If the building department of the county or other local building department does not have the staffing to meet the inspection needs of the school district pursuant to subsection 2 or 3, the building department may enter into an agreement with the board of trustees of the school district authorizing the board of trustees to review the plans, designs and specifications and conduct inspections of the work of the school district pursuant to subsections 2 and 3, except that the building department is responsible for overseeing the review of the plans, designs and specifications and inspections of the work of the school district and shall verify that qualified personnel conduct the inspection.

5. In conducting reviews pursuant to subsections 2 and 3, the State Public Works Board, building department or private entity, whichever is applicable, shall verify that all plans, designs and specifications that ~~are reviewed~~ ~~are reviewed pursuant to this section comply with [all]~~ :

(a) The applicable requirements of the relevant codes adopted by this State;

(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and

(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~[3.—The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department~~

~~before commencement of the project for the approval of the building department. The building department shall review the plans, designs and specifications and provide responsive comment as expeditiously as practicable to verify that the plans, designs and specifications comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications. A permit for construction must not be issued without the approval of the building department pursuant to this subsection.~~

~~The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~4.] 6.~~ No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 15. NRS 543.545 is hereby amended to read as follows:

543.545 Except as otherwise provided in subsection 3, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by a flood control district for the construction of a flood control facility pursuant to the master plan, if a majority of the construction costs are paid by a private developer and the written agreement:

1. Complies with the requirements of subsection 1 of NRS 543.360;
2. Clearly sets forth the computation of the construction costs, and includes the terms and conditions of the contract; and
3. Contains a provision stating that the requirements of NRS ~~{338.010}~~ 338.013 to 338.090, inclusive, apply to any construction work performed pursuant to the contract.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; restricting the authority of the State Fire Marshal in consolidated municipalities and larger counties; revising certain provisions concerning the applicability of the prevailing wage requirements; revising the provisions relating to the process of approving plans, designs and specifications for the construction and alteration of school buildings; requiring the Legislative Commission to appoint a committee to conduct an interim study of the operations of the

State Fire Marshal Division of the Department of Public Safety; making an appropriation; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and the reprinting of Senate Bill No. 274 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1247, and the bill be placed on third reading and final passage

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 575, 576, 577; Senate Bill No. 527.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 1225.

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. The appropriations made by the provisions of this act are not intended to finance ongoing expenditures of state agencies and the expenditures financed with those appropriations must not be included as base-budget expenditures in the proposed budget for the Executive Branch of State Government for the 2007–2009 biennium.”.

Amend sec. 8, page 4, line 20, by deleting “section 2” and inserting: “sections 2 and 8”.

Assemblywoman Leslie moved that the Assembly concur in the Senate amendment to Assembly Bill No. 175.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 555, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 685 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA28, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
SUSAN GERHARDT
GARN MABEY

Assembly Conference Committee

JOE HECK
SANDRA J. TIFFANY
MAGGIE CARLTON

Senate Conference Committee

Conference Amendment No. CA28.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:*

(a) *Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:*

(1) *At a medical facility as that term is defined in NRS 449.0151; or*

(2) *Outside of this State; and*

(b) *Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

(a) *Collect and maintain reports received pursuant to subsection 1; and*

(b) *Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

4. *A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.*

5. *The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.*

6. *As used in this section:*

(a) *"Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.*

(b) *"Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.*

(c) *"General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.*

(d) *"Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function."*

Amend the bill as a whole by renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;
(b) Establish by regulation standards for licensure under this chapter;
(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence; and

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~[-]~~ *and section 1 of this act.*

The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.”.

Amend the bill as a whole by renumbering sec. 7 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 6, to read as follows:

“Sec. 9. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:*

(a) *Stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:*

(1) *At a medical facility as that term is defined in NRS 449.0151; or*

(2) *Outside of this State; and*

(b) *Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

(a) *Collect and maintain reports received pursuant to subsection 1; and*

(b) *Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

4. *A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.*

5. *The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient’s anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.*

6. *As used in this section:*

(a) *“Conscious sedation” means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.*

(b) *“Deep sedation” means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.*

(c) *“General anesthesia” means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.*

(d) *“Sentinel event” means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.*

Sec. 10. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence; and

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260 ~~and~~ *and section 9 of this act.*

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.”.

Amend the bill as a whole by renumbering sections 8 and 9 as sections 15 and 16 and adding new sections designated sections 12 through 14, following sec. 7, to read as follows:

“Sec. 12. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed

practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient ~~[at a health care facility or]~~ for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

~~[(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.]~~

Sec. 13. NRS 49.117 is hereby amended to read as follows:

49.117 As used in NRS 49.117 to 49.123, inclusive, unless the context otherwise requires, "review committee" means:

1. An organized committee of:

(a) A hospital;

(b) An ambulatory surgical center;

(c) A health maintenance organization;

(d) An organization that provides emergency medical services pursuant to the provisions of chapter 450B of NRS; or

(e) A medical facility as defined in NRS 449.0151,

which has the responsibility of evaluating and improving the quality of care rendered by the parent organization; ~~or]~~

2. A peer review committee of a medical or dental society ~~[-]~~; or

3. *A medical review committee of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of chapter 450B of NRS, but only when functioning as a peer review committee.*

Sec. 14. NRS 49.265 is hereby amended to read as follows:

49.265 1. Except as otherwise provided in subsection 2:

(a) The proceedings and records of:

(1) Organized committees of hospitals, and organized committees of organizations that provide emergency medical services pursuant to the provisions of chapter 450B of NRS, having the responsibility of evaluation and improvement of the quality of care rendered by those hospitals or organizations; ~~[and]~~

(2) Review committees of medical or dental societies ~~[-]~~; and

(3) *Medical review committees of a county or district board of health that certifies, licenses or regulates providers of emergency medical services pursuant to the provisions of chapter 450B of NRS, but only when such committees function as peer review committees,*

are not subject to discovery proceedings.

(b) No person who attends a meeting of any such committee may be required to testify concerning the proceedings at the meeting.

2. The provisions of subsection 1 do not apply to:

(a) Any statement made by a person in attendance at such a meeting who is a party to an action or proceeding the subject of which is reviewed at the meeting.

(b) Any statement made by a person who is requesting staff privileges at a hospital.

(c) The proceedings of any meeting considering an action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the limits of the policy.

(d) Any matter relating to the proceedings or records of such committees which is contained in health care records furnished in accordance with NRS 629.061.”.

Amend sec. 9, page 5, by deleting line 10 and inserting:

“Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 2, 3, 5 to 8, inclusive, 11 and 15 of this act become effective on July 1, 2005.

3. Sections 1, 4, 9, 10, 12, 13 and 14 of this act become effective on October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to medical professionals; requiring a physician licensed to practice medicine or osteopathic medicine to report annually to the appropriate licensing board information concerning certain office-based surgery performed by him; providing that the failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action; requiring the licensing boards of such physicians biennially to compile and report such information to the Governor and the Legislature; making various other changes to the provisions governing certain medical professionals; expanding the medical review committees that may refuse to disclose and to prevent other persons from disclosing certain information from their proceedings; providing that the proceedings and records of those medical review committees are not subject to discovery proceedings; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; providing for the imposition of certain civil penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to certain provisions governing medical professionals and practice of medicine. (BDR 54-570)”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 555.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 290, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 712 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA16, which is attached to and hereby made a part of this report.

JOHN OCEGUERA

KELVIN ATKINSON

PETE GOICOECHEA

Assembly Conference Committee

DENNIS NOLAN

JOE HECK

STEVEN HORSFORD

Senate Conference Committee

Conference Amendment No. CA16.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 4 through 7 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission ~~[-one]~~ :

(1) One of whom is ~~[-]~~

~~(1) The~~ the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session . ~~[-and]~~ That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002.

In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

Sec. 2. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section; ~~and~~

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945 ~~[-]; and~~

(c) A license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. *Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367002, not to exceed a total of 25 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.*

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall provide notice of that fact in the manner described in subsection 5.

5. The notice required pursuant to subsection 4 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 3. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. If a new special license plate is authorized by an act of the Legislature after January 1, 2003, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

2. *In addition to the requirements set forth in subsection 1, if a new special license plate is authorized by an act of the Legislature after July 1,*

2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.”.

Amend sec. 4, page 5, by deleting lines 3 through 5 and inserting:

“Sec. 7. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2005.

3. Section 6 of this act becomes effective on January 1, 2007.”.

Amend the title of the bill, first line, after “vehicles;” by inserting: “authorizing certain Legislators appointed to serve on the Commission on Special License Plates to designate alternates; revising the provisions governing the issuance of special license plates;”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 290.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly recede from its action on Senate Bill No. 341.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 98, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1125 of the Assembly be concurred in.

SHEILA LESLIE
KATHY MCCLAIN
VALERIE WEBER

Assembly Conference Committee

BARBARA CEGAVSKE
BOB BEERS
BERNICE MATHEWS

Senate Conference Committee

Assemblywoman Leslie moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 98.

Remarks by Assemblywoman Leslie.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 163, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 972 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA51, which is attached to and hereby made a part of this report.

CHRIS GIUNCHIGLIANI
BERNIE ANDERSON
LYNN HETTRICK

Assembly Conference Committee

MAGGIE CARLTON
WARREN B. HARDY
JOHN LEE

Senate Conference Committee

Conference Amendment No. CA51.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the licensee shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings, submit to the regulatory body a complete set of his fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.

3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:

(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title; and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.”.

Amend the bill as a whole by deleting sec. 95.5 and adding a new section designated sec. 95.5, following sec. 95, to read as follows:

“Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon the request of a patient, a registered pharmacist shall transfer a prescription for the patient to another registered pharmacist.

2. A registered pharmacist who transfers a prescription pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.”.

Amend the bill as a whole by adding new sections designated sections 98.3 and 98.7, following sec. 98, to read as follows:

“Sec. 98.3. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 ~~[-]~~ or section 95.5 of this act:

1. A prescription must be given:

- (a) Directly from the practitioner to a pharmacist;
- (b) Indirectly by means of an order signed by the practitioner;
- (c) By an oral order transmitted by an agent of the practitioner; or
- (d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, and his address if not immediately available to the pharmacist;

(b) The classification of his license;

(c) The name of the patient, and his address if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug ~~[or drugs]~~ prescribed;

(e) Directions for use; and

(f) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner; or

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner.

Sec. 98.7. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. ~~[-]~~ Except as otherwise provided in section 95.5 of this act, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;
(b) The practitioner who originally issued the prescription;
(c) A practitioner who is then treating the patient;
(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; or

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order.

2. ~~Any~~ *Except as otherwise provided in section 95.5 of this act, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.*

3. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

4. ~~If, at the express request of a customer, a copy of a prescription for any controlled substance or dangerous drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.~~

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the University and Community College System of Nevada.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.”.

Amend sec. 234, page 158, line 9, by deleting:
“98, 99, 100,” and inserting:
“98 to 100, inclusive,”.

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; requiring a licensee who is involved in disciplinary proceedings to submit his fingerprints to the regulatory body to obtain a report of his criminal history; permitting a regulatory body to take disciplinary action against such a licensee under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; requiring a registered pharmacist, upon request by a patient, to transfer a prescription for the patient to another registered pharmacist; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 163.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 68, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 684 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA3, which is attached to and hereby made a part of this report.

KATHY MCCLAIN

PEGGY PIERCE

GARN MABEY

Assembly Conference Committee

BARBARA CEGAVSKE

DINA TITUS

JOE HECK

Senate Conference Committee

Conference Amendment No. CA3.

Amend section 1, pages 1 and 2, by deleting lines 6 through 8 on page 1 and lines 1 through 5 on page 2, and inserting:

“surgical treatment of those patients . ~~[by photorefractive keratectomy or laser in situ keratomileusis.]~~”.

Assemblywoman McClain moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 68.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the Assembly, with the concurrence of the Senate, Waive Joint Standing Rule 19.5 and allow the Assembly to do legislative business until 1:00 a.m. on June 7, 2005.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 434, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1086 of the Assembly be concurred in.

MARCUS CONKLIN

DAVID PARKS

ROD SHERER

Assembly Conference Committee

JOHN LEE

WARREN B. HARDY

RANDOLPH J. TOWNSEND

Senate Conference Committee

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 434.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 333, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1043 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA39, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

CHRIS GIUNCHIGLIANI

FRANCIS ALLEN

Assembly Conference Committee

RANDOLPH J. TOWNSEND

JOE HECK

Senate Conference Committee

Conference Amendment No. CA39.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 644 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall grant a license as a student instructor to a person who:*

(a) *Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;*

(b) *Is enrolled in a program to prepare student instructors in a school of cosmetology if:*

(1) *The program is certified by the Board; and*

(2) *The program requires that the student instructor is supervised by an instructor who is licensed;*

(c) *Is licensed pursuant to this chapter;*
 (d) *Applies for a license as a student instructor on a form provided by the Board;*

(e) *Submits two current photographs of himself; and*
 (f) *Has paid the fee established pursuant to subsection 2.*

2. *The Board shall establish and collect a fee of not less than \$25 or more than \$40 for the issuance of a license as a student instructor.*

3. *A person issued a license as a student instructor pursuant to this section:*

(a) *Must be supervised by an instructor who is licensed; and*
 (b) *May act as an instructor for compensation and work experience credit while accumulating the number of hours of training required for an instructor's license.*

4. *A license as a student instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or after full-time employment as a student instructor for 1 year, whichever occurs later. The Board may grant an extension of not more than 45 days to those student instructor licensees who have applied to the Board for examination as instructors and are awaiting examination.”.*

Amend the bill as a whole by renumbering sections 3 and 4 as sections 9 and 10 and adding new sections designated sections 4 through 8, following sec. 2, to read as follows:

“Sec. 4. NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

(a) Be licensed as a cosmetologist pursuant to this chapter.
 (b) Have successfully completed the 12th grade in school or its equivalent.
 (c) Have 1 year of experience as a cosmetologist ~~[-]~~ *or as a licensed student instructor.*

(d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a provisional instructor in a school of cosmetology.

(e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.

3. Each instructor shall pay an initial fee for a license of not less than \$40 and not more than \$60.

Sec. 5. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 800 hours of training as an instructor or 400 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as an aesthetician pursuant to this chapter; and
- (f) Has practiced as a full-time licensed aesthetician *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor of aestheticians shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 6. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in manicuring any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 500 hours of training as an instructor or 250 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a manicurist pursuant to this chapter; and
- (f) Has practiced as a full-time licensed manicurist *or as a licensed student instructor* for 1 year.

2. Except as otherwise provided in subsection 3, an instructor in manicuring shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in manicuring who is initially licensed not more than 6 months before the renewal date of the license. An instructor in manicuring who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 7. NRS 644.212 is hereby amended to read as follows:

644.212 An application for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, *and section 1 of this act* must include the social security number of the applicant.

Sec. 8. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, manicurist, ~~[provisional instructor,]~~ demonstrator of cosmetics and instructor expires on July 1 of the next succeeding odd-numbered year.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.”.

Amend sec. 4, pages 3 and 4, by deleting lines 23 through 45 on page 3 and lines 1 through 25 on page 4, and inserting:

“Sec. 10. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety . *If the license for the school was issued:*

(a) *On or before June 30, 2005, the bond must be in the amount of \$10,000 ~~[-]~~ ; or*

(b) *On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.*

2. *The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

(a) *The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest \$5,000; and*

(b) *The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.*

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:*

(a) *Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or*

(b) *Any other program administered by the United States Department of Education through which students at the school receive loans.*

6. *If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:*

(a) *In the amount of \$10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;*

(b) *In an amount not less than \$10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and*

(c) *In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.*

7. *The bond required for a school of cosmetology must be in the amount of \$10,000 if the school:*

(a) *Is initially licensed on or before June 30, 2005;*

(b) *Has been continuously licensed since June 30, 2005; and*

(c) *Is relocated and obtains a license for the new location on or after July 1, 2005.*

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~[3-]~~ 9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. *The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6."*

Amend the bill as a whole by renumbering sections 5 through 8 as sections 11 through 14.

Amend sec. 8, page 6, by deleting line 8 and inserting:

"Sec. 14. 1. This act becomes effective on July 1, 2005.

2. Section 7 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill, first line, after “professions;” by inserting: “providing for the licensure of student instructors;”.

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 333.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 335, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 959 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA14, which is attached to and hereby made a part of this report.

MARCUS CONKLIN

MAGGIE CARLTON

JOE HECK

HEIDI S. GANSERT

RANDOLPH J. TOWNSEND

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA14.

Amend sec. 5.5, page 3, by deleting lines 25 through 33 and inserting:

“2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:”.

Amend sec. 5.7, page 4, by deleting lines 25 through 33 and inserting:

“2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:”.

Amend the title of the bill, fourth and fifth lines, by deleting: “or barber’s apprentice”.

Assemblyman Conklin moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 335.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The first Conference Committee concerning Senate Bill No. 221, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 928 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA48, which is attached to and hereby made a part of this report.

JOE HARDY
KELVIN ATKINSON
Assembly Conference Committee

BARBARA CEGAVSKE
DENNIS NOLAN
MAURICE E. WASHINGTON
Senate Conference Committee

Conference Amendment No. CA48.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 11 and 12 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

“Section 1. NRS 386.420 is hereby amended to read as follows:

386.420 The county school district trustees may form a nonprofit association , *to be known as the Nevada Interscholastic Activities Association*, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the ~~{association}~~ *Association* to do so, from joining an association formed for similar purposes in another state.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The ~~{association}~~ *Nevada Interscholastic Activities Association* shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS, as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events.

2. If the ~~{association}~~ *Nevada Interscholastic Activities Association* intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the ~~{association}~~ *Association* shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The ~~{association}~~ *Association* shall consider all written and oral submissions respecting the proposal or change before taking final action.

Sec. 3. NRS 386.440 is hereby amended to read as follows:

386.440 The rules and regulations of the ~~{association}~~ *Nevada Interscholastic Activities Association* adopted pursuant to NRS 386.430 ~~{shall}~~ *must* provide for adequate review procedures to determine and review disputes arising in regard to the ~~{association's}~~ *Association's* decisions and activities.

Sec. 4. NRS 386.450 is hereby amended to read as follows:

386.450 The rules and regulations adopted by the ~~{association}~~ *Nevada Interscholastic Activities Association* must provide for the membership of

charter schools, private schools and parochial schools which may elect to join the ~~{association.}~~ *Association*.

Sec. 5. NRS 386.460 is hereby amended to read as follows:

386.460 If a charter school, private school or parochial school elects to become a member of the ~~{association.}~~ *Nevada Interscholastic Activities Association*, the school is subject to the same regulations and requirements and is liable for the same fees and charges as other schools within the ~~{association.}~~ *Association*.

Sec. 6. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the ~~{association.}~~ *Nevada Interscholastic Activities Association* pursuant to NRS 386.430.

2. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

- (a) Eligibility and qualifications for participation;
- (b) Fees for participation;
- (c) Insurance;
- (d) Transportation;
- (e) Requirements of physical examination;
- (f) Responsibilities of participants;
- (g) Schedules of events;
- (h) Safety and welfare of participants;
- (i) Eligibility for awards, trophies and medals;
- (j) Conduct of behavior and performance of participants; and
- (k) Disciplinary procedures.

Sec. 7. NRS 386.463 is hereby amended to read as follows:

386.463 No challenge may be brought by the ~~{association.}~~ *Nevada Interscholastic Activities Association*, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children are allowed to participate in the interscholastic activity or event.

Sec. 8. NRS 386.464 is hereby amended to read as follows:

386.464 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

- 1. Eligibility of homeschooled children to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive; or
- 2. Participation of homeschooled children in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,

that are more restrictive than the provisions governing eligibility and participation prescribed by the ~~{association}~~ *Nevada Interscholastic Activities Association* pursuant to NRS 386.430.

Sec. 9. NRS 386.465 is hereby amended to read as follows:

386.465 The rules and regulations of the ~~{association}~~ *Nevada Interscholastic Activities Association* must provide criteria for the approval of requests made by public schools for authorization to join an interscholastic activity association formed in another state.

Sec. 10. NRS 386.470 is hereby amended to read as follows:

386.470 1. Any liability or action against the ~~{association}~~ *Nevada Interscholastic Activities Association* must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the ~~{association}~~ Association shall be deemed a political subdivision of the State.

2. Any liability or action against a public school which is a member of an association for interscholastic activities formed in another state must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the public school shall be deemed a political subdivision of the State.”.

Amend section 1, page 3, by deleting lines 5 through 28 and inserting:

“5. *In addition to those interscholastic activities and events governed by an association pursuant to NRS 386.420 to 386.470, inclusive, homeschooled children must be allowed to participate in interscholastic activities and events, including sports. A homeschooled child who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child’s residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:*

- (a) Eligibility and qualifications for participation;*
- (b) Fees for participation;*
- (c) Insurance;*
- (d) Transportation;*
- (e) Requirements of physical examination;*
- (f) Responsibilities of participants;*
- (g) Schedules of events;*
- (h) Safety and welfare of participants;*
- (i) Eligibility for awards, trophies and medals;*
- (j) Conduct of behavior and performance of participants; and*
- (k) Disciplinary procedures.”.*

Amend the title of the bill, first line, after “education,” by inserting: “designating the name of the association for interscholastic activities;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing interscholastic activities. (BDR 34-1158)”.

Assemblywoman Parnell moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 221.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Kirkpatrick, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 189.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 527.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 500.

The following Senate amendment was read:

Amendment No. 1231.

Amend sec. 3, page 2, by deleting lines 7 through 18 and inserting:

“Sec. 3. 1. *The permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.*”.

Amend sec. 4, page 2, by deleting lines 26 through 42 and inserting:

“Sec. 4. 1. *The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:*

(a) *The Voters’ Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;*

(b) *The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and*

(c) *All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125,*

294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 5, page 3, by deleting lines 1 through 18 and inserting:

“Sec. 5. 1. *If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:*

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 6, pages 5 and 6, by deleting lines 43 through 45 on page 5 and lines 1 through 25 on page 6, and inserting:

“3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate’s address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate’s *residential* address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and *residential* address.

4. *The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:*

(a) *May not be withheld from the public; and*

(b) *Must not contain the social security number or driver's license or identification card number of the candidate."*

Amend sec. 8, page 7, by deleting lines 21 through 29 and inserting:

"293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.558 ~~{ }~~ and 293.5002, the alphabetical listing must include the name, address and political affiliation of each voter. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification."

Amend the bill as a whole by deleting sections 9 and 10 and adding:

"Secs. 9 and 10. (Deleted by amendment.)"

Amend sec. 13, page 9, by deleting lines 28 through 36 and inserting:

"2. Except as otherwise provided in NRS 293.558 ~~{ }~~ and 293.5002, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year."

Amend sec. 16, pages 11 and 12, by deleting lines 35 through 45 on page 11 and lines 1 through 10 on page 12, and inserting:

"Sec. 16. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county clerk shall ~~not~~ disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. *The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.*

3. A registered voter may submit a written request to the county clerk to have his address and telephone number withheld from the public. Upon receipt of such a request, the county clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or
(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

~~3.~~ 4. No information other than the address, telephone number, *social security number* and *driver's license or identification card* number of a registered voter may be withheld from the public.”

Amend sec. 19, page 12, by deleting lines 16 through 34 and inserting:

“Sec. 19. 1. *The permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the city clerk pursuant to subsection 2.*

2. *The city clerk shall:*

(a) *Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and*

(b) *At a meeting of the city council or other governing body of the city, inform the city council or other governing body of the sites selected as permanent and temporary polling places for early voting by personal appearance.”.*

Amend sec. 20, pages 12 and 13, by deleting lines 35 through 44 on page 12 and lines 1 through 8 on page 13, and inserting:

“Sec. 20. 1. *If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:*

(a) *The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and*

(b) *The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.*

2. *The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.*

3. *If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.”.*

Amend sec. 21, pages 13 through 15, by deleting lines 9 through 45 on page 13, lines 1 through 44 on page 14 and lines 1 through 36 on page 15, and inserting:

“Sec. 21. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person

authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's *residential* address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and *residential* address.

4. *The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:*

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

~~{5-}~~ 6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~{6-}~~ 7. The receipt of information by the city attorney pursuant to subsection ~~{5}~~ 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a

court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.”.

Amend sec. 22, page 15, by deleting lines 38 through 45 and inserting:

“293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, the alphabetical listing must include the name and address of each voter. Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.”.

Amend the bill as a whole by deleting sec. 28 and adding:

“Sec. 28. (Deleted by amendment.)”.

Amend sec. 36, page 25, between lines 32 and 33, by inserting:

“4. *The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.*”.

Amend sec. 38, page 26, by deleting lines 22 through 25 and inserting:

“2. *The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.*”.

Amend the bill as a whole by deleting sec. 40 and adding:

“Sec. 40. (Deleted by amendment.)”.

Amend sec. 52, page 30, by deleting lines 9 through 18 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 53, page 30, by deleting lines 23 through 32 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~and~~ and 293.5002, either permit the organization, group or

person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 54, pages 30 and 31, by deleting lines 37 through 43 on page 30 and lines 1 through 5 on page 31 and inserting:

“Sec. 5.070 Availability of list of registered voters. If, for any purpose relating to a municipal election or to the candidates or issues involved in that election, any organization, group or person requests a list of the registered voters of Carson City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~to~~ and 293.5002:

1. Permit the organization, group or person to copy the voters' names and addresses from the official register of voters; or

2. Furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.”.

Amend sec. 55, page 31, by deleting lines 10 through 19 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~to~~ and 293.5002, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 56, page 31, by deleting lines 24 through 34 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose which relates to a municipal election or to the candidates or issues which are involved in that election, any organization, group or person requests a list of the registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~to~~ and 293.5002, either permit that organization, group or person to copy the voters' names and addresses from the official register of voters or furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.”.

Amend sec. 57, pages 31 and 32, by deleting lines 39 through 45 on page 31 and lines 1 through 3 on page 32 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~to~~ and 293.5002, permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by state election law.”.

Amend sec. 58, page 32, by deleting lines 8 through 19 and inserting:

“Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~[-]~~ and 293.5002:

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or

2. Furnish such a list upon payment of the cost established by state election law.”.

Amend sec. 59, page 32, by deleting lines 24 through 33 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~[-]~~ and 293.5002, either permit the organization, group or person to copy the voters’ names and addresses from the official register of voters or furnish such a list.”.

Amend sec. 60, page 32, by deleting lines 38 through 45 and inserting:

“Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.558 ~~[-]~~ and 293.5002, furnish such a list at a fee to be established by the City Council.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public office; revising various provisions relating to polling places; requiring the Secretary of State to maintain certain information on a website on the Internet; requiring that if a county clerk or city clerk maintains a website on the Internet, the county clerk or city clerk shall maintain certain information on the website; revising provisions relating to proof of residence for a person filing a declaration of candidacy; revising the provisions relating to public lists of registered voters; revising the provisions relating to a person convicted of a felony and the right to vote; revising the provisions relating to the filing of campaign finance reports; revising the definition of “public officer” for the purposes of the Nevada Ethics in Government Law; providing a civil penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 500.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 526.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1252.

Amend sec. 43, page 19, by deleting lines 8 and 9 and inserting:

“3. Policy changes implemented in this act may be continued to the extent that money is available from the State or Federal Government or other sources.”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and the reprinting of Senate Bill No. 526 be dispensed with, the Chief Clerk be authorized to insert Amendment No. 1252, and the bill be placed on third reading and final passage

Motion carried unanimously.

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

Assembly in recess at 12:01 a.m.

ASSEMBLY IN SESSION

At 12:26 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly recede from its action on Senate Bill No. 445.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 498, Amendment No. 1228, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 499, Amendment No. 1241, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bills Nos. 44, 208, 327; Senate Bills Nos. 221, 333.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 941, 1223 to Senate Bill No. 282; Assembly Amendments Nos. 908, 1192, 1209 to Senate Bill No. 306.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 1228.

Amend the bill as a whole by deleting sections 1 through 4, renumbering sec. 5 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 218.53745 is hereby amended to read as follows:

218.53745 The Committee ~~may~~:

~~1. —Review~~ :

1. *Shall*:

(a) *Analyze the effect of changes in technology on the fees administered and imposed by the state and local governments on providers of telecommunications, video, data, electric or natural gas services.*

(b) *Monitor the effect of any changes proposed by the Federal Communications Commission and the Congress of the United States to the categorization of different types of telecommunication and video services and the jurisdiction, or lack thereof, of the state and local governments over those services.*

(c) *Analyze and compare the procedures and methods used by local governments to administer, tax and limit the use of public rights-of-way by the providers of telecommunications, video, data, electric or natural gas services.*

(d) *Consider individually telecommunications, video, data, electric and natural gas services to determine the most appropriate level of government for administering taxes and fees on such services.*

(e) *Analyze any services or benefits that are currently offered to providers of telecommunications, video, data, electric or natural gas services by local governments in exchange for the franchise fees charged by local governments.*

(f) *Examine and consider the proposed effects of eliminating franchise fees, business license fees and all other fees and taxes imposed upon providers of telecommunications, video, data, electric and natural gas services.*

(g) Consider the methods of distribution to local governments of the revenue from the tax on aviation fuel and motor vehicle fuel imposed by or pursuant to chapter 365 of NRS.

(h) Review the price and availability of renewable and alternative fuels.

(i) Consider any other matter that the Committee determines is relevant to its duties prescribed in this subsection.

2. May review and study:

(a) The specific taxes collected in this State;

(b) The implementation of any taxes, fees and other methods for generating public revenue in this State;

(c) The impact of any changes to taxes, fees and other methods for generating public revenue that result from legislation enacted by the Legislature on the residents of this State and on the businesses located in this State, doing business in this State or considering locating in this State;

(d) The fiscal effects of any taxes, fees and other methods for generating public revenue;

(e) The impact, if any, on the prices charged to the residents of this State from the compounding of various new or increased taxes such as the real property transfer tax;

(f) The beneficial and detrimental effects, if any, of the reduction of the tax based on wages for the cost of employee health benefits;

(g) Broad issues of tax policy and fiscal policy relevant to the future of the State of Nevada; and

(h) Any other issues related to taxation, the generation of public revenue, tax policy or fiscal policy which affect this State.

~~{2.—Conduct}~~

3. May conduct investigations and hold hearings in connection with its powers pursuant to this section.

~~{3.—Contract}~~

4. May contract with one or more consultants to obtain technical advice concerning its review and study.

~~{4.—Apply}~~

5. May apply for any available grants and accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Committee in exercising its powers pursuant to this section.

~~{5.—Request}~~

6. May request that the Legislative Counsel Bureau assist in the research, investigations, hearings, studies and reviews of the Committee.

~~{6.—Recommend}~~

7. May recommend to the Legislature, as a result of its review and study, any appropriate legislation.

Sec. 2. NRS 218.53747 is hereby amended to read as follows:

218.53747 If the Committee conducts investigations or holds hearings pursuant to subsection ~~{2}~~ 3 of NRS 218.53745:

1. The Secretary of the Committee or, in his absence, a member designated by the Committee may administer oaths; and

2. The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of this State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

Sec. 3. Section 193 of Chapter 5, Statutes of Nevada 2003, 20th Special Session, at page 254, is hereby amended to read as follows:

Sec. 193. 1. This section and sections 110, 120, 121, 122, 122.3, 122.4, 122.5, 127, 130, 141, 143, 145, 154 to 161, inclusive, 164.10 to 164.34, inclusive, 166.5, 170, 185, 185.5, 185.7, 185.9, 187 to 188.7, inclusive, and 190 to 192.5, inclusive, of this act and subsection 1 of section 186 of this act become effective upon passage and approval.

2. Sections 189.58 and 189.64 of this act become effective upon passage and approval and apply retroactively to June 30, 2003.

3. Sections 164.50, 164.60, 164.70, 165.2, 185.1, 185.3, 189, 189.10, 189.14 to 189.56, inclusive, 189.60, 189.62 and 189.66 of this act become effective upon passage and approval and apply retroactively to July 1, 2003.

4. Sections 122.1, 122.2, 169.5 and 173.5 of this act become effective on August 1, 2003.

5. Sections 171 and 172 of this act and subsection 2 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2003, for all other purposes.

6. Sections 1 to 10, inclusive, 11 to 50, inclusive, 51 to 63, inclusive, 101 to 109, inclusive, 111 to 119, inclusive, 123 to 126, inclusive, 128, 129, 131 to 140, inclusive, 147 to 153, inclusive, 163, 164, 165, 166, 167, 174, 176 to 179, inclusive, 181.30 to 181.50, inclusive, 183 and 183.3 of this act and subsection 3 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2003, for all other purposes.

7. Sections 10.5, 64 to 100, inclusive, 162, 164.38, 168, 169, 173, 173.7, 175, 180, 181 and 182 of this act and subsection 4 of section 186 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2004, for all other purposes.

8. Sections 183.5 and 184 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2004, for all other purposes.

9. Sections 165.4 and 189.12 of this act become effective on July 1, 2004.

10. Sections 50.5, 109.5 and 119.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2005, for all other purposes.

11. Sections 142, 144 and 146 of this act become effective at 12:01 a.m. on October 1, 2029.

12. Sections 154 to 160, inclusive, of this act expire by limitation on June 30, ~~2005~~ 2007.

13. Sections 141, 143 and 145 of this act expire by limitation on September 30, 2029.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the State Legislature; extending the date for expiration of the Legislative Committee on Taxation, Public Revenue and Tax Policy; directing the Committee to study the franchise fees, business license fees and all other fees and taxes imposed upon providers of telecommunication, video, data, electric and natural gas services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning the Legislative Committee on Taxation, Public Revenue and Tax Policy. (BDR 17-421)”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:32 a.m.

ASSEMBLY IN SESSION

At 12:37 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 26.

Assemblyman Ocegueda moved the adoption of the resolution.

Remarks by Assemblyman Ocegueda.

Resolution adopted.

Senate Concurrent Resolution No. 35.

Assemblyman Ocegueda moved the adoption of the resolution.

Remarks by Assemblywoman Buckley.

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

ASSEMBLYWOMAN BUCKLEY:

I just want to note, for the record, that it is not our intent to study matters that are in litigation. As I understand it, there has long been a dispute about the Walker River Lake that have been going on for years and it may be headed toward some sort of resolution. The last thing we want is the Committee to insert itself into that and perhaps undo that settlement. I think it is our intent that the Committee not interfere with that ongoing process to ensure that Walker Lake is protected.

Resolution adopted.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblyman Ocegueda moved the adoption of the resolution.

Remarks by Assemblyman Ocegueda.

Resolution not adopted.

Assemblyman Ocegueda moved that Senate Bill No. 527 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 526.

Bill read third time.

Remarks by Assemblymen Conklin, Parks, and Manendo.

Conflict of interest declared by Assemblymen Conklin and Parks.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 526:

YEAS—39.

NAYS—Angle.

NOT VOTING—Conklin, Parks—2.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 307, Amendment No. 1245; Assembly Bill No. 572, Amendment No. 1240, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 69.

MARY JO MONGELLI

Assistant Secretary of the Senate

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

Assembly in recess at 12:44 a.m.

ASSEMBLY IN SESSION

At 12:46 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 1245.

Amend section 1, page 2, line 16, by deleting “30” and inserting “[~~30~~ 60”.

Amend section 1, page 2, line 28, by deleting:

“\$500 nor more than \$1,000” and inserting: “\$250 nor more than \$500”.

Amend section 1, page 2, line 39, by deleting “30” and inserting “[~~30~~ 60”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 307.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 572.

The following Senate amendment was read:

Amendment No. 1240.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

“Section 1. The Account for the One-Time Rebate is hereby created within the State General Fund. The Governor, with assistance from the State Treasurer, shall administer the Account.

Sec. 2. There is hereby appropriated from the State General Fund to the Account created by section 1 of this act the sum of \$300,000,000 to pay the costs incurred for issuing and paying negotiable instruments of rebate as required by section 3 of this act.

Sec. 3. 1. The Governor, with assistance from the State Treasurer and the Director of the Department of Motor Vehicles, shall establish a program pursuant to which the Governor issues a negotiable instrument of rebate to:

(a) Each owner of each vehicle that was registered in this State during the 2004 calendar year; and

(b) Each person who was at least 65 years of age on or before January 1, 2005, held a valid identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid identification card.

2. Except as otherwise provided in this subsection and subsection 3, the program established pursuant to subsection 1 must provide for the issuance to:

(a) Each owner of each vehicle that was registered in this State during the 2004 calendar year, a negotiable instrument of rebate in an amount equal to the lesser of:

(1) Two hundred seventy five dollars; or

(2) The full amount of the Basic Governmental Services Tax and Registration Fees that was paid upon the registration of the vehicle during the 2004 calendar year.

In no case may a negotiable instrument of rebate issued pursuant to this paragraph be in an amount less than \$75.

(b) Each person who was at least 65 years of age on or before January 1, 2005, held a valid identification card issued by the Department of Motor Vehicles on or before that date and continues to hold such valid identification card, a negotiable instrument of rebate in an amount equal to \$75.

3. The program established pursuant to subsection 1 must be designed and carried out to ensure that:

(a) With respect to the negotiable instruments of rebate described in paragraph (a) of that subsection, the negotiable instruments of rebate are issued on a per-vehicle basis, without regard to the number of vehicles owned by the registered owner.

(b) With respect to the negotiable instruments of rebate described in paragraphs (a) and (b) of that subsection:

(1) Each negotiable instrument of rebate is issued as soon as practicable after July 1, 2005, but in no case later than December 31, 2005.

(2) A negotiable instrument of rebate is void and without value of any kind if a demand for payment on the negotiable instrument is not made within 180 days after the date on which it was issued.

(3) Notwithstanding any other provision of law to the contrary, if a demand for payment on a negotiable instrument of rebate is not made within

180 days after its issuance, the full amount of the negotiable instrument that would otherwise have been payable reverts to the State General Fund.

4. If the State Treasurer determines that delays in the receipt of available funds will result in insufficient revenues to pay all the checks to be issued, he may submit a request for a temporary advance from the State General Fund to the Director of the Department of Administration to pay the checks.

5. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau if he approves a request made pursuant to subsection 1. The State Controller shall draw a warrant upon receipt of such a notification.

6. An advance from the State General Fund approved by the Director of the Department of administration as authorized pursuant to this section is limited to the total estimated amounts due from the unreturned checks.

7. Any money which is temporarily advanced from the State General Fund to the Account for the One-Time Rebate pursuant to this section must be repaid before money is deposited in the revolving account established by section 5 of this act.

8. As used in this section, unless the context otherwise requires:

(a) "Registered owner" has the meaning ascribed to it in NRS 482.102, but does not include a short-term lessor that charged and collected the recovery surcharge described in paragraph (b) of subsection 1 of NRS 482.313.

(b) "Vehicle" has the meaning ascribed to it in NRS 371.020, but does not include:

(1) A utility trailer, as that term is defined in NRS 482.134; or

(2) A motor vehicle that is based in this State and that has a declared gross weight in excess of 26,000 pounds.

Sec. 4. The negotiable instruments of rebate described in this act are not warrants issued in payment of claims against the State for the purpose of the provisions of NRS 353.130, 353.135 and 353.140.

Sec. 5. 1. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after January 31, 2006, and must be reverted to the State General Fund on or before September 15, 2006.

2. The Division of Emergency Management of the Department of Public Safety shall establish a revolving account within the State General Fund for grants to persons who own and occupy homes damaged by a disaster.

3. Except as otherwise provided in this subsection, any remaining balance reverted to the State General Fund pursuant to subsection 1 must be deposited in the revolving account established by subsection 2 and is appropriated for use by the Division in making grants to persons who own and occupy homes damaged by a disaster. Not more than \$5,000,000 may be deposited in the revolving account and appropriated as described in this subsection.

Sec. 6. This act becomes effective upon passage and approval and expires by limitation on February 28, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to state financial administration; providing for the one-time issuance of a check to certain persons and entities; providing for the appropriation of the reversion for grants to disaster victims; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for one-time issuance of check to certain persons and entities. (BDR S-1474)”.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 572.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 499.

The following Senate amendment was read:

Amendment No. 1241.

Amend the bill as a whole by deleting sections 1 through 13 and adding:

“Secs. 1–13. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 23 and adding:

“Sec. 23. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to government; repealing the provision prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot under certain circumstances; repealing the provision prohibiting certain persons from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a question on a ballot; and other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 499.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 554.

The following Senate amendment was read:

Amendment No. 1216.

Amend sec. 10, pages 5 through 7, by deleting lines 33 through 43 on page 5, lines 1 through 44 on page 6 and lines 1 through 4 on page 7, and inserting:

“5. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) ~~[-]~~ *or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS.*

(c) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

(d) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum seating capacity of less than ~~{300}~~ 200.

(e) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum seating capacity of less than ~~{300}~~ 200.

(f) Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.

(g) Live entertainment that is provided at a trade show.

(h) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

(i) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

(j) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

(k) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

(l) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.

(m) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.

(n) Beginning July 1, 2007, race events scheduled at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, and all races associated therewith.

(o) *Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.*”.

Amend the bill as a whole by renumbering sec. 13 as sec. 15 and adding new sections designated sections 13 and 14, following sec. 12, to read as follows:

“Sec. 13. NRS 372.7263 is hereby amended to read as follows:

372.7263 1. In administering the provisions of NRS 372.335, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

(a) The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

(b) The sale of farm machinery and equipment to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

(c) The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

2. As used in this section:

(a) ~~“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~(b)}~~ “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for ~~the agricultural use of real property.~~

~~(c)}~~ *agricultural purposes.*

(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

~~((d))~~ (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 14. NRS 372.7263 is hereby amended to read as follows:

372.7263 ~~{1.}~~ In administering the provisions of NRS 372.335, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

~~{(a)}~~ 1. The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

~~{(b)}~~ 2. The sale of farm machinery and equipment, *as defined in section 30 of this act*, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

~~{(c)}~~ 3. The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

~~{2.—As used in this section:~~

~~(a) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~(c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.}”.~~

Amend sec. 13, page 8, by deleting lines 12 through 19 and inserting:

“Sec. 15. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.”.

Amend the bill as a whole by renumbering sec. 14 as sec. 20 and adding new sections designated sections 16 through 19, following sec. 13, to read as follows:

“Sec. 16. *In its administration of the use tax imposed by NRS 374.190, the Department shall not consider the storage, use or other consumption in a county of tangible personal property which is:*

1. *Worth \$100 or less; and*

2. *Acquired free of charge at a convention, trade show or other public event.*

Sec. 17. 1. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale, storage, use or other consumption in a county of farm machinery and equipment.*

2. *As used in this section:*

(a) *“Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the*

repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for agricultural purposes.

(b) "Farm tractor" means a motor vehicle designed and used primarily for drawing an implement of husbandry.

(c) "Implement of husbandry" means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 18. NRS 374.030 is hereby amended to read as follows:

374.030 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Department may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the county or has paid the use tax with respect to the property, and has resold the property before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

~~[(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.]~~

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Department that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 19. NRS 374.070 is hereby amended to read as follows:

374.070 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded in cash or credit, except that this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used ~~[vehicle or]~~ vessel which is taken in trade on the purchase of another ~~[vehicle or]~~ vessel."

Amend the bill as a whole by renumbering sections 15 and 16 as sections 36 and 37 and adding new sections designated sections 21 through 35, following sec. 14, to read as follows:

“Sec. 21. NRS 374.265 is hereby amended to read as follows:

374.265 “Exempted from the taxes imposed by this chapter,” as used in NRS 374.265 to 374.355, inclusive, *and section 17 of this act* means exempted from the computation of the amount of taxes imposed.

Sec. 22. NRS 374.286 is hereby amended to read as follows:

374.286 1. There are exempted from the taxes imposed by this chapter the gross receipts from the sale , ~~{of, and the}~~ storage, use or other consumption in a county of ~~{,}~~ farm machinery and equipment . ~~{employed for the agricultural use of real property.}~~

2. As used in this section:

(a) ~~“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~{b)}~~ “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for ~~{the agricultural use of real property.~~

~~{c)}~~ *agricultural purposes.*

(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.

~~{d)}~~ (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.

Sec. 23. NRS 374.7273 is hereby amended to read as follows:

374.7273 1. In administering the provisions of NRS 374.340, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

(a) The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

(b) The sale of farm machinery and equipment to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

(c) The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

2. As used in this section:

(a) ~~“Agricultural use” has the meaning ascribed to it in NRS 361A.030.~~

~~(b) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for the agricultural use of real property.~~

~~(c) agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~(d) (c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.~~

Sec. 24. NRS 374.7273 is hereby amended to read as follows:

374.7273 ~~{1-}~~ In administering the provisions of NRS 374.340, the Department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of State to include:

~~{(a)}~~ 1. The sale of a vehicle to a nonresident to whom a special movement permit has been issued by the Department of Motor Vehicles pursuant to subsection 1 of NRS 482.3955;

~~{(b)}~~ 2. The sale of farm machinery and equipment , *as defined in section 30 of this act*, to a nonresident who submits proof to the vendor that the farm machinery and equipment will be delivered out of State not later than 15 days after the sale; and

~~{(c)}~~ 3. The sale of a vessel to a nonresident who submits proof to the vendor that the vessel will be delivered out of State not later than 15 days after the sale.

~~{2.—As used in this section:~~

~~(a) “Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:~~

~~(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or~~

~~(2) Machinery or equipment only incidentally employed for agricultural purposes.~~

~~(b) “Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.~~

~~(c) “Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.]~~

Sec. 25. Section 64 of Chapter 400, Statutes of Nevada 2003, at page 2374, is hereby amended to read as follows:

Sec. 64. NRS 374.070 is hereby amended to read as follows:

374.070 1. “Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. “Sales price” does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, ~~{}~~ not including ~~{, however,}~~ any manufacturers’ or importers’ excise tax, ~~{}~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

~~[4. For the purpose of a sale of a vehicle by a seller who is not required to be registered with the Department of Taxation, the sales price is the value established in the manner set forth in NRS 374.112.]~~

Sec. 26. Section 138 of Chapter 400, Statutes of Nevada 2003, at page 2409, is hereby amended to read as follows:

Sec. 138. NRS ~~{374.107,}~~ 374.112, 374.113, 374.286, 374.291, 374.2911, 374.322 and 374.323 are hereby repealed.

Sec. 27. Section 139 of Chapter 400, Statutes of Nevada 2003, at page 2409, is hereby amended to read as follows:

Sec. 139. 1. This section and section 102 of this act become effective upon passage and approval.

2. Sections 103 to 135, inclusive, of this act become effective on July 1, 2003.

3. Sections 1 to 29, inclusive, 32 to 38, inclusive, 40 to 50, inclusive, 52 to 57, inclusive, 66, 67, 69 to 72, inclusive, 74 to 80, inclusive, 83, 84, 85, 87 to 92, inclusive, 94 to 101, inclusive, 136 and 137 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2006, for all other purposes.

4. Sections 30 and 39 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is approved by the voters at the General Election on November 2, 2004.

5. Sections 31, 51, ~~58~~ 60 to 65, inclusive, 68, 73, 81, 82, 86, 93 and 138 of this act become effective on January 1, 2006, only if the proposal submitted pursuant to sections 103 to 107, inclusive, of this act is not approved by the voters at the General Election on November 2, 2004.

Sec. 28. At the General Election on November 7, 2006, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 29. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed Act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 30. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the General Election on November 7, 2006, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed Act:

AN ACT to amend an Act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA

DO ENACT AS FOLLOWS:

Section 1. The above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new

section to be designated as section 18.2, immediately following section 18.1, to read as follows:

Sec. 18.2. *“Vehicle” has the meaning ascribed to it in NRS 482.135.*

Sec. 2. The above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated section 55.5, immediately following section 55 to read as follows:

Sec. 55.5. 1. *There are exempted from the taxes imposed by this Act the gross receipts from the sale, storage, use or other consumption in a county of farm machinery and equipment.*

2. *As used in this section:*

(a) *“Farm machinery and equipment” means a farm tractor, implement of husbandry, piece of equipment used for irrigation, or a part used in the repair or maintenance of farm machinery and equipment. The term does not include:*

(1) A vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS; or

(2) Machinery or equipment only incidentally employed for agricultural purposes.

(b) *“Farm tractor” means a motor vehicle designed and used primarily for drawing an implement of husbandry.*

(c) *“Implement of husbandry” means a vehicle that is designed, adapted or used for agricultural purposes, including, without limitation, a plow, machine for mowing, hay baler, combine, piece of equipment used to stack hay, till, harvest, handle agricultural commodities or apply fertilizers, or other heavy, movable equipment designed, adapted or used for agricultural purposes.*

Sec. 3. Section 11 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 11. 1. *“Sales price” means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property ~~[prior to]~~ before its purchase.

2. *The total amount for which property is sold includes all of the following:*

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. *“Sales price” does not include any of the following:*

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit ~~[- but]~~, except that this exclusion ~~[shall]~~ does not apply in any instance when the

customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax , ~~{ }~~ not including ~~{ , however, }~~ any manufacturers' or importers' excise tax , ~~{ }~~ imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

Sec. 4. Section 12 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, at page 764, is hereby amended to read as follows:

Sec. 12. 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Tax Commission may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property ~~{prior to}~~ before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses ~~{ }~~ or any other expense.

(c) The cost of transportation of the property ~~{prior to}~~ before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits ~~{ }~~ and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" ~~{do}~~ does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) ~~{Sale}~~ The sale price of property returned by customers when the full sale price is refunded either in cash or credit , ~~{ }~~ but this exclusion ~~{shall}~~ does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax , ~~{(}~~ not including ~~{, however,}~~ any manufacturers' or importers' excise tax , ~~{)}~~ imposed by the United States upon or with respect to retail sales , whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Tax Commission that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 5. This Act becomes effective on January 1, 2007.

Sec. 31. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of any used vehicle taken in trade on the purchase of another vehicle and to exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of farm machinery and equipment?

Yes ☐ No ☐

Sec. 32. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the value of any used vehicle taken in trade on the purchase of another vehicle and the value of farm machinery and equipment. The Legislature has amended the Local School Support Tax Law and the City-County Relief Tax Law to provide the same exemption for farm machinery and equipment if this proposal is adopted.

Sec. 33. If a majority of the votes cast on the question submitted to the voters is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2007. If less than a majority of votes cast on the question submitted to the voters is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 34. All general election laws not inconsistent with this act are applicable.

Sec. 35. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.”.

Amend sec. 15, page 9, by deleting line 35 and inserting:

“Sec. 36. 1. NRS 368A.130 and 368A.210 are hereby repealed.

2. NRS 374.107 is hereby repealed.

3. Sections 58 and 59 of Chapter 400, Statutes of Nevada 2003, at page 2371, are hereby repealed.”.

Amend sec. 16, page 9, by deleting line 36 and inserting:

“Sec. 37. 1. This section becomes effective upon passage and approval.

2. Section 22 of this act:

(a) Becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes; and

(b) Expires by limitation on December 21, 2005.

3. Sections 1 to 12, inclusive, 15, 16, 20 and subsection 1 of section 36 of this act become effective on July 1, 2005.

4. Sections 25 to 35, inclusive, and subsection 3 of section 36 of this act become effective on October 1, 2005.

5. Sections 13 and 23 of this act become effective on January 1, 2006.

6. Sections 14, 17, 21 and 24 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 28 to 35, inclusive, of this act is approved by the voters at the General Election on November 7, 2006.

7. Sections 18, 19 and subsection 2 of section 36 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 28 to 35, inclusive, of this act is not approved by the voters at the General Election on November 7, 2006.”.

Amend the text of repealed sections by adding the text of NRS 374.107 and Sections 58 and 59 of Chapter 400, Statutes of Nevada 2003.

Amend the title of the bill, eighth line, after “property;” by inserting: “revising the provisions governing the application of sales and use taxes to retail sales of vehicles for which used vehicles are taken in trade; revising the provisions governing the application of sales and use taxes to retail sales of farm machinery and equipment; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for sales of vehicles for which used vehicles are taken in trade and for farm machinery and equipment; providing exemptions from certain analogous taxes;”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 554.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 12:51 a.m.

ASSEMBLY IN SESSION

At 12:55 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Conference Committee concerning Assembly Bill No. 189, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1186 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA54, which is attached to and hereby made a part of this report.

DAVID PARKS
MARILYN KIRKPATRICK
BOB SEALE
Assembly Conference Committee

WARREN B. HARDY
RANDOLPH J. TOWNSEND
JOHN LEE
Senate Conference Committee

Conference Amendment No. CA54.

Amend the bill as a whole by deleting sections 1 through 19 and the text of the repealed section and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commission shall not contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.*

2. *As used in this section:*

(a) *"Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.*

(b) “Memorandum of understanding” means the memorandum of understanding described in 24 C.F.R. § 115.210.

Sec. 2. NRS 233.010 is hereby amended to read as follows

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment and housing accommodations [~~-, and reasonably to seek and be granted services in places of public accommodation~~] without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry.

2. *It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin or ancestry.*

3. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 3. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. “Administrator” means the Administrator of the Commission.

2. “Commission” means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

3. “Disability” means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. “Member” means a member of the Nevada Equal Rights Commission.

5. *“Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

Sec. 4. NRS 233.150 is hereby amended to read as follows:

233.150 The Coimssion may:

1. Order its Administrator to :

(a) *With regard to public accommodation*, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearngs with regard thereto.

(b) *With regard to employment and housing*, investigate tensions, practices of discrimination and acts of prejudice against any person or group because

of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

2 Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 5. NRS 233.160 is hereby amended to read as follows:

233.160 1 A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than ~~[480]~~ 300 days after the date of the occurrence of the alleged practice.

A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3 The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint,

(b) An explanation of the rights which are available to him; and

(c) A copy of the Commission's procedures.

Sec. 6. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges an unlawful discriminatory practice in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than ~~[480]~~ 300 days after the date of the occurrence of the alleged practice.

A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory

practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice. The complaint must be in writing and signed, under oath, by the complainant.

3. If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall serve upon the complainant:

- (a) Notice that the complaint was filed with the Commission;
- (b) A copy of the Commission's procedures;
- (c) The information set forth in subsection 5 of NRS 233.170; and
- (d) Information relating to the state and federal administrative bodies and courts with which he may file the complaint.

4. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

- (a) A copy of the complaint;
- (b) An explanation of the rights which are available to him; and
- (c) A copy of the Commission's procedures.

If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall comply with the requirements of this subsection within 10 days after it receives the complaint.

5. A person against whom an unlawful discriminatory practice in housing is alleged may file with the Commission an answer to the complaint filed against him not later than 10 days after he receives the information described in subsection 4.

Sec. 7. 1. This section and sections 1 to 5, inclusive, of this act become effective on October 1, 2005.

2. Section 5 of this act expires by limitation on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law.

3. Section 6 of this act becomes effective on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law."

Amend the title of the bill to read as follows:

"AN ACT relating to the Nevada Equal Rights Commission; requiring the approval of the Legislature for the Commission to enter into certain contracts or memoranda of understanding to investigate and enforce laws relating to fair housing; revising provisions governing the receipt and investigation of complaints of discrimination in employment, housing and public accommodation by the Commission; and providing other matters properly relating thereto."

Assemblyman Parks moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 189.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 580, Amendment No. 1253, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 580.

The following Senate amendment was read:

Amendment No. 1253.

Amend sec. 84, page 42, by deleting lines 38 through 40, and inserting:

“4. Policy changes implemented in this act may be continued to the extent that money is available from the State or Federal Government or other sources.”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 580.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker:

The first Conference Committee concerning Assembly Joint Resolution No. 5, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 981 of the Senate be concurred in.

CHRIS GIUNCHIGLIANI

SHEILA LESLIE

BOB SEALE

Assembly Conference Committee

BOB BEERS

BERNICE MATHEWS

BARBARA CEGAVSKE

Senate Conference Committee

Assemblywoman Giunchigliani moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Joint Resolution No. 5.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

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

Assembly in recess at 1:12 a.m.

ASSEMBLY IN SESSION

At 2:15 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1219 to Senate Bill No. 56; Assembly Amendment No. 1220 to Senate Bill No. 101.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1226 to Senate Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1247 to Senate Bill No. 274; Assembly Amendment No. 1215 to Senate Bill No. 404; Assembly Amendment No. 1226 to Senate Bill No. 461.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Horsford and Rhoads as a first Conference Committee concerning Senate Bill No. 462.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 941, 1223 to Senate Bill No. 282; Assembly Amendments Nos. 908, 1192, 1209 to Senate Bill No. 306.

MARY JO MONGELLI

Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 7, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 555.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Townsend and Lee as a first Conference Committee concerning Senate Bill No. 392.

MARY JO MONGELLI

Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

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

ASSEMBLYWOMAN BUCKLEY:

Well, it's the end of the regular Session. For the last hour or so, maybe two, maybe three, maybe four, we have been working very hard on the Millennium Scholarship changes. We have been trying to do what we can to preserve the program and make our existing resources stretch as far as we can but not to do it at the expense of just making cuts and taking very deserving hardworking students and separating them from the scholarships.

I want to thank all the members of this Body who worked on very reasonable compromises. I really enjoyed being in sync with my Assembly Republican colleagues in trying to work something very reasonable. I really enjoy when we work well together and make good suggestions to try to get things done. I regret that we were unable to achieve that same success across the hall.

You know what—to just cut somebody's scholarship by a quarter when they are doing well and say, "We are doing it to conserve the program," there is another way to describe that, and

that is, “We are cutting deserving hardworking kids off their scholarships.” I am not going to be a part of that. I think the Millennium Scholarship works. I think we should do everything we can to continue our goal of improving our college graduation rate.

When we started this program, there were no incentives, and we had one of the worst rates of high school students going to college. We are at a crossroads right now. Do we want to say, “Let’s just throw that all away,” because we want to withdraw our commitment to it, or do we want to improve it? Do we want to refine it but still consider the kids for which this program was created? I am siding with the kids, and I would like to thank this entire House for standing up for the students and standing behind Governor Guinn in trying to make this the best program it can be.

I do not know quite what we are going to do right now, Mr. Speaker. I believe the Governor is going to consider whether he extends our time and to allow us to consider this measure, or whether we just go home. I think likely we will have that decision very soon.

Mr. Speaker, I really wanted to just take a moment and to thank you. If the rumors are correct, you are not running for reelection to the State Assembly, so this would mark your last Session with the Nevada Legislature and your last Session as Speaker. I would be remiss if I did not take the opportunity to thank you for who you are and to thank you for the job that you have done, whether it was your work on bills, Amber Alert, Homeland Security, pushing full-day kindergarten, the rousing speech you gave us to start this Session, making sure that this Session put behind the acrimony that we had from last Session, and saying, “Let’s not forget what makes Nevada special. We don’t do things in the Washington, D.C. manner. We have a way of operating ourselves.” You made that happen.

I also want to thank you for your friendship to me, and to so many in this Body. You gave me the chance. People joke and they say, “Oh, you are running things. You’re doing this and you are doing that.” What they do not know is you let me do that. There are a lot of people who say, “No, I have to control every single thing. I want to hog the show,” but that is just not your style. You have a style of grace, calm consensus. It is easy to be the bomb-thrower to get the quote. It is harder to say, “This institution matters more. I am going to set an example through bipartisanship, caring, and compassion.” I think sometimes you lose politically when you put the policy before the politics, but how many times this past week have I said, “Why don’t you do this?” and you said, “You know what—it is not worth it. It is better to do the right thing for the right reason than to try to grab a quick headline.”

I want to thank you, and I would like to thank you on behalf of everybody in this Body and everybody whose lives you have improved by your service in this Body. Thank you, Mr. Speaker.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you very much. This Legislature has been a great part of my life. I came in together with Minority Leader Hettrick. We have worked together a long time. I certainly appreciate your work—particularly this Session, with us coming together and putting last Session behind us. In 1993, as freshmen, it was an interesting year for us. The 1995 Session was even more interesting, with an evenly split house and with co-speakers and co-chairmen. It was doomed to failure by this media, but we did a good job. I looked to you and to Speaker Dini for that leadership. In Ms. Buckley’s first session we revised the Criminal Code. In 1997 we had some school construction issues, water issues in southern Nevada, and a whole new crop of people. Each session, ladies and gentlemen, has its own personality. Oftentimes, it is based upon the people who are here. Sometimes it is defined by the issues. I had the great pleasure and the great honor of having a mentor like Joe Dini who taught me great things. I wish I had remembered as much as he taught me.

My only regret is that when I first came to this institution my youngest kids were four and five, and they are now seventeen and eighteen. There were school plays and t-ball games and I couldn’t be there, but they have always been supportive and that is what has allowed me to serve here in Carson City. If I had to do it all over again, I would absolutely do it again. It is what I enjoy. If you would have told me in 1992, when I first was elected, I was going to do seven sessions, I would have said you were crazy. But, it is my last Session. I have enjoyed it.

Ms. Buckley, I can't tell you how much I appreciate you, as a friend, as a colleague, as a Majority Leader, and as my partner these last several sessions. Mr. Arberry, you always have that smile on. I appreciate you very much. Ms. Giunchigliani, I could go around the room and name virtually everybody. Mr. Marvel and Mr. Carpenter, my rural friends. So many of you have made similar sacrifices for as long as I have, or longer. I could not have done it without all of you.

I could not have done it without the support of my family, particularly my wife. I want to make sure she understands that. It has been kind of a tradition in our family that every February or so of a campaign, we would get around the kitchen table to decide if "we" were going to run again because it is a "we" thing. It affects the entire family. Several years ago, my firstborn was ten years old and I had posed that question, "Are we going to run again?" and as precocious as she was she said, "Daddy, if you don't do it, who is going to do it?" I am not so full of myself to suggest to you that nobody else could do it, a lot of people can, but it was the trust that little girl had in me and the trust that my family has and their support that allows me to do this.

I am not sure, actually, what I am going to think after I leave this Legislature. As you well know, it becomes part of who you are. It has been a good run, but it is time to be done. I find my patience waning these days, where I had more patience in earlier sessions. Let me stop rambling and thank all of you for everything you do for the state of Nevada. As you probably continue to read the "flashes" and the disparaging remarks from our good political pundit about how shameful our work is and how we are not getting things done, a lot of extraordinary things happened in the 2005 regular Session. I would still rate it as a ten. The winners from this Session, ladies and gentlemen, were the citizens from the state of Nevada. I hope all of you continue to want to serve and continue to do that. Thank you for allowing me the privilege and honor of being your Speaker. Thank you.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 236, 267, 411, 427, 437, 462; Assembly Concurrent Resolution No. 28; Senate Bills Nos. 100, 103, 149, 156, 304, 391, 520.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Crawshaw.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymen Ocegüera, Hettrick, and Horne as a committee to wait upon His Excellency, Governor Kenny Guinn, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Anderson, Arberry, and Mabey as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Nolan, Beers, and Carlton, appeared before the Bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblyman Anderson reported that his committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Ocegüera moved that the Seventy–Third Session of the Assembly of the Legislature of the state of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 2:28 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly

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- Do not recede from action on S.B. 173, 1923; S.B. 198, 1971; S.B. 325, 2055; S.B. 338, 1971; S.B. 453, 2055.
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Potential Conflict of Interest re A.B. 404, 429; S.B. 338, 1547; S.B. 346, 1706.

Remarks from the floor re A.B. 195, 757; S.B. 325, 1694.

D

DENIS, MO, Assemblyman from Clark County, No. 28 District—

Committee Appointments—

Conference re A.B. 314, 2255; S.B. 224, 2087; S.B. 386, 2092.

Standing—

Elections, Procedures, Ethics, and Constitutional Amendments, 8.

Natural Resources, Agriculture, and Mining, 8.

Ways and Means, 8.

Potential Conflict of Interest re A.B. 404, 429; S.B. 122, 1539; S.B. 346, 1706.

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On motion re S.B. 174, 1303.

E

EDUCATION, COMMITTEE ON—

Members, appointment, 7.

ELECTIONS, PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS,
COMMITTEE ON—

Members, appointment, 8.

EMERGENCY MEASURE—

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ENSIGN, JOHN, U.S. SENATOR—

Escort appointed for, 286.

Message, 286.

Vote of thanks extended to, 289.

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G

GANSERT, HEIDI, Assemblywoman from Washoe County, No. 25 District—

Absences, excused, 1200.

Committee Appointments—

Conference re A.B. 63, 2085; A.B. 501, 2085; S.B. 302, 2093; S.B. 335, 2095.

Standing—

Commerce and Labor, 7.

Elections, Procedures, Ethics, and Constitutional Amendments, 8.

Ways and Means, 8.

Moves—

Rescind action on S.B. 396, 1740.

Potential Conflict of Interest re A.B. 296, 1093; A.B. 579, 2357; S.B. 338, 1547; S.B. 346, 1706.

Remarks from the floor re A.B. 87, 147.

GERHARDT, SUSAN, Assemblywoman from Clark County, No. 29 District—

Committee Appointments—

Conference re A.B. 221, 2055; A.B. 365, 2056; A.B. 380, 2109; A.B. 465, 1922; A.B. 555, 2109; S.B. 173, 1923; S.B. 296, 2011.

Escort—

Speaker of the Assembly, 3.

Special—

Review status of Conference Committees, 1311.

Standing—

Health and Human Services, 8.

GERHARDT, SUSAN—*Continued*

Judiciary, 8.

Transportation, 8.

Potential Conflict of Interest re A.B. 232, 758; A.B. 259, 759; A.B. 404, 429; S.B. 122, 1539; S.B. 346, 1706.

GIBBONS, JAMES A., U.S. REPRESENTATIVE—

Escort appointed for, 128.

Message, 128.

Vote of thanks extended to, 134.

GIUNCHIGLIANI, CHRISTINA, Assemblywoman from Clark County, No. 9 District—

Absences, excused, 769.

Appointments Committees—

Conference re A.B. 221, 2055; A.B. 52, 2056; A.B. 143, 2055; A.B. 267, 2055; A.B. 365, 2056; S.B. 325, 2055; S.B. 453, 2055.

Appoints Committees—

Special—

Invite Senate to meet in Joint Session, 286.

Committee Appointments—

Conference re A.B. 64, 2108; A.B. 87, 2108; A.B. 489, 409; A.B. 555, 2109; A.J.R. 5, 2108; S.B. 163, 2086; S.B. 224, 2087; S.B. 333, 2095; S.B. 392, 2332; S.B. 394, 2088; S.B. 426, 2093; S.B. 460, 2207.

Standing—

Commerce and Labor, 7.

Elections, Procedures, Ethics, and Constitutional Amendments, 8.

Growth and Infrastructure (vice chairman), 8.

Ways and Means (vice chairman), 8.

Moves—

Concur in Senate amendment(s) to A.B. 128, 2096; A.B. 312, 1922; A.B. 499, 2531; A.B. 500, 2521.

Do not concur in Senate amendment(s) to A.B. 87, 2013; A.B. 189, 2343; A.B. 489, Amend. No. 124, 408; A.B. 489, Amend. No. 129, 409.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 338, 1547; S.B. 346, 1706.

Presides over Assembly, 102, 151, 181, 227, 284, 324, 589, 623, 753, 1022, 1096, 1162, 1176, 1201, 1257, 1289, 1792, 2052.

Remarks from the floor re Equal Pay Day, 626; Floor Session, old Assembly Chambers, 298; A.B. 77, 2089; A.B. 87, 145, 147; A.B. 280, 2050; A.B. 489, 392, 394; A.R. 7, 1263; A.R. 8, 1266; S.B. 525, 2347; S.J.R. 2, 77; S.C.R. 30, 1184; S.C.R. 31, 1184; S.C.R. 36, 1218.

Speaker pro Tempore of the Assembly—

Declared to be, 6.

Nominated for, 6.

GOICOECHEA, PETE, Assemblyman from Eureka, Pershing, White Pine, Churchill (Part), Humboldt (Part), Lander (Part), Washoe (Part) Counties, No. 35 District—

Committee Appointments—

Conference re A.B. 505, 2220; S.B. 62, 2093; S.B. 290, 1899.

Standing—

Government Affairs, 8.

Natural Resources, Agriculture, and Mining, 8.

Transportation, 8.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 338, 1547; S.B. 346, 1706.

Remarks from the floor re A.B. 77, 2089.

GOVERNMENT AFFAIRS, COMMITTEE ON—

Members, appointment, 8.

GOVERNOR—

Informed Assembly organized, 7.

Informed Assembly ready to adjourn *sine die*, 2553.

State of the State message, 9.

GRADY, TOM, Assemblyman from Storey, Carson City (Part), Churchill (Part), Lyon (Part)
Counties, No. 38 District—

Committee Appointments—

Conference re S.B. 17, 2225.

Standing—

Government Affairs, 8.

Growth and Infrastructure, 8.

Natural Resources, Agriculture, and Mining, 8.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.

Remarks from the floor re A.C.R. 31, 1212; A.R. 7, 1261; S.C.R. 37, 1221; S.C.R. 39, 1233.

GROWTH AND INFRASTRUCTURE, COMMITTEE ON—

Members, appointment, 8.

GUINN, KENNY C.—*See Governor.*

H

HARDY, JOE, Assemblyman from Clark County, No. 20 District—

Absences, excused, 199, 1136, 1238.

Committee Appointments—

Conference re A.B. 39, 2113; A.B. 43, 2085; A.B. 44, 2085; A.B. 180, 2108; S.B. 221,
2203; S.B. 296, 2011; S.B. 426, 2093.

Special—

Inform Senate Assembly organized, 6.

Invite Senate to meet in Joint Session, 127, 160, 399.

Standing—

Education, 7.

Government Affairs, 8.

Health and Human Services, 8.

Conflict of Interest, A.B. 380, 1078, 1103, 2260.

Moves—

Rescind action on A.B. 132, 126.

Potential Conflict of Interest re S.B. 346, 1706.

Remarks from the floor re Inman, James Everett, 186; A.B. 87, 146; A.B. 195, 756; A.B. 489,
418; A.J.R. 2, 184; S.B. 193, 1310; S.B. 221, 1681; S.C.R. 2, 62;
S.C.R. 31, 1184; S.C.R. 37, 1221.

HEALTH AND HUMAN SERVICES, COMMITTEE ON—

Members, appointment, 8.

HELLER, DEAN A.—*See Secretary of State.*

HETTRICK, LYNN C., Assemblyman from Douglas, Carson City (Part), Washoe (Part)
Counties, No. 39 District—

Absences, excused, 120, 136, 1123.

Committee Appointments—

Conference re A.B. 489, 409; S.B. 163, 2086; S.B. 392, 2332.

Special—

HETTRICK, LYNN C.—*Continued*

Inform Governor Assembly organized, 6.
Inform Governor Assembly ready to adjourn *sine die*, 2552.

Standing—
Commerce and Labor, 7.
Growth and Infrastructure, 8.
Ways and Means, 8.

Moves—

Suspend rules—
Transmit immediately to the Senate, A.C.R. 29, 1193.

Potential Conflict of Interest re A.B. 404, 429; S.B. 338, 1547; S.B. 346, 1706.

Remarks from the floor re A.B. 87, 145; A.B. 489, 392; A.R. 6, 1258; A.R. 7, 1260; A.R. 9, 1267; S.B. 347, 1695.

HOGAN, JOSEPH M., Assemblyman from Clark County, No.10 District—

Absences, excused, 233, 570.

Committee Appointments—

Conference re A.B. 239, 2108.
Standing—
Natural Resources, Agriculture, and Mining, 8.
Transportation, 8.
Ways and Means, 8.

Potential Conflict of Interest re S.B. 346, 1706.

HOLCOMB, BROOKS, Assemblyman from Washoe County, No. 24 District—

Absences, excused, 338.

Committee Appointments—

Standing—
Education, 7.
Elections, Procedures, Ethics, and Constitutional Amendments, 8.
Judiciary, 8.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.

HORNE, WILLIAM C., Assemblyman from Clark County, No. 34 District—

Absences, excused, 102, 108, 443, 1245.

Committee Appointments—

Conference re A.B. 39, 2113; A.B. 42, 2085; A.B. 143, 2055; A.B. 208, 2108; A.B. 290, 2109; A.B. 327, 2085; A.B. 337, 2085; S.B. 325, 2055; S.B. 367, 2050; S.B. 386, 2092.

Special—

Inform Governor Assembly ready to adjourn *sine die*, 2552.

Standing—

Education, 7.
Health and Human Services, 8.
Judiciary (vice chairman), 8.

Moves—

Vote of thanks to Chief Justice Nancy A. Becker, 2.

Potential Conflict of Interest re S.B. 346, 1706.

Remarks from the floor re Memorial Day, 1788; A.B. 77, 2089; A.B. 87, 147; A.B. 195, 757;
A.J.R. 2, 183; S.C.R. 7, 154; S.C.R. 31, 1182.

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J

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- Becker, Nancy A., Chief Justice, 161.
- Berkley, Shelley, U.S. Representative, 325.
- Ensign, John, U.S. Senator, 286.
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- Dissolve, motion to, 118, 134, 165, 289, 330, 402.

JUDICIARY, COMMITTEE ON—

- Members, appointment, 8.

K

KIRKPATRICK, MARILYN, Assemblywoman from Clark County, No. 1 District—

- Absences, excused, 371.

Committee Appointments—

- Conference re A.B. 87, 2108; A.B. 189, 2513; S.B. 20, 2092; S.B. 394, 2088; S.B. 426, 2093.

Standing—

- Government Affairs, 8.
- Growth and Infrastructure, 8.
- Natural Resources, Agriculture, and Mining, 8.

Moves—

- Do not recede from action on S.B. 394, 2088.
- Rescind action on A.B. 193, 211.
- Potential Conflict of Interest re S.B. 346, 1706.

KOIVISTO, ELLEN M., Assemblywoman from Clark County, No. 14 District—

Committee Appointments—

- Conference re A.B. 43, 2085.

Special—

- Invite Senate to meet in Joint Session, 127.

Standing—

- Elections, Procedures, Ethics, and Constitutional Amendments (chairman), 8.
- Health and Human Services, 8.
- Ways and Means, 8.

Moves—

- Do not concur in Senate amendment(s) to A.B. 314, 1775.
- Rescind action on S.B. 224, Amend No. 1034, 1693.
- Suspend rules—
 - Transmit immediately to the Senate, A.C.R. 30, 1202.
- Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.
- Remarks from the floor re Cowboy Hall of Fame, 2097.

L

LESLIE, SHEILA, Assemblywoman from Washoe County, No. 27 District—

- Absences, excused, 64.

Committee Appointments—

- Conference re A.B. 42, 2085; A.B. 63, 2085; A.B. 327, 2085; A.J.R. 5, 2108; S.B. 98, 2207; S.B. 462, 2409.

LESLIE, SHEILA—*Continued*

- Escort—
 - Becker, Nancy A., Chief Justice, 160.
- Special—
 - Inform Senate Assembly organized, 6.
 - Invite Senate to meet in Joint Session, 116.
- Standing—
 - Growth and Infrastructure, 8.
 - Health and Human Services (chairman), 8.
 - Ways and Means, 8.
- Moves—
 - Concur in Senate amendment(s) to A.B. 84, 1978; A.B. 175, 2489; A.B. 342, 1986; A.B. 369, 1984; A.B. 454, 1986.
 - Do not concur in Senate amendment(s) to A.B. 42, Amend. No. 847, 1765; A.B. 42, Amend. No. 1040, 1769; A.B. 43, 1890; A.B. 296, Amend. No. 894, 1974; A.B. 296, Amend. No. 1047, 1974; A.B. 327, 1774; A.B. 337, 1774; A.B. 380, 1891.
 - Do not recede from action on S.B. 68, 1253; S.B. 296, 2011; S.B. 462, 2408.
 - Recede from action on S.B. 396, 2080.
 - Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.
 - Remarks from the floor re A.B. 195, 757; A.R. 7, 1262; A.R. 8, 1266.
 - Roll call vote requested on motion re A.B. 500, 1532.

M

MABEY, GARN R., Assemblyman from Clark County, No. 2 District—

- Absences, excused, 89, 175, 443, 555.
- Committee Appointments—
 - Conference re A.B. 327, 2085; A.B. 555, 2109; S.B. 68, 1254; S.B. 367, 2050; S.B. 462, 2409.
- Escort—
 - Gibbons, James A., U.S. Representative, 128.
- Special—
 - Inform Senate Assembly ready to adjourn *sine die*, 2552.
- Standing—
 - Education, 7.
 - Health and Human Services, 8.
 - Judiciary, 8.
- Potential Conflict of Interest re S.B. 338, 1547; S.B. 346, 1706.
- Remarks from the floor re A.B. 195, 755; A.J.R. 1, 124; A.J.R. 2, 183.

MAJORITY FLOOR LEADER —*See Buckley, Barbara E.*

MAJORITY WHIP, ASSISTANT—*See Leslie, Sheila.*

MAJORITY WHIP—*See Anderson, Bernard.*

MANENDO, MARK, Assemblyman from Clark County, No. 18 District—

- Committee Appointments—
 - Conference re A.B. 290, 2109; A.B. 550, 2113; S.B. 325, 2055; S.B. 367, 2050.
- Escort—
 - Becker, Nancy A., Chief Justice, 2.
- Standing—
 - Education, 7.
 - Judiciary, 8.
 - Transportation, 8.
- Moves—

MANENDO, MARK—*Continued*

Press representatives, accreditation, 67.

Rescind action on A.B. 160, 170.

Potential Conflict of Interest re A.B. 280, 759; A.B. 383, 761; A.B. 527, 622; S.B. 32, 1744; S.B. 122, 1539; S.B. 346, 1706; S.B. 410, 1547; S.B. 526, 2527.

Remarks from the floor re S.C.R. 30, 1183; S.C.R. 31, 1183.

MARVEL, JOHN W., Assemblyman from Humboldt, Lander (Part), Washoe (Part) Counties, No. 32 District—

Committee Appointments—

Standing—

Natural Resources, Agriculture, and Mining, 8.

Ways and Means, 8.

Moves—

Suspend rules—

Transmit immediately to the Senate, A.C.R. 18, 573.

Potential Conflict of Interest re S.B. 346, 1706.

Remarks from the floor re A.C.R. 18, 572; A.R. 7, 1261; A.R. 9, 1268; S.C.R. 27, 1156.

MCCLAIN, KATHY, Assemblywoman from Clark County, No. 15 District—

Absences, excused, 142, 1108, 1123, 1136.

Committee Appointments—

Conference re A.B. 43, 2085; A.B. 437, 2085; S.B. 29, 2086; S.B. 68, 1254; S.B. 98, 2207.

Escort—

Becker, Nancy A., Chief Justice, 2.

Special—

Invite Senate to meet in Joint Session, 116.

Standing—

Commerce and Labor, 7.

Elections, Procedures, Ethics, and Constitutional Amendments, 8.

Health and Human Services (vice chairman), 8.

Ways and Means, 8.

Moves—

Previous question re A.J.R. 2, 186.

Suspend rules—

Transmit immediately to the Senate, A.C.R. 31, 1212.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.

Remarks from the floor re A.C.R. 31, 1212.

MCCLEARY, BOB, Assemblyman from Clark County, No. 11 District—

Absences, excused, 227.

Committee Appointments—

Conference re A.B. 44, 2085.

Standing—

Education, 7.

Elections, Procedures, Ethics, and Constitutional Amendments (Co-vice chairman), 8.

Government Affairs, 8.

Moves—

Rescind action on A.B. 84, 92.

Potential Conflict of Interest re A.B. 416, 594; S.B. 346, 1706.

MINORITY FLOOR LEADER—*See Hettrick, Lynn.*MINORITY WHIP—*See Gansert, Heidi.*MINORITY WHIP—*See Weber, Valerie.*

MORTENSON, HARRY, Assemblyman from Clark County, No. 42 District—

Absences, excused, 191, 199, 210.

Committee Appointments—

Standing—

Elections, Procedures, Ethics, and Constitutional Amendments (co-chairman), 8.

Growth and Infrastructure, 8.

Judiciary, 8.

Moves—

Vote of thanks to Secretary of State Dean Heller, 3.

Potential Conflict of Interest re S.B. 346, 1706.

Remarks from the floor re S.B. 318, 1469.

MUNFORD, HARVEY J., Assemblyman from Clark County, No. 6 District—

Absences, excused, 338.

Committee Appointments—

Standing—

Education, 7.

Elections, Procedures, Ethics, and Constitutional Amendments, 8.

Government Affairs, 8.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.

N

NATURAL RESOURCES, AGRICULTURE, AND MINING, COMMITTEE ON—

Members, appointment, 8.

O

OATH OF OFFICE—

Administered to Assemblymen-elect, 2.

OCEGUERA, JOHN, Assemblyman from Clark County, No. 16 District—

Absences, excused, 64.

Committee Appointments—

Conference re A.B. 51, 1971; A.B. 52, 2056; A.B. 221, 2055; A.B. 505, 2220; A.B. 550, 2113; S.B. 290, 1899; S.B. 356, 2183; S.B. 457, 2087.

Escort—

Berkley, Shelley, U.S. Representative, 325.

U.S. Senator Harry Reid, 116.

Special—

Inform Governor Assembly ready to adjourn *sine die*, 2552.

Inform Senate Assembly organized, 6.

Standing—

Commerce and Labor (vice chairman), 7.

Judiciary, 8.

Transportation (chairman), 8.

Conflict of Interest, A.B. 197, 589.

Moves—

All bills and joint resolutions in Unfinished Business, for balance of session, reading of titles dispensed with, 1808.

Assembly adjourn *sine die*, 2553.

OCEGUERA, JOHN—*Continued*

- Concur in Senate amendment(s) to A.B. 169, 1990; A.B. 169, Amend. No. 729, 1989; A.B. 220, 1288; A.B. 240, 1991; A.B. 255, 1992; A.B. 307, 2528; A.B. 315, 1987; A.B. 348, 1995; A.B. 416, 1995; A.B. 504, 2372; A.B. 572, 2531.
- Do not concur in Senate amendment(s) to A.B. 52, Amend. No. 1037, 1776; A.B. 52, Amend. No. 1082, 1777; A.B. 239, 1899; A.B. 505, 2182.
- Do not recede from action on S.B. 290, 1899.
- Press representatives, accreditation, 158, 1807.
- Previous question re A.J.R. 2, 186.
- Rescind action on A.B. 11, 55; A.B. 358, 294; A.B. 382, 324; A.B. 411, 336; A.B. 421, 336; A.C.R. 10, 324; S.B. 62, 1120; S.B. 286, 1113; S.B. 307, 735; S.B. 338, 1547; S.B. 489, 690; S.C.R. 3, 446; S.C.R. 42, Amend. No. 1195, 2303.
- Special Order of Business re—
 - Vetoed A.B. 135 of the 73rd Session, 1131.
- Suspend rules—
 - Declare an emergency measure, all bills and joint resolutions reported out of committee, for balance of session, put on appropriate reading file, 1577; all bills returned from the printer, 1076; A.B. 574, 2240; A.B. 579, 2344; A.J.R. 17, 1791; A.J.R. 18, 1792; S.B. 87, 1682; S.B. 198, 1745; S.B. 267, 1745; S.B. 438, 1682; S.B. 527, 2513.
 - Dispense with reprinting, A.B. 548, 2477; S.B. 101, 2422; S.B. 274, 2488; S.B. 404, 2420; S.B. 461, 2420; S.B. 526, 2522.
 - Joint Standing Rule No. 19.5, 2504.
 - Standing Rule No. 92, 2001.
 - Transmit immediately to the Senate, all bills and joint resolutions passed, for the balance of session, 2242; A.C.R. 23, 1110.
- Potential Conflict of Interest re A.B. 404, 429; S.B. 122, 1539; S.B. 338, 1547; S.B. 346, 1706.
- Remarks from the floor re Polly Gonzalez, 395; A.B. 77, 2089; A.C.R. 18, 573; A.R. 5, 1129.
- Withdraws motion re A.B. 38, 194; A.B. 170, 488.

OHRENSCHALL, GENIE, Assemblywoman from Clark County, No. 12 District—

- Absences, excused, 60, 210, 732, 1575, 1790.
- Committee Appointments—
 - Conference re A.B. 267, 2055; A.B. 365, 2056; S.B. 173, 1923.
- Escort—
 - Heller, Dean, Secretary of State, 3.
- Special—
 - Invite Senate to meet in Joint Session, 324.
- Standing—
 - Judiciary, 8.
 - Natural Resources, Agriculture, and Mining, 8.
 - Transportation (vice chairman), 8.
- Conflict of Interest, A.B. 436, 595; A.B. 464, 2090.
- Moves—
 - Rescind action on A.B. 218, 236; S.B. 400, 2317.
- Suspend rules—
 - Transmit immediately to the Senate, A.C.R. 32, 1215.
- Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.
- Remarks from the floor re A.B. 87, 147; A.C.R. 32, 1214; A.R. 7, 1262; S.C.R. 30, 1184; S.C.R. 31, 1184.

P

PARKS, DAVID R., Assemblyman from Clark County, No. 41 District—

Absences, excused, 64, 108.

Committee Appointments—

Conference re A.B. 39, 2113; A.B. 189, 2513; A.B. 380, 2109; S.B. 80, 2086; S.B. 174, 2087; S.B. 356, 2183; S.B. 434, 2096.

Standing—

Commerce and Labor, 7.

Government Affairs (chairman), 8.

Growth and Infrastructure, 8.

Conflict of Interest, S.B. 526, 2527.

Moves—

Concur in Senate amendment(s) to A.B. 142, 2000; A.B. 188, 2081; A.B. 210, 2111; A.B. 346, 2088; A.B. 355, 2000; A.B. 418, Amend. No. 726, 2082; A.B. 418, Amend. No. 957, 2083; A.B. 418, Amend. No. 1100, 2084; A.B. 456, 2001.

Do not concur in Senate amendment(s) to A.B. 39, 2082; A.B. 210, 1924.

Do not recede from action on S.B. 17, 2225; S.B. 20, 2092; S.B. 62, 2092; S.B. 302, 2093; S.B. 356, 2183; S.B. 426, 2093.

Nominates—

Nancy Tribble to be Chief Clerk of the Assembly, 6.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 332, 1695; S.B. 346, 1706.

PARNELL, BONNIE, Assemblywoman from Carson City (Part), Washoe County (Part), No. 40 District—

Committee Appointments—

Conference re A.B. 180, 2108; S.B. 17, 2225; S.B. 62, 2093; S.B. 221, 2203; S.B. 296, 2011.

Standing—

Education (chairman), 7.

Government Affairs, 8.

Health and Human Services, 8.

Moves—

Concur in Senate amendment(s) to A.B. 70, 1420; A.B. 168, 1996; A.B. 280, Amend. No. 1104, 1999; A.B. 280, Amend. No. 1114, 2000; A.B. 395, 1554; A.B. 526, 2079.

Do not concur in Senate amendment(s) to A.B. 180, Amend. No. 765, 1997; A.B. 180, Amend. No. 1105, 1997.

Do not recede from action on S.B. 221, 2203; S.B. 367, 2050.

Rescind action on A.B. 109, 100.

Suspend rules—

Transmit immediately to the Senate, A.C.R. 9, 315; A.C.R. 19, 574; A.C.R. 22, 633.

Potential Conflict of Interest re S.B. 122, 1539; S.B. 346, 1706.

Remarks from the floor re A.B. 77, 2089.

PERKINS, RICHARD D., Assemblyman from Clark County, No. 23 District—

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1923; S.B. 174, 2087; S.B. 198, 1971; S.B. 221, 2203; S.B. 224, 2087; S.B. 290, 1899; S.B. 296, 2011; S.B. 302, 2093; S.B. 333, 2095; S.B. 335, 2095; S.B. 338, 1971; S.B. 356, 2183; S.B. 367, 2050; S.B. 386, 2092; S.B. 392, 2332; S.B. 394, 2088; S.B. 426, 2093; S.B. 434, 2096; S.B. 457, 2087; S.B. 460, 2207; S.B. 462, 2409.

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Inform Senate Assembly ready to adjourn *sine die*, 2552.

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- Conflict of Interest, A.B. 371, 1095.

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SMITH, DEBBIE, Assemblywoman from Washoe County, No. 30 District—

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- Vetoed A.B. 135 of the 73rd Session—
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 - Returned, 1140
 - Motion, 1131.
 - Veto Sustained, 1142.

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- Members, appointment, 8.

WEBER, VALERIE E., Assemblywoman from Clark County, No. 5 District—

- Committee Appointments—
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- Escort—
 - Ensign, John, U.S. Senator, 286.
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ASSEMBLY STANDING RULES
AND THE
JOINT STANDING RULES OF THE
SENATE AND ASSEMBLY
OF THE
SEVENTY-THIRD SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA

2005

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

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

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

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

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

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

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

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

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

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

(h) Sign all subpoenas issued by the Assembly.

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

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

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

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

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

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295]

Rule No. 2. Reserved.

Rule No. 3. Reserved.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

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

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

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

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

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III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the

presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

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

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

[Statutes of Nevada 2001, 3296; A 2003, 3602]

Rule No. 22. Reserved.

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

1. The Committee on Ethics consists of:

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

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

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

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the Committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the Committee during the consideration of a specific question.

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

4. The Committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise

Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

- (a) Against whom a complaint is brought requests a public hearing;
- (b) Discloses the opinion of the Committee at any time after his hearing;

or

(c) Discloses the content of an advisory opinion issued to him by the Committee.

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

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

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

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

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

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

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

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

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

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

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

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

7. Only a member who:

(a) Has been certified by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments or a special committee of the Assembly; and

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

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

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; Assembly Resolution No. 3 of the 2005 Session (File No. 3)]

Rule No. 31. Reserved.**Rule No. 32. Announcement of the Vote.**

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

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

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

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

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES**Rule No. 40. Standing Committees.**

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Growth and Infrastructure, thirteen members.
4. Education, eleven members.
5. Elections, Procedures, Ethics, and Constitutional Amendments, thirteen members.

6. Natural Resources, Agriculture, and Mining, eleven members.
7. Transportation, eleven members.
8. Commerce and Labor, fourteen members.
9. Health and Human Services, eleven members.
10. Government Affairs, thirteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; Assembly Resolution No. 3 of the 2005 Session (File No. 3)]

Rule No. 41. Appointment of Committees.

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

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

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543]

Rule No. 42. Committee Action.

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

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

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

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

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

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

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

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

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3543; 2001, 3299]

Rule No. 43. Subcommittees.

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

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544]

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

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

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; Assembly Resolution No. 3 of the 2005 Session (File No. 3)]

Rule No. 45. Procedure for Election Contests.

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

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

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

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; Assembly Resolution No. 3 of the 2005 Session (File No. 3)]

Rule No. 46. Committee Action on Reports.

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

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 47. Committee Records.

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

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

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840]

Rule No. 48. Disposition of Committee Records.

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

[Statutes of Nevada 1973, 1904; A 1999, 3840]

Rule No. 49. Committee Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chairman, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair and furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301]

Rule No. 50. Reserved.**Rule No. 51. Reserved.**

Rule No. 52. Concurrent Referrals.

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

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205; 1999, 3840]

The next rule is 60.

VI. RULES GOVERNING MOTIONS**Rule No. 60. Entertaining.**

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607]

Rule No. 61. Reserved.**Rule No. 62. Reserved.****PARTICULAR MOTIONS****Rule No. 63. Reserved.****Rule No. 64. Reserved.****Rule No. 65. Indefinite Postponement.**

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

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

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

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

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

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

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

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

[Statutes of Nevada 1973, 1890; A 1999, 3841; 2001, 3302]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

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

[Statutes of Nevada 1973, 1890]

Rule No. 81. Previous Question.

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

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

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

[Statutes of Nevada 2001, 3302]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 90. Mason's Manual.

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

[Statutes of Nevada 1973, 1890]

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

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

[Statutes of Nevada 1973, 1890; A 2001, 3303]

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

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

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

3. Subsection 1 does not apply to:
 - (a) Committee meetings held on the floor of the Assembly during a recess; or
 - (b) Conference committee meetings.
- [Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549; 1999, 3842]

Rule No. 93. Reserved.

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

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

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

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

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

[Statutes of Nevada 1973, 1891]

Rule No. 96. Peddling, Begging and Soliciting.

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

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

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

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be made by the introducer. They shall

not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550]

Rule No. 98. Request of Purpose.

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

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

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

[Statutes of Nevada 1973, 1891]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

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

[Statutes of Nevada 1973, 1891; A 1999, 3843]

Rule No. 101. Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

Rule No. 102. Privileged Questions.

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

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

[Statutes of Nevada 2001, 3304; Assembly Resolution No. 3 of the 2005 Session (File No. 3)]

Rule No. 103. Reserved.

B. BILLS**Rule No. 104. Reserved.**

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

Rule No. 105. Substitute Bills.

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

[Statutes of Nevada 1973, 1893]

Rule No. 106. Skeleton Bills.

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

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

Rule No. 108. Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

Rule No. 109. Reading of Bills.

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

[Statutes of Nevada 1973, 1894; A 1995, 2858]

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

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments

reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members must be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended must be reprinted, engrossed, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

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

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

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844]

Rule No. 111. Consent Calendar.

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

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

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

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

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings must be placed upon a General File, to be kept by the Chief Clerk. Bills must be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. The Chief Clerk shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305]

Rule No. 114. Reserved.**Rule No. 115. Reconsideration of Vote on Bill.**

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

[Statutes of Nevada 1973, 1895; A 1999, 3845]

Rule No. 116. Vetoed Bills.

Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must be taken up and considered immediately upon the coming in of the message transmitting the same, or become the subject of a special order. When the message is received, or (if made a special order) when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been

read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 2001, 3306]

Rule No. 117. Reserved.

C. RESOLUTIONS

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

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Reserved.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.

15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

[Statutes of Nevada 1973, 1896; A 1999, 3846; R 2001, 3307]

Rule No. 123. Reserved.

[Statutes of Nevada 1973, 1896; R 2001, 3307]

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

[Statutes of Nevada 1973, 1896; A 1995, 2861; 1997, 3555; 1999, 3847; R 2001, 3307]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

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

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

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

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

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

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

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

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

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848]

MESSAGES

Rule No. 2. Procedure Concerning.

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

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

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

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

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

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

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

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

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

committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

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

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

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

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

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

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

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

[Statutes of Nevada R 1979, 1964; A 1999, 3849; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

PRINTING

Rule No. 6. Ordering and Distribution.

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

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:
 - (a) Propose an amendment to the Nevada Constitution.
 - (b) Ratify a proposed amendment to the United States Constitution.
 - (c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.
2. A concurrent resolution must be used to:
 - (a) Amend these Joint Rules.
 - (b) Request the return from the Governor of an enrolled bill for further consideration.
 - (c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.
 - (d) Express facts, principles, opinion and purposes of the Senate and Assembly.
 - (e) Establish a joint committee of the two Houses.
 - (f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:
(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

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

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

VETOES

Rule No. 8. Special Order.

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

[Statutes of Nevada 1920-21, 410; A 1999, 3851; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

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

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

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific Daylight Time on the 120th calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

[Statutes of Nevada 2003, 3747]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

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

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

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

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

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

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

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

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

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

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

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

RECORDS OF COMMITTEE PROCEEDINGS

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

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

2. The secretary of a standing committee shall:

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

(b) Keep the records in chronological order; and

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

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the records;

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

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

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

[Statutes of Nevada 1979, 2012; A 1999, 3853]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

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

1. Except as otherwise provided in subsection 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

- (a) Two requests from each Assemblyman; and
 - (b) Four requests from each Senator,
- for the drafting of a bill or resolution.

2. Except as otherwise provided in subsections 4 and 5 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 22nd calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 22nd day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. The Legislative Counsel shall not honor a request for the drafting of a bill or resolution submitted by a member or standing committee of the Senate or Assembly unless such information as is required to draft the measure is submitted to the Legislative Counsel with the request.

6. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

7. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

8. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

9. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

10. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),
whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 51st calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

No notice of reconsideration of any final vote on a bill or joint resolution is in order on the last day on which final action is allowed.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase “EMERGENCY REQUEST OF” and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rule No. 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless such information as is required to draft the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

6. No notice of reconsideration of any final vote on a bill is in order on the last day on which final action is allowed by a waiver.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term “exempt” for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term “exempt” must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218.2475.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; Assembly Concurrent Resolution No. 1 of the 2005 Session (File No. 7)]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860]

**CONTINUATION OF LEADERSHIP OF THE SENATE AND
ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS**

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335; 2001, 3322]

INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

Rule No. 16. Delivery of Bill Drafts Requested by State Agencies and Local Governments.

1. Except as otherwise provided in subsection 2, on or before the third legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the third legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction.

[Statutes of Nevada 1989, 2366; A 1999, 3860; 2003, 3596]

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all Legislators and lobbyists. Each member and lobbyist is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each person subject to these Rules must exercise his own good judgment to avoid engaging in conduct that may be perceived by others as

sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Legislature or the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

4. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

5. If a Legislator believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. Except as otherwise provided in subsection 7, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint received pursuant to subsection 5 to a committee consisting of Legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

7. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Committee on Elections, Procedures,

Ethics, and Constitutional Amendments of the Assembly or the Committee on Legislative Operations and Elections of the Senate, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

8. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

9. If the investigation reveals that sexual harassment has occurred, the Legislature will take appropriate disciplinary or remedial action, or both. The committee shall inform the complainant of any action taken. The Legislature will also take any action necessary to deter any future harassment.

10. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

11. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

12. Action taken by a complainant pursuant to this Rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

13. All Legislators and lobbyists are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and the protections against becoming a victim of sexual harassment set forth in this policy apply to employees, Legislators, lobbyists, vendors, contractors, customers and visitors to the Legislature.

14. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862]

VOTE ON GENERAL APPROPRIATION BILL**Rule No. 21. Waiting Period Between Introduction and Final Passage.**

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES**Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.**

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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CERTIFICATE

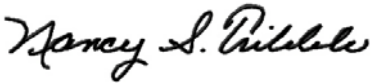
STATE OF NEVADA

ASSEMBLY CHAMBER

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SS.

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Chief Clerk of the Assembly



Speaker of the Assembly