

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 20, 2005

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Father, I am impressed this week as I hear the beautiful music flowing through the hallways. Thank You for beauty. King Solomon wrote that You “made everything beautiful in its time.” Some of us are still waiting for our time. Help us to pause to see Your beauty all around us. And Father, please help Your servant Benedict.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 114, 195 and 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 287 and 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 113, 304 and 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 475 and 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was re-referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 386, 468 and 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 21.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 20, 187, 255, 290, 311, 327, 398, 409, 410, 415, 423, 428, 438, 479, 504.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 29, 77, 80, 136, 139, 188, 250, 318, 395, 443, 466, 489.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 383 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Ocegura moved that Assembly Bill No. 406 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Ocegura.

Motion carried.

NOTICE OF EXEMPTION

April 20, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 65.

MARK STEVENS
Fiscal Analysis Division

By Assemblymen Parnell, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber; Senators Wiener, Amodei, Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, and Washington:

Assembly Concurrent Resolution No. 22—Commemorating the 85th anniversary of the League of Women Voters as a national organization.

WHEREAS, The League of Women Voters was first established in Nevada in 1919, due in large part to the inspiration of Carrie Chapman Catt, a national leader in the battle to obtain the right to vote for all women; and

WHEREAS, The League of Women Voters was established as a national organization in 1920; and

WHEREAS, The League of Women Voters worked tirelessly to ensure that Amendment XIX of the Constitution of the United States, prohibiting the denial of the right to vote on account of sex, was proposed by Congress and ratified by the states; and

WHEREAS, Since 1920, the League of Women Voters has flourished throughout the State of Nevada, with units in Ely, Elko, Lovelock, Winnemucca, Carson City, Reno and Las Vegas; and

WHEREAS, In 1974, the League of Women Voters began accepting men as full voting members and now works for the informed and active participation of all citizens in government; and

WHEREAS, The League of Women Voters provides a valuable resource to the residents of Nevada by preparing and distributing nonpartisan information on candidates and issues, thereby allowing the residents of Nevada to learn about the issues of an election without partisan influence; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby commemorate the 85th anniversary of the League of Women Voters as a national organization; and be it further

RESOLVED, That the League of Women Voters is hereby commended for its dedication and perseverance as it continues to encourage active participation in government, both at the local and national levels; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mary Lee, President of the League of Women Voters of Nevada, and Kay Maxwell, President of the League of Women Voters of the United States.

Assemblywoman Parnell moved the adoption of the resolution.

Remarks by Assemblywomen Parnell, Buckley, and Ohrenschall.

Resolution adopted.

Assemblywoman Parnell moved that all rules be suspended and that Assembly Concurrent Resolution No. 22 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that the reading of Histories on Senate bills on Introduction be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 20.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 29.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 77.

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

Motion carried.

Senate Bill No. 80.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 136.

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

Motion carried.

Senate Bill No. 139.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 187.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 188.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 250.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 255.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 290.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 311.

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

Motion carried.

Senate Bill No. 318.

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

Motion carried.

Senate Bill No. 327.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 395.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 398.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 409.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 410.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 415.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 423.

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

Motion carried.

Senate Bill No. 428.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 438.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

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

Motion carried.

Senate Bill No. 466.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 479.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 504.

Assemblyman Ocegueda moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Claborn moved that Assembly Bill No. 15 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that the reading of Histories of all bills on the Second Reading File be dispensed with for this legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 444.

Amend the bill as a whole by deleting sections 6 and 7 and renumbering Sec. 8 as Sec. 6.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "Employee-Management Relations Board; providing that the Real Estate Division is".

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 307.

Amend section 1, page 2, line 43, before "relocating" by inserting "expanding or".

Amend section 1, page 3, line 17, before "relocating" by inserting "expanding or".

Amend section 1, page 3, line 26, before "relocated" by inserting "expanded or".

Amend section 1, page 3, lines 38 and 40, before “relocation” by inserting “expansion or”.

Amend the preamble of the bill, page 2, line 25, before “relocate” by inserting “expand or”.

Amend the preamble of the bill, page 2, line 33, by deleting “a” and inserting: “an expansion or”.

Amend the title of the bill by deleting the third through sixth lines and inserting: “feasibility and desirability of expanding or relocating certain state agencies to rural communities under certain circumstances; requiring the Department to recommend, if feasible, the expansion or relocation of at least one such agency;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Department of Administration to conduct study concerning feasibility and desirability of expanding or relocating certain state agencies to rural communities under certain circumstances. (BDR S-989)”.

Assemblyman Sherer moved the adoption of the amendment.

Remarks by Assemblyman Sherer.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Mr. Speaker announced if there were no objections, the Assembly would observe a moment of silence in memory of all children in Nevada who have lost their lives at the hands of another.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 259.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools ~~that~~ *sponsored* by the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school ~~within~~ *sponsored* by the school district. ~~[-, regardless of the sponsor of the charter school.]~~

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, and each grade in which the examinations were administered:

- (1) The number of pupils who took the examinations;
- (2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;
- (3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;
- (4) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:
 - (I) Pupils who are economically disadvantaged, as defined by the State Board;
 - (II) Pupils from major racial and ethnic groups, as defined by the State Board;
 - (III) Pupils with disabilities;
 - (IV) Pupils who are limited English proficient; and
 - (V) Pupils who are migratory children, as defined by the State Board;
- (5) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;
- (6) The percentage of pupils who were not tested;
- (7) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (4);
- (8) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;
- (9) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~that~~ *sponsored by* the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and
- (10) For each school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, information that compares the results of pupils in the school with the results of pupils throughout the school

district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; and

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school ~~fin~~ *sponsored by the district.*

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.*

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district, to increase:*

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by the district.*

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(s) For each high school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the number and percentage of pupils who received:

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement

pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school *sponsored by the district* that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before April 1 of each year, the board of trustees of each school district shall submit to:

(a) Each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Submit the report required pursuant to subsection 2 to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school district, including, without limitation, each charter school ~~in~~ *sponsored by* the district, the residents of

the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

9. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008."

Amend section 1, page 2, line 11, by deleting "application," and inserting: "application ~~that~~ *or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district,*".

Amend section 1, page 3, line 29, by deleting "application, the" and inserting: "application ~~that~~ *:*

(a) *It shall include in the written notice the reasons for the denial and the deficiencies in the application; and*

(b) *The*".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

2. Except as otherwise provided in subsection 4, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

3. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor ~~shall~~ *may* amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently enrolled in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the charter school must submit a new application to form a charter school.

4. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

- (a) Period for which such a written charter is valid; and
- (b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

5. The holder of a written charter that is issued pursuant to subsection 4 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 4 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

- (a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or
- (b) Charter school,

whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection

more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding a new section designated sec. 5, following sec. 2, to read as follows:

“Sec. 5. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. *If a charter school is sponsored by the board of trustees of a school district, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.* If more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.

2. Except as otherwise provided in subsection 6, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,
of a pupil.

3. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his school or home school or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity.

If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

5. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 4 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

6. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant an educational program specifically designed to serve a single gender and emphasize personal responsibility and rehabilitation; or

(c) Who are at risk.

If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll on the basis of a lottery system.”.

Amend sec. 3, page 6, line 4, after “(a)” by inserting: “*A valid teacher’s license issued pursuant to chapter 391 of NRS with an administrative endorsement;*

(b)”.

Amend sec. 3, page 6, line 6, by deleting “(b)” and inserting “~~[(b)]~~ (c)”.

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 7 through 11, following sec. 3, to read as follows:

“Sec. 7. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. Except as otherwise provided in this subsection, the provisions of the collective bargaining agreement entered into by the board of trustees of the school district in which the charter school is located apply to the terms and conditions of employment of employees of the charter school who are on a

leave of absence from the school district pursuant to subsection 5, including, without limitation, any provisions relating to representation by the employee organization that is a party to the collective bargaining agreement of the school district in a grievance proceeding or other dispute arising out of the agreement. The provisions of the collective bargaining agreement apply to each employee for the first 3 years that he is on a leave of absence from the school district. After the first 3 years : ~~{that the employee is on a leave of absence;}~~

(a) If he is subsequently reassigned by the school district pursuant to subsection 5, he is covered by the collective bargaining agreement of the school district.

(b) If he continues his employment with the charter school, he is covered by the collective bargaining agreement of the charter school, if applicable.

3. Except as otherwise provided in subsection 2, the governing body of a charter school may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign an employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to teach at the charter school pursuant to subsection 5; or

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5.

5. The board of trustees of a school district that is a sponsor of a charter school shall grant a leave of absence, not to exceed ~~{6}~~ 3 years, to any employee who is employed by the board of trustees who requests such a leave of absence to accept employment with the charter school. After the first school year in which an employee is on a leave of absence, he may return to his former teaching position with the board of trustees. ~~{After the third school year, an employee who is on a leave of absence may submit a written request to the board of trustees to return to a comparable teaching position with the board of trustees.}~~ After the ~~{sixth}~~ *third* school year, an employee shall either submit a written request to return to a comparable teaching position or resign from the position for which his leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees may require that a request to return to a teaching position

submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. An employee who is on a leave of absence from a school district pursuant to this section shall contribute to and be eligible for all benefits for which he would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement. The time during which such an employee is on leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

7. Upon the return of a teacher to employment in the school district, he is entitled to the same level of retirement, salary and any other benefits to which he would otherwise be entitled if he had not taken a leave of absence to teach in a charter school.

8. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which he would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

9. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that he would have received if he were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

10. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 8. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~each~~ a charter school that is sponsored by the board of trustees of a school district shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees ~~of the school district in which~~ that sponsors the charter school ~~is located, regardless of the sponsor of the charter school,~~ for inclusion in the report of

the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. *On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a separate report of accountability information for the charter schools sponsored by the State Board.*

3. On or before August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.

~~{3-}~~ 4. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 9. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before ~~July 1~~ *August 15* of each year, if the board of trustees of a school district sponsors a charter school, the board of trustees shall submit a written report to the State Board. The written report must include an evaluation of the progress of each charter school sponsored by the board of trustees in achieving its educational goals and objectives.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 10. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

The information maintained pursuant to paragraphs (c), (d) and (e) must not be used for the purpose of evaluating an individual teacher or paraprofessional.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 . ~~[-, including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;-]~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~[located within a school district]~~ shall report the data to the ~~[school district for incorporation into the report of the school district, regardless of the]~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.

Sec. 11. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the

automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the ~~{school district in which the charter school is located}~~ *sponsor of the charter school* such information as is necessary for the ~~{school district}~~ *sponsor* to carry out the provisions of this subsection. ~~{, regardless of the sponsor of the charter school.}~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, “education records” has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).”.

Amend the bill as a whole by renumbering sec. 5 as sec. 14 and adding a new section designated sec. 13, following sec. 4, to read as follows:

“Sec. 13. The amendatory provisions of section 6 of this act do not apply to a teacher who is on an approved leave of absence from a school district and is employed by the governing body of a charter school before July 1, 2005.”.

Amend sec. 5, page 6, line 25, by deleting: “1 and 4” and inserting “2 and 12”.

Amend sec. 5, page 6, line 26, by deleting “becomes” and inserting “become”.

Amend sec. 5, page 6, line 27, by deleting: “2 and 3” and inserting: “1, 3 to 11, inclusive, and 13”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; revising the provisions governing the review of applications to form charter schools submitted to the board of trustees of a school district and the State Board of Education; requiring the governing body of a charter school sponsored by the board of trustees of a school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; revising the provisions governing the licensed personnel of a charter school; revising the provisions governing the reporting of accountability information for charter schools sponsored by the State Board of Education; and providing other matters properly relating thereto.”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 298.

Amend section 1, page 3, line 2, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend sec. 2, page 3, line 18, by deleting “*vehicle*,” and inserting: “*vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee’s ability to safely operate a motor vehicle*,”.

Amend sec. 2, page 3, line 20, by deleting “*vehicle*,” and inserting: “*vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee’s ability to safely operate a motor vehicle*,”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 4, line 24, by deleting: “2, 3 and 4” and inserting: “2 and 3”.

Amend the bill as a whole by deleting sections 6 through 13.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; providing under certain circumstances for the examination of a holder of a driver’s license; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides under certain circumstances for examination of holder of driver’s license. (BDR 43-566)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

The following amendment was proposed by Assemblyman Perkins:

Amendment No. 563.

Amend the bill as a whole by adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. *The regulations adopted pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:*

(a) *Except as otherwise provided in paragraph (b), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.*

(b) *May perform the following activities in connection with a motor vehicle:*

(1) *The changing of oil;*

(2) *The replacing of an oil filter, air filter, fuel filter, belt or hose; and*

(3) *The servicing of a fuel injection system.*

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 6. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. *The regulations adopted by the Department of Motor Vehicles pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:*

(1) *Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.*

(2) *May perform the following activities in connection with a motor vehicle:*

(I) *The changing of oil;*

(II) *The replacing of an oil filter, air filter, fuel filter, belt or hose;*

and

(III) *The servicing of a fuel injection system.*

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that the equipment complies with any applicable standards of the United States Environmental Protection Agency.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor vehicles; providing under certain circumstances for the examination of a holder of a driver’s license; revising certain provisions relating to the licensure of authorized inspection stations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to drivers’ licenses and the control of emissions from engines. (BDR 43-566)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Mr. Speaker requested the privilege of the Chair in order to make remarks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 316.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:*

(a) *Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency;*

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the vulnerable person from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the vulnerable person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.

(g) Any employee of the Department of Human Resources.

(h) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. *If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.*

6. *A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.*

7. *A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.”.*

Amend sec. 3, page 3, line 20, after “inclusive,” by inserting: “and section 2 of this act”.

Amend sec. 3, page 4, by deleting line 35 and inserting: “of older persons. The services may”.

Amend sec. 3, pages 4 and 5, by deleting lines 38 through 44 on page 4 and lines 1 and 2 on page 5, and inserting:

“7. “Vulnerable person” means a person 18 years of age or older who:
 (a) *Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or*
 (b) *Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.”.*

Amend the bill as a whole by deleting sec. 4.

Amend sec. 5, page 7, line 16, after “200.5093” by inserting: “or section 2 of this act”.

Amend sec. 6, page 7, line 40, after “200.5094,” by inserting: “and section 2 of this act,”.

Amend sec. 8, page 9, line 18, after “inclusive,” by inserting: “and section 2 of this act,”.

Amend sec. 9, page 9, line 27, after “inclusive,” by inserting: “and section 2 of this act,”.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 10.

Amend sec. 11, page 10, line 28, after “inclusive,” by inserting: “and section 2 of this act,”.

Amend the bill as a whole by deleting sections 12 and 13 and renumbering sections 14 through 18 as sections 11 through 15.

Amend sec. 16, page 14, by deleting line 26 and inserting: “person, ~~or~~ a mentally disabled person or a vulnerable person.”.

Amend sec. 16, page 14, by deleting lines 33 and 34 and inserting:

“(a) An older person; ~~or~~
 (b) A mentally disabled person ~~or~~; or
 (c) A vulnerable person.”.

Amend sec. 16, pages 14 and 15, lines 38 through 44 on page 14 and lines 1 through 4 on page 15, by deleting the brackets and strike-through.

Amend sec. 16, page 15, line 9, by deleting “(b)” and inserting “(c)”.

Amend sec. 17, page 15, line 19, after “200.5093,” by inserting: “*or section 2 of this act,*”.

Amend the bill as a whole by adding new sections designated sections 16 through 18, following sec. 18, to read as follows:

“Sec. 16. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his professional or occupational capacity and is required to make a report pursuant to NRS 200.5093 or 432B.220 ~~+~~ *and section 2 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; or

(2) The governing body of a charter school.

(c) “School official” means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 17. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his professional or occupational capacity and is required to make a report pursuant to NRS 200.5093 or 432B.220 ~~†~~ *and section 2 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

- (1) An owner of a private school.
- (2) A director of a private school.
- (3) A supervisor at a private school.
- (4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 18. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant, or may take disciplinary action against a licensee, if, after notice and a hearing, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 or 432B.220 ~~†~~ *or section 2 of this act;*

- (f) Is guilty of gross negligence in his practice as an athletic trainer;
 - (g) Is not competent to engage in the practice of athletic training;
 - (h) Has failed to provide information requested by the Board within 60 days after he received the request;
 - (i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;
 - (j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;
 - (k) Has solicited or received compensation for services that he did not provide;
 - (l) If the licensee is on probation, has violated the terms of his probation;
- or

(m) Has terminated his professional services to a client in a manner that detrimentally affected that client.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing:

- (a) Refuse to issue a license to the applicant;
- (b) Refuse to renew or restore the license of the licensee;
- (c) Suspend or revoke the license of the licensee;
- (d) Place the licensee on probation;
- (e) Impose an administrative fine of not more than \$5,000;
- (f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or
- (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 493.

Amend section 1, page 1, line 4, by deleting: “before imposing sentence:” and inserting: “~~[before imposing sentence:]~~ following the imposition of a sentence:”.

Amend section 1, page 2, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend section 1, page 2, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law”.

Amend sec. 2, page 2, line 39, by deleting: “before imposing sentence:” and inserting: “[~~before imposing sentence:~~] *following the imposition of a sentence:*”.

Amend sec. 2, page 3, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend sec. 2, page 3, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(5) The duty to notify immediately the appropriate local law”.

Amend sec. 3, page 3, line 38, by deleting “11,” and inserting “7,”.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

“Sec. 4. “*Community notification website*” means the website on the Internet established and maintained by the Department pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 5, line 3, by deleting: “*Attorney General’s Offender Information Website*” and inserting: “*community notification website*”.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 12 as sections 6 through 8.

Amend sec. 10, page 5, by deleting lines 25 and 26 and inserting: “*the community notification website in violation of the provisions of this section, NRS 179B.250 or section 5 of this act is liable:*”.

Amend sec. 10, page 5, line 36, by deleting: “*Attorney General’s Offender Information Website*” and inserting: “*community notification website*”.

Amend sec. 11, page 6, by deleting lines 1 through 3 and inserting: “*involves the use of information obtained from the community notification website and which violates any provision of this section, NRS 179B.250 or section 5 or 6 of this act,*”.

Amend sec. 11, page 6, line 13, by deleting “10” and inserting “6”.

Amend sec. 12, page 6, line 17, by deleting “[~~179B.140,~~] 179B.130,” and inserting “179B.140,”.

Amend the bill as a whole by renumbering sec. 13 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 12, to read as follows:

“Sec. 9. NRS 179B.100 is hereby amended to read as follows:

179B.100 “Requester” means a person who requests information from the ~~{program,}~~ *community notification website*.

Sec. 10. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall ~~{, in a manner prescribed by the Director,}~~ establish and maintain within the Central Repository a ~~{program,}~~ *community notification website* to provide the public with access to certain information contained in the statewide registry ~~{. The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed}~~ in accordance with the procedures set forth in this section.

2. For each inquiry to the ~~{program,}~~ *community notification website*, the requester must provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

3. For each inquiry to the ~~{program,}~~ *community notification website* made by the requester, the Central Repository shall:

- (a) Explain the levels of notification that are assigned to sex offenders pursuant to NRS 179D.730; and
- (b) Explain that the Central Repository is prohibited by law from disclosing information concerning certain offenders, even if those offenders are listed in the statewide registry.

4. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository:

- (a) Shall disclose to the requester information concerning an offender who is assigned a *Tier 2 or Tier 3* level of notification.

(b) ~~{Except as otherwise provided in this paragraph, may, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification. The Central Repository shall not disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification if the offender:~~

- ~~(1) Has been released from actual custody for 10 years or more; and~~
- ~~(2) Has not been convicted of committing a sexual offense during the immediately preceding 10 years.~~

~~(e)}~~ Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.

5. After each inquiry to the ~~[program]~~ *community notification website* made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry;

(c) The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository ~~[-~~

~~(1) Shall inform the requester of the name or any alias of the offender and the zip codes of the residence, work place and school of the offender.~~

~~(2) Shall inform the requester of each offense for which the offender was convicted, describing each offense in language that is understandable to the ordinary layperson, and the date and location of each conviction.~~

~~(3) Shall inform the requester of the age of the victim and offender at the time of each offense.~~

~~(4) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the offender if such an image is available.~~

~~(5) Shall~~ shall provide the requester with the following information:

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides.

(6) The number of the street block, but not the specific street number, of any location where the offender is currently:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) *The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.*

(V) *The city, township or county where the offense was committed.*

6. If a search of the statewide registry results in a match pursuant to paragraph (d) of subsection 5, the Central Repository shall not provide the requester with any ~~{other}~~ information that is included in the record of registration for the offender ~~{-~~

~~6-}~~ *other than the information required pursuant to paragraph (d) of subsection 5.*

7. For each inquiry to the ~~{program,}~~ *community notification website*, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~{7-}~~ 8. A person may not use information obtained through the ~~{program}~~ *community notification website* as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~{8-}~~ 9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.”.

Amend sec. 13, page 6, lines 21 and 22, by deleting: “*Attorney General’s Offender Information Website,*” and inserting: “*community notification website,*”.

Amend sec. 13, pages 6 and 7, by deleting lines 41 through 45 on page 6 and lines 1 through 8 on page 7.

Amend the bill as a whole by deleting sections 14 through 19 and renumbering sec. 20 as sec. 12.

Amend sec. 20, page 14, by deleting lines 4 through 15 and inserting:

“179D.290 1. An offender convicted of a crime against a child who:

~~{1-}~~ (a) Fails to register with a local law enforcement agency;

~~{2-}~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. *An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.*

Amend the bill as a whole by deleting sections 21 through 24 and renumbering sections 25 through 29 as sections 13 through 17.

Amend sec. 25, page 20, by deleting lines 9 through 19 and inserting:

“179D.550 1. A sex offender who:

~~{1-}~~ (a) Fails to register with a local law enforcement agency;

~~{2-}~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. *A sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.*

Amend sec. 26, page 21, by deleting lines 34 and 35 and inserting:

“4. *The existence of the community notification website”.*

Amend sec. 27, page 22, by deleting lines 12 and 13 and inserting:

“Sec. 15. NRS 179B.080 is hereby repealed.”.

Amend sec. 28, page 22, by deleting lines 14 through 20 and inserting:

“Sec. 16. The Department of Public Safety shall, as expeditiously as possible after July 1, 2005, but not later than January 1, 2006, comply with the requirements for the community notification website established pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of the repealed section to read as follows:

TEXT OF REPEALED SECTION

179B.080 “Program” defined. “Program” means the program established within the Central Repository pursuant to NRS 179B.250 to provide the public with access to certain information contained in the statewide registry.”.

Amend the title of the bill by deleting the first through seventh lines and inserting:

“AN ACT relating to offenders; revising provisions concerning requirements for providing certain notices and information relating to a

defendant who has been convicted of a crime against a child or a sexual offense; requiring the Department of Public Safety to establish and maintain a community notification website to provide certain information to the public concerning certain sex offenders; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child and sex offenders;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 332.

Amend the bill as a whole by deleting sections 1 through 24 and inserting:

“Secs. 1-24. (Deleted by amendment.)”.

Amend sec. 25, page 30, by deleting line 18 and inserting:

“if:

(a) *The course is approved by the University and Community College System of Nevada or the applicable institution as qualifying for dual credit;*

(b) *The content of the course is approved by the applicable institution;*
and

(c) *The teacher:”.*

Amend sec. 25, page 30, line 19, by deleting “(a)” and inserting “(1)”.

Amend sec. 25, page 30, line 20, by deleting “(b)” and inserting “(2)”.

Amend sec. 26, page 30, by deleting lines 37 through 39 and inserting:
“each project . ~~It~~ *The number of hours required to receive credit pursuant to this section must be determined in accordance with regulations adopted by the State Board.*”.

Amend sec. 26, page 31, between lines 3 and 4, by inserting:

“4. *Any credit awarded pursuant to this section must be applied toward community service credits, if any, required for receipt of a scholarship for postsecondary education.*”.

Amend sec. 27, page 31, by deleting lines 12 through 15 and inserting:

“(a) *Must include an informal process for teachers who are employed at a school where the administrator is employed to provide their input concerning the administrator in a confidential manner, including, without limitation, through the use of confidential surveys.*”.

Amend sec. 28, page 31, by deleting line 38 and inserting: “*must complete the units of credit prescribed by the State Board by regulation to be promoted to high*”.

Amend sec. 28, page 31, line 43, by deleting: “*board of trustees of a school district*” and inserting “*State Board*”.

Amend sec. 28, page 32, line 3, by deleting: “*board of trustees*” and inserting “*State Board*”.

Amend sec. 28, page 32, by deleting lines 10 and 11 and inserting: “of the school district in which the pupil is enrolled may provide *an opportunity for the pupil to attend summer*”.

Amend the bill as a whole by deleting sec. 30 and inserting:

“Sec. 30. (Deleted by amendment.)”.

Amend sec. 31, page 33, line 10, after “*courses.*” by inserting: “*Permission may be granted if the course is approved by the System or the applicable institution as qualifying for dual credit and the content of the course is approved by the applicable institution.*”.

Amend the bill as a whole by deleting sections 32 through 37 and inserting:

“Secs. 32-37. (Deleted by amendment.)”.

Amend sec. 38, page 36, by deleting line 7 and inserting: “A school district in which”.

Amend sec. 38, page 36, line 8, after “enrolled” by inserting: “in high school”.

Amend sec. 38, page 36, line 14, by deleting: “principal or administrator of a high school” and inserting “school district”.

Amend sec. 38, page 36, lines 17 and 18, by deleting: “principal or administrator of a high school” and inserting “school district”.

Amend sec. 38, page 36, line 22, by deleting “high school,” and inserting “school district,”.

Amend the bill as a whole by deleting sections 39 through 42 and inserting:

“Secs. 39-42. (Deleted by amendment.)”.

Amend the bill as a whole by renumbering sec. 43 as sec. 44 and adding a new section designated sec. 43, following sec. 42, to read as follows:

“Sec. 43. 1. *The board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools, excluding charter schools, as follows:*

(a) *Beginning the school day of all elementary schools before all middle schools, junior high schools and high schools.*

(b) *Beginning the school day of all middle schools and junior high schools before all high schools.*

(c) *Beginning the school day of all high schools not earlier than 8 a.m.*

2. If the board of trustees of a school district determines that the schedule set forth in subsection 1 is feasible, the board may implement such a schedule.

3. On or before January 1, 2007, the board of trustees of each school district shall submit to the Department of Education a written summary of the determination made pursuant to subsection 1.

4. On or before February 1, 2007, the Department of Education shall submit a written report of the summaries and any recommendations for

legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 43, page 37, by deleting lines 23 through 29 and inserting:

“Sec. 44. 1. This section and sections 1 to 27, inclusive, and sections 29 to 43, inclusive, of this act become effective on July 1, 2005.

2. Section 28 of this act becomes effective on July 1, 2005, for the purpose of adopting regulations and on July 1, 2008 for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing school districts and charter schools to request permission from the Board of Regents of the University of Nevada for high school teachers to teach dual-credit courses; authorizing teachers to participate in informal evaluations of administrators; revising various provisions governing the credits required of and the award of credits to pupils; making an appropriation; requiring the board of trustees of each school district to determine the feasibility of scheduling start times for public schools in a certain manner; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 494.

Amend sec. 3, page 2, line 8, by deleting “An” and inserting: “*Except as otherwise provided in NRS 116.31123, an*”.

Amend the bill as a whole by renumbering sections 7 through 10 as sections 8 through 11 and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 116.31123 is hereby amended to read as follows:

116.31123 1. Except as otherwise provided in subsection 2, ~~in a county whose population is 400,000 or more,~~ a person who owns, or directly or indirectly has an interest in, one or more units within a planned community that are restricted to residential use by the declaration, may use that unit or one of those units for a transient commercial use only if:

(a) The governing documents of the association and any master association do not prohibit such use;

(b) The executive board of the association and any master association approve the transient commercial use of the unit, except that such approval is not required if the planned community and one or more hotels are subject to the governing documents of a master association and those governing documents do not prohibit such use; and

(c) The unit is properly zoned for the transient commercial use and any license required by the local government for the transient commercial use is obtained.

2. ~~[In a county whose population is 400,000 or more, a]~~ A declarant who owns, or directly or indirectly has an interest in, one or more units within a planned community under the governing documents of the association that are restricted to residential use by the declaration, may use that unit or those units for a transient commercial use during the period that the declarant is offering units for sale within the planned community if such use complies with the requirements set forth in paragraphs (a) and (c) of subsection 1.

3. The association and any master association may establish requirements for the transient commercial use of a unit pursuant to the provisions of this section, including, without limitation, the payment of additional fees that are related to any increase in services or other costs associated with the transient commercial use of the unit.

4. As used in this section:

(a) "Remuneration" means any compensation, money, rent or other valuable consideration given in return for the occupancy, possession or use of a unit.

(b) "Transient commercial use" means the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental or other form of transient lodging if the term of the occupancy, possession or use of the unit is for less than 30 consecutive calendar days."

Amend sec. 7, page 4, by deleting lines 5 through 7 and inserting:

"(b) The association shall establish an adequate reserve, funded on a reasonable basis, for the repair,".

Amend sec. 7, page 4, line 9, by deleting "elements." and inserting: "elements ~~+~~ of the association."

Amend sec. 7, page 4, line 11, by deleting "sidewalks," and inserting: "sidewalks ~~+~~ of the association,".

Amend sec. 9, page 6, line 14, by deleting: "at least 5 calendar days".

Amend sec. 9, page 6, line 34, after "owner" by inserting: "or his agent".

Amend sec. 9, page 6, line 35, by deleting: "prepaid United States" and inserting: "registered or certified".

Amend sec. 9, page 6, line 36, by deleting "owner." and inserting: "owner or his agent."

Amend the title of the bill by deleting lines 10 through 14 and inserting: "providing that a purchaser may cancel".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 358.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

- (a) A facility for the secure detention of children; or
- (b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

- (a) If the child is not detained, the child is likely to commit an offense dangerous to himself or to the community, or likely to commit damage to property;

- (b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

- (c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

- (d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

- (a) The child is alleged to be delinquent;
- (b) An alternative facility is not available; and
- (c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving a criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330, a child may petition the juvenile court for temporary placement in a facility for the detention of children. *The juvenile court may place such a child in any facility which the juvenile court deems appropriate, including, without limitation, a jail or facility for the detention of children. In determining the appropriate facility in which to place the child, the juvenile court must consider:*

- (a) *The age, physical characteristics, emotional state and intellectual functioning of the child;*

- (b) *The safety of the personnel of the facility and of other persons who have been placed in the facility; and*

- (c) *Any recommendations of the Superintendent or other administrator of the facility.*

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director of the Department of Corrections may designate a youthful offender facility to which a person who is less than 21 years of age may be committed by the juvenile court or by the Department of Corrections.*

2. *The juvenile court may commit a child to a youthful offender facility for a period of not less than 1 year and not more than 3 years if the child is at least 16 years of age at the time of commitment and the child has been adjudicated delinquent for committing an act:*

(a) That is based on facts which could have caused the child to be excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330, but for which the child was not excluded or for which he is no longer excluded; or

(b) That would constitute a category A or B felony if committed by an adult.

Sec. 3. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~and~~, and section 2 of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and section 2 of this act that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 4. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for suitable placement if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; and

(2) Is in need of residential psychiatric services or other residential services for his mental health.

2. *The juvenile court may commit a child to the custody of the Division of Child and Family Services for placement in a correctional or institutional facility for a determinate period not to exceed 3 years if the child is less than*

16 years of age at the time of commitment and the child has been adjudicated delinquent for committing an act:

(a) That is based on facts which could have caused the child to be excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330, but for which the child was not excluded or for which he is no longer excluded; or

(b) That would constitute a category A or B felony if committed by an adult.

3. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and his circumstances; and

(2) Recommend a suitable placement to the juvenile court.”.

Amend the title of the bill to read as follows:

“AN ACT relating to juvenile justice; providing for the establishment of youthful offender facilities to which certain juvenile delinquents and young offenders may be committed; authorizing the juvenile court to commit certain delinquent children to certain facilities for a determinate period; authorizing the juvenile court to commit a child to any appropriate facility during the pendency of proceedings involving a criminal offense excluded from the original jurisdiction of the juvenile court; establishing specific factors which the juvenile court must consider in determining the facility in which to place such a child; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 329 be rereferred to the Committee on Ways and Means.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 275.

Amend sec. 2, page 2, by deleting line 15 and inserting: “*representatives of landlords and tenants.*”.

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting: “*shall not make any connection of electricity, water, natural gas or propane to a manufactured home except as authorized by law.*”.

2. An”.

Amend sec. 3, page 2, line 23, by deleting “*electric*”.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

“Sec. 5. *The landlord of a manufactured home park, upon applying for the initial business license for the park or upon acquiring ownership of the park, shall notify the local fire department within whose jurisdiction the park is located. Upon receiving such notice, the local fire department shall inspect the park for fire hazards and compliance with applicable fire codes and shall notify the Administrator of any violations.*

Sec. 6. 1. *Any business license to operate a manufactured home park that is issued or renewed in this State is a revocable privilege, and the holder of the license does not acquire thereby any vested right.*

2. *No business license to operate a manufactured home park may be issued in this State unless the applicant provides written proof from the appropriate enforcement agency within whose jurisdiction the park is located that the park is in compliance with all applicable fire, health and safety codes.”.*

Amend the bill as a whole by deleting sec. 7 and inserting:

“Sec. 7. (Deleted by amendment.)”.

Amend the bill as a whole by adding new sections designated sections 9.1 through 9.9, following sec. 9, to read as follows:

“Sec. 9.1. NRS 118B.073 is hereby amended to read as follows:

118B.073 Upon payment of the periodic rent by a tenant of a manufactured home park, the landlord of that park shall ~~[-, upon request,]~~ issue to the tenant a receipt which indicates the amount and the date of the payment. The landlord shall issue the receipt as soon as practicable after payment, but not later than 5 days after he receives payment.

Sec. 9.3. NRS 118B.125 is hereby amended to read as follows:

118B.125 1. A tenant shall secure the approval of his landlord before beginning construction of any improvement or addition to his manufactured home or lot which requires a building permit issued by a local government.

2. *A tenant shall not perform any repair to his manufactured home or lot which may affect life, health or safety unless the tenant is qualified by licensure or certification to perform the repair.*

Sec. 9.5. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park ~~the~~, or if a manufactured home park is condemned by a local government for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant’s manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of the closure must be served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

Sec. 9.7. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body ~~or~~ *or if the manufactured home park is condemned by a local government for health or safety reasons*, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; and

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

2. Notice sent pursuant to paragraph (a) of subsection 1 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 1 does not constitute notice of termination of the tenancy.

3. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

4. The provisions of this section do not apply to a corporate cooperative park.

Sec. 9.9. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body ~~and~~ *or if the manufactured home park is condemned by a local government for health or safety reasons*, and:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 2 or 3, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

- (a) May remove and dispose of the manufactured home; and
- (b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. A landlord shall not increase the rent of any tenant for 180 days before applying for a change in land use, permit or variance affecting the manufactured home park.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

- (a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or
- (b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

6. The provisions of this section do not apply to a corporate cooperative park.”

Amend sec. 11, page 7, line 11, by deleting “and 13” and inserting: “to 13.7, inclusive,”.

Amend sec. 13, page 7, lines 27 and 31, by deleting “*utilities*” and inserting: “*water, septic and sanitation services*”.

Amend the bill as a whole by deleting sec. 14 and adding new sections designated sections 13.3 through 14, following sec. 13, to read as follows:

“Sec. 13.3. *A mobile home park may, without limitation, be condemned if the agency for enforcement determines that there exists in the park:*

- 1. *Chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120; or*
- 2. *A chronic level of crime that exceeds the level of crime in the surrounding community.*

Sec. 13.7. *If a local agency for enforcement determines that a mobile home park is not in compliance with any applicable health or safety code, the local agency for enforcement shall notify the Administrator of the violation.*

Sec. 14. NRS 461A.250 is hereby amended to read as follows:

461A.250 1. Any person who knowingly or willfully violates any of the provisions of this chapter or any order issued by the agency for enforcement is guilty of a misdemeanor.

2. ~~Any~~ Except as otherwise provided in subsection 4, in addition to any criminal penalty that might be imposed, any person who knowingly or

willfully violates any provision of this chapter or any regulation issued pursuant ~~to it~~ thereto is liable for a civil penalty of not more than \$500 for each violation or for each day of a continuing violation. The agency for enforcement may ~~institute~~ bring an action in the appropriate court to collect ~~any~~ the civil penalty . ~~[arising under this section.]~~

3. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the State General Fund or the general fund of the city or county, as the case may be.

4. *In addition to any criminal penalty that might be imposed, the Administrator may, in lieu of bringing an action to collect a civil penalty pursuant to subsection 2, impose on and collect from any person who knowingly or willfully violates any provision of this chapter or any regulation issued pursuant thereto an administrative fine of not more than \$500 for each violation or for each day of a continuing violation. All money collected by the Administrator pursuant to this subsection must be deposited in the State General Fund."*

Amend sec. 15, page 8, lines 34 and 37, after "sold" by inserting: "*or used for residential purposes in this State*".

Amend sec. 15, pages 8 and 9, by deleting lines 43 through 45 on page 8 and lines 1 through 5 on page 9, and inserting:

"3. *An interconnectivity device for smoke detectors is not required to be installed in a mobile home or manufactured home that was not designed and produced by the manufacturer to accommodate such a device.*".

Amend the title of the bill to read as follows:

"AN ACT relating to manufactured housing; requiring the Manufactured Housing Division of the Department of Business and Industry to provide certain information to landlords of manufactured home parks; requiring employees of the Division to report certain violations to the Administrator of the Division and to certain utilities; prohibiting certain persons from making certain unlawful connections to a manufactured home; requiring landlords of manufactured home parks to make certain disclosures relating to water services provided through a master meter; providing that a business license to operate a manufactured home park is a revocable privilege; prohibiting certain repairs by a tenant; requiring certain inspections; prohibiting the construction, expansion or operation of a mobile home park without a permit issued by the State Health Officer or the appropriate local board of health certifying the safety of the infrastructure of the park for the provision of certain utilities; revising the provisions governing the condemnation of a mobile home park; authorizing certain fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing a penalty; and providing other matters properly relating thereto."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Beers, Care, Carlton, Cegavske, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, and Wiener; Assemblymen Oceguela, Horne, Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ohrenschall, Parks, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, and Weber:

Senate Concurrent Resolution No. 19—Commending Dean Richard Morgan and the William S. Boyd School of Law for the success of the law school and contributions to the betterment of the State of Nevada.

WHEREAS, Dean Richard Morgan has served with distinction in the United States legal education community for more than 24 years, including service as Dean of the Arizona State University College of Law and Dean of the University of Wyoming College of Law, service on behalf of the American Bar Association and the Association of American Law Schools and a career that has been marked by awards for excellence and leadership; and

WHEREAS, Dean Richard Morgan was selected in 1997 to be the founding Dean of the William S. Boyd School of Law at the University of Nevada, Las Vegas, the first public law school in the State of Nevada; and

WHEREAS, Dean Richard Morgan, by virtue of his experience, talent, commitment and vision, planned the creation of the William S. Boyd School of Law, recruited an outstanding faculty of leading legal educators from throughout the country and led the school, following its opening in August of 1998, to provisional and full accreditation by the American Bar Association and membership in the Association of American Law Schools in record time; and

WHEREAS, Due in large measure to the leadership of Dean Richard Morgan, the William S. Boyd School of Law has become an outstanding center for legal education and scholarship as well as faculty and student involvement in programs designed to enhance the understanding and practice of law and service to the State of Nevada; and

WHEREAS, In 2003, in its first ranking as an accredited law school, the William S. Boyd School of Law was ranked 82nd out of 187 accredited law schools in the United States by *U.S. News & World Report*, which is an unprecedented ranking for a new law school; and

WHEREAS, Recognition of the William S. Boyd School of Law as a leading center for legal education is demonstrated by the fact that in 2004 the school received more than 14 applicants for each available seat in its first-year class; and

WHEREAS, Graduates of the William S. Boyd School of Law already are demonstrating leadership in positions of responsibility, including those in the Nevada State Legislature; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That Dean Richard Morgan and the administrators, faculty, students and supporters of the William S. Boyd School of Law are to be commended for the school's success and contributions to the betterment of the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dean Richard Morgan and the William S. Boyd School of Law.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera, Horne, Anderson, Buckley, and Arberry.

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

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 276.

Amend section 1, page 1, line 3, by deleting "*month*," and inserting "*quarter*,".

Amend section 1, page 1, line 7, by deleting "*Commissioner*" and inserting "*Administrator*".

Amend section 1, page 2, by deleting line 1 and inserting: "*quarter immediately preceding the quarter in which he submits the*".

Amend section 1, page 2, line 7, by deleting "*month*" and inserting "*quarter*".

Amend section 1, page 2, line 11, by deleting "*Commissioner*" and inserting "*Administrator*".

Amend section 1, page 2, by deleting lines 14 through 22 and inserting "*Administrator may*:".

Amend section 1, page 2, line 24, by deleting "*Board*" and inserting "*Administrator*".

Amend section 1, page 2, by deleting lines 27 through 32.

Amend section 1, page 2, line 33, by deleting "*(a)*" and inserting "*(b)*".

Amend section 1, page 2, line 34, by deleting "*Board*" and inserting "*Administrator*".

Amend section 1, page 2, line 35, by deleting: "*616B.720 or 616B.727; and*" and inserting: "*616B.725 or 616B.727*:".

Amend section 1, page 2, by deleting line 36 and inserting:

"3. *If the Administrator determines that the owner or principal*".

Amend section 1, page 2, line 39, after "*616B.727*," by inserting: "*the Administrator shall notify the Commissioner of his determination. Upon receipt of such notice, the Commissioner may*".

Amend section 1, page 2, by deleting lines 43 and 44 and inserting:

"4. *An order issued by the Administrator pursuant to this section must:*

(a) Include a reference to the particular sections of the statutes or regulations alleged to have been violated and a short plain statement of the facts alleged to constitute the violation;

(b) Provide notice and an opportunity for a hearing to the owner or principal contractor on a date fixed in the order which must be not less than 5 days and not more than 15 days after the date of the order unless, upon demand by the owner or principal contractor, the date of the hearing is scheduled for the next business day after the demand is made to the Administrator by the owner or principal contractor; and

(c) If the order is an order for summary suspension, include the date and hour that the Administrator issued the order and entered it as a matter of record in his office.

5. *Immediately upon receiving an order to cease all activity at a construction site pursuant to subsection 2, the owner or principal contractor shall order all employees and other persons to leave the construction site and to cease all activity relating to construction at the construction site.*

6. *Upon request by the Administrator, any law enforcement agency in this State shall render any assistance necessary to carry out the requirements of subsection 5, including, but not limited to, preventing any employee or other person from remaining at the construction site.”.*

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; requiring an owner or principal contractor who establishes and administers a consolidated insurance program to submit a quarterly affidavit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry; authorizing the Administrator to order the owner or principal contractor to cease all activity at a construction site and to impose an administrative fine under certain circumstances; authorizing the Commissioner of Insurance to prohibit an owner or principal contractor from establishing or administering a consolidated insurance program for 5 years under certain circumstances; requiring an order issued by the Administrator to the owner or principal contractor to include certain information and provide notice and an opportunity for a hearing under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 409.

Amend section 1, page 2, by deleting lines 16 through 44 and inserting:

“4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

- (a) A category A felony;
- (b) A category B felony;
- (c) A category C felony involving the use or threatened use of force or violence against the victim;
- (d) *A category D felony involving the use or threatened use of force or violence against the victim;*
- (e) A crime against a child as defined in NRS 179D.210;
- ~~[(e)]~~ (f) A sexual offense as defined in NRS 179D.410;
- ~~[(f)]~~ (g) Abuse or neglect of an older person pursuant to NRS 200.5099;
- ~~[(g)]~~ (h) A second or subsequent offense for stalking pursuant to NRS 200.575;

~~[(h)]~~ (i) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(g)], inclusive;~~

~~[(i)]~~ (h), inclusive;

(j) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g) ~~for (h);~~, (h) or (i); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (b), (c), (d), (e), (f), (g), ~~for~~ (h) or (i) if committed in this State;

~~[(j)]~~ (k) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or

~~[(k)]~~ (l) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.”.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 through 6 as sections 2 through 4.

Amend sec. 4, page 7, lines 28 and 29, by deleting “\$650,000” and inserting “\$600,000”.

Amend sec. 5, page 7, lines 42 and 43, by deleting “\$350,000” and inserting “\$400,000”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “guilty; making appropriations;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Education:
Amendment No. 278.

Amend section 1, page 1, line 5, by deleting “*from*” and inserting “*conferred by*”.

Amend section 1, page 1, line 6, by deleting: “*postsecondary educational institution,*” and inserting “*entity,*”.

Amend section 1, page 1, lines 7 and 8, by deleting “*institution*” and inserting “*entity*”.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting:

“(b) A degree or honorary degree conferred by a private entity in a false or misleading manner, regardless”.

Amend section 1, page 1, lines 11 and 12, by deleting “*institution*” and inserting “*entity*”.

Amend section 1, page 2, by deleting line 15 and inserting: “*or sold:*”

(1) *Based upon more than 10 percent of the recipient’s documented life experience and not based upon actual completion of academic work;*

(2) *By a person or entity located in this State in violation of this chapter, as determined by the Commission; or*

(3) *By a person or entity located outside this State which would be a violation of this chapter if the person or entity were located in this State, as determined by the Commission.”.*

Amend sec. 3, page 3, lines 10 and 15, by deleting “*from*” and inserting “*conferred by*”.

Amend sec. 3, page 3, by deleting line 37 and inserting: “*or sold:*”

(1) *Based upon more than 10 percent of the recipient’s documented life experience and not based upon actual completion of academic work; or*

(2) *In violation of this chapter.”.*

Amend the title of the bill by deleting the third through fifth lines and inserting: “*granted by a private entity or public postsecondary educational institution and the use or attempted use of a degree or honorary degree granted by such an entity or institution*”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 330.

Amend the bill as a whole by deleting sections 1 through 14 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 565 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a governmental agency seizes any animals subject to brand inspection pursuant to this chapter, the seizure of those animals and any related claim of lawful possession of the animals by the governmental agency shall be deemed to be an act of municipality for purposes of obtaining a judicial confirmation of the act pursuant to chapter 43 of NRS.*

2. *Notwithstanding any provision of this chapter to the contrary, for any animals specified in subsection 1, the Department or its authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove the animals from a brand inspection district until the lawfulness of the seizure and possession of the animals is judicially confirmed.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to the inspection of animals; providing that a seizure of certain animals by a governmental agency is deemed to be an act of a municipality for the purpose of obtaining a judicial confirmation of the act; prohibiting the State Department of Agriculture from issuing a brand inspection clearance certificate or permit to remove the animals from a brand inspection district until the seizure of the animals is judicially confirmed; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to seizure of certain animals by governmental agencies. (BDR 50-685)”.

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 277.

Amend sec. 13, page 6, line 26, after “engage” by inserting: “*or offer to engage*”.

Amend sec. 29, page 17, by deleting line 21 and inserting:

“(1) A general serviceman ~~{, rebuilder or installer,}~~ or”.

Amend sec. 39, page 21, by deleting line 35 and inserting:

“(a) The next regularly scheduled date for renewal of the original license of the person or July 1, 2007, whichever is earlier if, by that date, the person has not applied for”.

Amend sec. 39, page 21, line 41, by deleting “that license,” and inserting:

“a license as a general serviceman or specialty serviceman of a manufactured home, mobile home or commercial coach, as appropriate,”.

Amend the title of the bill, twelfth line, after “engaging” by inserting: “or offering to engage”.

Assemblyman Ocegueda moved the adoption of the amendment.

Remarks by Assemblyman Ocegueda.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 325.

Amend sec. 3, page 3, line 6, by deleting: “*the managing partner*” and inserting: “*a partner who has working knowledge of the operations of the park and authority to make decisions*”.

Amend sec. 3, page 3, line 8, after “*corporation*” by inserting: “*who has working knowledge of the operations of the park and authority to make decisions*”.

Amend sec. 6, page 7, lines 7 and 8, before “*application*” by inserting “*completed*”.

Amend sec. 6, page 7, line 9, before “*application.*” by inserting “*completed*”.

Amend sec. 7, page 8, lines 16 and 35, by deleting “*closure or potential*”.

Assemblywoman Ocegueda moved the adoption of the amendment.

Remarks by Assemblyman Ocegueda

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 231.

Amend sec. 2, page 1, line 5, by deleting: “*a licensed gaming establishment*” and inserting: “*an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game*”.

Amend sec. 3, page 2, line 19, by deleting “*that mobile*” and inserting: *that:*

(a) *Mobile*”.

Amend sec. 3, page 2, line 23, by deleting the period and inserting: “; and

(b) *Mobile gaming can be operated in a manner which complies with all applicable laws.*”.

Amend sec. 3, page 2, line 27, after “*establishment*” by inserting: “*or the operator or the manufacturer of a mobile gaming system*”.

Amend sec. 3, page 2, by deleting line 31 and inserting:

“(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as”.

Amend sec. 3, page 2, line 32, by deleting “are” and inserting “is”.

Amend sec. 3, page 2, by deleting line 39 and inserting: “gaming system,” “equipment associated with mobile gaming” and “public area”.

Amend sec. 13, page 7, line 11, by deleting “4,” and inserting:

“4 ~~It~~ or suspends or revokes approval of a mobile gaming system pursuant to the regulations adopted pursuant to section 3 of this act,”.

Amend sec. 13, page 7, line 12, after “device” by inserting: “or mobile gaming system”.

Amend sec. 21, page 12, line 3, by deleting “Two” and inserting “~~Two~~ Three”.

Amend sec. 21, page 12, line 8, by deleting “Four” and inserting “Three”.

Amend the bill as a whole by renumbering sections 22 and 23 as sections 23 and 24 and adding a new section designated sec. 22, following sec. 21, to read as follows:

“Sec. 22. NRS 465.070 is hereby amended to read as follows:

465.070 It is unlawful for any person:

1. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

3. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won.

4. Knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game.

5. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

6. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

7. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the

outcome of the game or with knowledge of any event that affects the outcome of the game.

8. To offer, promise or give anything of value to anyone for the purpose of influencing the outcome of a race, sporting event, contest or game upon which a wager may be made, or to place, increase or decrease a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influencing the outcome of the race, sporting event, contest or game upon which the wager is placed, increased or decreased.

9. To change or alter the normal outcome of any game played on an interactive gaming system *or a mobile gaming system* or the way in which the outcome is reported to any participant in the game.”.

Amend the title of the bill, ninth line, after “Committee;” by inserting: “providing a penalty;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 413.

Amend section 1, pages 1 and 2, by deleting lines 3 through 15 on page 1 and lines 1 through 4 on page 2, and inserting:

“125B.095 1. Except as otherwise provided in *this section and NRS 125B.012*, if an installment of an obligation to pay support for a child which arises from the judgment of a court becomes delinquent in the amount owed for 1 month’s support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this State and may be so included in a judicial or administrative proceeding of another state. *A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.*

2. The amount of ~~the~~ a penalty added to an installment pursuant to this section is equal to 10 percent ~~per annum, or portion thereof, that~~ of the amount of the installment for child support that remains unpaid ~~[-]~~ after the last day of the calendar month. The penalty may be added only one time to the amount that remains unpaid, and no additional penalty or interest may be applied to any unpaid portion of the penalty or the installment pursuant to this section. Each district attorney or other public agency in this State undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.”.

Amend the title of the bill by deleting the first through fifth lines and inserting:

“AN ACT relating to child support; providing that a penalty may not be added to a delinquent installment of child support in certain circumstances when the delinquency was not caused by the responsible parent; revising the manner in which”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 568.

Amend section 1, page 1, line 11, by deleting “and”.

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

“(4) *Provides transportation only to its customers, officers and directors; and*

(5) Marks the vehicle with the owner’s or operator’s name or logo, which must be at least 2 inches in height and be visible from a distance of at least 50 feet; and”.

Amend section 1, page 2, by deleting lines 7 through 16 and inserting: “*subsection 1 shall regularly inspect the motor vehicle and maintain a record of the inspection for at least 3 years after the date of the inspection. Each record maintained pursuant to this subsection must be made available for inspection or audit by the Authority or its designee at any time during regular business hours.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to motor carriers; exempting an owner or operator of a motor vehicle that is used for the transportation of passengers or property from the provisions governing fully regulated carriers under certain circumstances; requiring the owner or operator to inspect the motor vehicle regularly and maintain a record of each inspection; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 412.

Amend section 1, page 1, line 16, by deleting “person;” and inserting: “*person, knowing such accusations are false;*”.

Amend section 1, page 2, line 20, after “2.” by inserting: “*The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.*”.

3.”.

Amend section 1, page 2, line 33, by deleting “3.” And inserting “4.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 555.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 327.

Amend sec. 3, page 2, line 6, by deleting “14” and inserting “30”.

Amend sec. 3, page 2, line 8, by deleting “14” and inserting “30”.

Amend sec. 3, page 2, line 9, by deleting “\$500;” and inserting “\$100;”.

Amend sec. 4, page 2, line 32, by deleting “14” and inserting “30”.

Amend sec. 4, page 2, line 34, by deleting “14” and inserting “30”.

Amend sec. 4, page 2, line 36, by deleting “\$250.” and inserting “\$100.”.

Amend the bill as a whole by deleting sections 7 through 10, renumbering sec. 11 as sec. 8, and adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a licensed physician assistant, a certified osteopathic physician’s assistant, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, *a practitioner of respiratory care licensed pursuant to chapter 630 of NRS* or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.”.

Amend the bill as a whole by deleting sections 12 and 13 and adding a new section designated sec. 9, following sec. 11, to read as follows:

“Sec. 9. This act becomes effective on July 1, 2005.”.

Assemblyman Mabey moved the adoption of the amendment.

Remarks by Assemblyman Mabey.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 431.

Amend the resolution, page 3, after line 3, by inserting: "And be it further RESOLVED, That Sections A to I, inclusive, of the Congressional Term Limits Act of 1996, proposed by initiative petition and approved and ratified by the people at the 1996 and 1998 General Elections, are hereby repealed."

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bills Nos. 19, 113, 114, 195, 232, 254, 259, 280, 287, 299, 304, 335, 351, 386, 408, 468, 475, 477, 485, 492, and 502 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that the action whereby Senate Bill No. 489 was referred to the Committee on Commerce and Labor be rescinded.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 489 be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 12:57 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 308.

Amend section 1, page 2, line 24, after “*purchase*” by inserting: “*a number of months of service equal to the number of full months he served on active military duty,*”.

Amend sec. 2, page 5, line 8, after “*purchase*” by inserting: “*a number of months of service equal to the number of full months he served on active military duty,*”.

Amend the title of the bill, fourth line, by deleting “System;” and inserting: “System under certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain public employees with active military service to purchase up to 2 additional years of service in Public Employees’ Retirement System under certain circumstances. (BDR 23-696)”.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 273.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 489.076 is hereby amended to read as follows:

489.076 1. “Dealer” means any person who:

(a) For compensation, money or any other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a manufactured home, mobile home or commercial coach subject to the requirements of this chapter, or induces or attempts to induce any person to buy or exchange an interest in a manufactured home, mobile home or commercial coach;

(b) For compensation, money or any other thing of value, leases or rents, offers for lease or rental, negotiates or attempts to negotiate the lease or rental of an interest in a manufactured home, mobile home or commercial coach subject to the requirements of this chapter, or induces or attempts to induce any person to lease or rent an interest in a manufactured home, mobile home or commercial coach;

(c) Receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from either the seller or purchaser of any manufactured home, mobile home or commercial coach;

(d) Is engaged wholly or in part in the business of:

(1) Selling, renting or leasing manufactured homes, mobile homes or commercial coaches;

(2) Buying or taking manufactured homes, mobile homes or commercial coaches in trade for the purpose of resale, selling, or offering them for sale or consignment to be sold;

(3) Buying or taking manufactured homes, mobile homes or commercial coaches in trade to rent, lease or offer them for rent or lease; or

(4) Otherwise dealing in manufactured homes, mobile homes or commercial coaches; or

(e) Acts as a reposessor or liquidator concerning manufactured homes, mobile homes or commercial coaches, whether or not they are owned by such persons.

2. The term does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the order of any court;

(b) Public officers while performing their official duties;

(c) Banks, savings and loan associations, credit unions, thrift companies or other financial institutions proceeding as reposseors or liquidators of their own security;

(d) A person who rents or leases his manufactured home, mobile home or commercial coach; ~~for~~

(e) An owner selling his private residence ~~for~~; or

(f) *A real estate broker, real estate broker-salesman or real estate salesman who is licensed pursuant to chapter 645 of NRS and who, for another and for compensation or with the intention or expectation of receiving compensation, sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, used manufactured homes or used mobile homes in connection with the sale of a fee simple interest in real property and the used manufactured home or used mobile home is situated on the real property sold.*

Amend the bill as a whole by deleting sec. 2 and the text of repealed section and adding new sections designated sections 3 through 10, following section 1, to read as follows:

“Sec. 3. NRS 489.7152 is hereby amended to read as follows:

489.7152 The Administrator shall prescribe, by regulation, the form of the contract that must be used *by a dealer* for the sale of a manufactured home, mobile home or commercial coach.

Sec. 4. Chapter 645 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. “*Used manufactured home*” or “*used mobile home*” means a manufactured home or mobile home, respectively, which has been:

1. *Sold, rented or leased, and which was occupied before or after the sale, rental or lease; or*

2. *Registered with or been the subject of a certificate of title issued by the appropriate agency of authority of this State, any other state, the District of*

Columbia, any territory or possession of the United States, or any foreign state, province or country.

Sec. 6. 1. *In any transaction involving a used manufactured home or used mobile home that has not been converted to real property pursuant to NRS 361.244, a licensee shall provide to the purchaser, on a form prepared by the Real Estate Division, the following disclosures:*

(a) The year, serial number and manufacturer of the used manufactured home or used mobile home;

(b) A statement that the used manufactured home or used mobile home is personal property subject to personal property taxes;

(c) A statement of the requirements of NRS 489.521 and 489.531; and

(d) Such other disclosures as may be required by the Real Estate Division.

2. *The disclosures required pursuant to subsection 1 do not constitute a warranty as to the title or condition of the used manufactured home or used mobile home.*

3. *A real estate broker who represents a client in such a transaction shall take such actions as necessary to ensure that the client complies with the requirements of NRS 489.521 and 489.531.*

Sec. 7. NRS 645.0005 is hereby amended to read as follows:

645.0005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645.001 to 645.040, inclusive, and section 5 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 645.030 is hereby amended to read as follows:

645.030 1. "Real estate broker" means a person who, for another and for compensation or with the intention or expectation of receiving compensation:

(a) Sells, exchanges, options, purchases, rents, or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental, or lease of, or lists or solicits prospective purchasers, lessees or renters of, any business or real estate or the improvements thereon or any modular homes , *used manufactured homes, used mobile homes* or other housing offered or conveyed with any interest in real estate;

(b) Engages in or offers to engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing advertising or other offerings to sell, lease, exchange or rent property; or

(c) Engages in or offers to engage in the business of property management.

2. Any person who, for another and for compensation, aids, assists, solicits or negotiates the procurement, sale, purchase, rental or lease of public lands is a real estate broker within the meaning of this chapter.

3. The term does not include a person who is employed by a licensed real estate broker to accept reservations on behalf of a person engaged in the business of the rental of lodging for 31 days or less, if the employee does not

perform any tasks related to the sale or other transfer of an interest in real estate.

Sec. 9. NRS 645.842 is hereby amended to read as follows:

645.842 1. The Real Estate Education, Research and Recovery Fund is hereby created as a special revenue fund.

2. A balance of not less than ~~[\$50,000]~~ \$300,000 must be maintained in the Fund, to be used for satisfying claims against persons licensed under this chapter, as provided in NRS 645.841 to 645.8494, inclusive. Any balance over ~~[\$50,000]~~ \$300,000 remaining in the Fund at the end of any fiscal year must be set aside and used by the Administrator, after approval of the Commission, for real estate education and research.

3. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

Sec. 10. NRS 645.844 is hereby amended to read as follows:

645.844 1. Except as otherwise provided in subsection 2, when any person obtains a final judgment in any court of competent jurisdiction against any licensee or licensees pursuant to this chapter, upon grounds of fraud, misrepresentation or deceit with reference to any transaction for which a license is required pursuant to this chapter, that person, upon termination of all proceedings, including appeals in connection with any judgment, may file a verified petition in the court in which the judgment was entered for an order directing payment out of the Fund in the amount of the unpaid actual damages included in the judgment, but not more than ~~[\$10,000]~~ \$25,000 per judgment. The liability of the Fund does not exceed ~~[\$20,000]~~ \$100,000 for any person licensed pursuant to this chapter, whether he is licensed as a limited-liability company, partnership, association or corporation or as a natural person, or both. The petition must state the grounds which entitle the person to recover from the Fund.

2. A person who is licensed pursuant to this chapter may not recover from the Fund for damages which are related to a transaction in which he acted in his capacity as a licensee.

3. A copy of the:

- (a) Petition;
- (b) Judgment;
- (c) Complaint upon which the judgment was entered; and
- (d) Writ of execution which was returned unsatisfied,

must be served upon the Administrator and the judgment debtor and affidavits of service must be filed with the court.

4. Upon the hearing on the petition, the petitioner must show that:

(a) He is not the spouse of the debtor, or the personal representative of that spouse.

(b) He has complied with all the requirements of NRS 645.841 to 645.8494, inclusive.

(c) He has obtained a judgment of the kind described in subsection 1, stating the amount thereof, the amount owing thereon at the date of the

petition, and that the action in which the judgment was obtained was based on fraud, misrepresentation or deceit of the licensee in a transaction for which a license is required pursuant to this chapter.

(d) A writ of execution has been issued upon the judgment and that no assets of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of assets was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due.

(e) He has made reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment, and after reasonable efforts that no property or assets could be found or levied upon in satisfaction of the judgment.

(f) He has made reasonable efforts to recover damages from each and every judgment debtor.

(g) The petition has been filed no more than 1 year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

5. The provisions of this section do not apply to owner-developers.”.

Amend the title of the bill to read as follows:

“AN ACT relating to property; revising the provisions governing dealers of manufactured homes, mobile homes and commercial coaches; authorizing a licensed real estate broker and his licensed salesman under certain circumstances to sell used manufactured homes and used mobile homes without being licensed as a dealer; revising the provisions governing transactions involving used manufactured homes or used mobile homes; revising the provisions governing the Real Estate Education, Research and Recovery Fund; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing manufactured homes, mobile homes and Real Estate Education, Research and Recovery Fund. (BDR 43-1162)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 158.

Amend sec. 3, page 4, line 4, after “639.23284” by inserting “1.”.

Amend sec. 3, page 4, line 6, by deleting “1.” and inserting “~~{1-}~~ (a)”.

Amend sec. 3, page 4, line 9, by deleting “2.” and inserting “~~{2-}~~ (b)”.

Amend sec. 3, page 4, line 12, by deleting “3.” and inserting “~~{3-}~~ (c)”.

Amend sec. 3, page 4, line 14, by deleting “(a)” and inserting “~~{(a)}~~ (1)”.

Amend sec. 3, page 4, line 16, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 3, page 4, line 17, by deleting “4.” and inserting “~~{4-}~~ (d)”.

Amend sec. 3, page 4, line 20, by deleting “(a)” and inserting “~~{(a)}~~ (1)”.

Amend sec. 3, page 4, line 21, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 3, page 4, line 22, by deleting “(c)” and inserting “~~{(c)}~~ (3)”.

Amend sec. 3, page 4, line 23, by deleting “(d)” and inserting “~~{(d)}~~ (4)”.

Amend sec. 3, page 4, line 24, by deleting “(e)” and inserting “~~{(e)}~~ (5)”.

Amend sec. 3, page 4, line 25, by deleting “(f)” and inserting “~~{(f)}~~ (6)”.

Amend sec. 3, page 4, line 26, by deleting “5. Shall” and inserting:

“2. *In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 that provides mail order service to a resident of Nevada shall*”.

Amend the title of the bill by deleting the sixth and seventh lines and inserting: “requiring the”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 492.

Amend section 1, page 2, line 12, by deleting “*required fee*” and inserting: “*fee required pursuant to subsection 3*”.

Amend sec. 2, page 2, by deleting lines 20 through 36 and inserting:

“202.253 As used in NRS 202.253 to 202.369, inclusive ~~{-}~~, *and section 1 of this act*:

1. “Explosive or incendiary device” means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. “Firearm” means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. “Firearm capable of being concealed upon the person” applies to and includes all firearms having a barrel less than 12 inches in length.

4. “Motor vehicle” means every vehicle that is self-propelled.”.

Amend sec. 3, page 4, by deleting lines 16 through 19 and inserting: “use a machine gun or silencer pursuant to federal law. The burden of establishing

federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.”.

Amend sec. 3, page 4, by deleting lines 25 through 27 and inserting:

“(a) “Concealed weapon” means a weapon described in this section that is carried upon a person in such a manner as not to be discernable by”.

Amend sec. 3, page 5, by deleting lines 16 and 17.

Amend sec. 4, page 5, by deleting lines 19 through 29 and inserting:

“202.3653 As used in NRS 202.3653 to 202.369, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. “Concealed firearm” means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. “Department” means the Department of Public Safety.

3. “Permit” means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~[-]~~, *and section 1 of this act*.”.

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. This bill becomes effective upon passage and approval.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting “circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes certain law enforcement officers and retired law enforcement officers to carry certain concealed firearms and weapons in certain circumstances. (BDR 15-301)”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 197.

Amend section 1, page 2, by deleting lines 5 and 6 and inserting:

“determined that a violation of any of the provisions of paragraphs (a) to (e), inclusive, *or (h)* of subsection 1 of NRS 616D.120 has”.

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sec. 6 as sec. 2.

Amend sec. 6, page 5, by deleting line 29 and inserting: “\$1,500 for each initial violation, or a fine of ~~[\$10,000]~~ \$15,000 for a”.

Amend sec. 6, page 6, line 15, by deleting “\$500” and inserting “\$375”.

Amend sec. 6, page 6, line 16, by deleting “\$2,000” and inserting “\$1,500”.

Amend sec. 6, page 6, by deleting lines 20 and 21 and inserting:

“3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, *or (h)* of subsection 1”.

Amend sec. 6, page 6, line 25, by deleting “\$50,000.” and inserting “\$37,500.”.

Amend sec. 6, page 6, by deleting lines 28 and 29 and inserting:

“employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), ~~for~~ (e) *or (h)* of subsection 1, the amount of compensation”.

Amend sec. 6, page 6, by deleting lines 38 and 39 and inserting: “employee or his dependents as a result of the violation of paragraph (a), (b), (c), (d), ~~for~~ (e) *or (h)* of subsection 1. Except as otherwise provided”.

Amend sec. 6, page 7, line 21, by deleting “\$20,000.” and inserting “\$15,000.”.

Amend the title of the bill by deleting the first through fourth lines and inserting:

“AN ACT relating to industrial insurance; increasing the maximum amount of certain”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblymen Claborn and Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 334.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 and 4 as sections 1 and 2.

Amend sec. 3, page 3, line 29, by deleting: “4 to 8,” and inserting: “2 to 5,”.

Amend sec. 4, page 3, by deleting lines 31 through 44 and inserting:

“Sec. 2. *The Legislature hereby encourages the Board of Regents to review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.*”.

Amend the bill as a whole by deleting sec. 5, renumbering sections 6 and 7 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 4, to read as follows:

“Sec. 3. *The Board of Regents shall, in cooperation with the State Board and the Council to Establish Academic Standards for Public Schools, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the standards of*

content and performance required of pupils enrolled in high schools in this State.”.

Amend sec. 6, page 4, by deleting lines 10 and 11 and inserting: “*Board of Regents grant permission for a licensed teacher employed by the school district or charter school to provide instruction for a dual-credit course if:*

1. *The course is approved by the System or the applicable institution as qualifying for dual credit;*

2. *The content of the course is approved by the applicable institution; and*

3. *The teacher provides”.*

Amend sec. 6, page 4, by deleting lines 13 and 14 and inserting: “*subject area he teaches.”.*

Amend sec. 7, page 4, line 16, by deleting “*full*”.

Amend sec. 7, page 4, line 18, by deleting “*System.*” and inserting: “*System and must be adequately informed of the services that are available.”.*

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 12 as sections 6 through 9.

Amend sec. 10, page 5, by deleting lines 3 through 5 and inserting: “*earned in a course toward the award of an associate’s degree [including, without limitation, a degree of associate in applied science, must be accepted and applied] must automatically transfer”.*

Amend sec. 10, page 5, by deleting lines 18 through 20 and inserting:

“2. *A student who is awarded an associate’s degree.”.*

Amend sec. 10, page 5, line 25, by deleting “*degree,*” and inserting “*degree*”.

Amend sec. 10, page 5, by deleting lines 26 and 27 and inserting: “*or a baccalaureate degree from an institution within the*”.

Amend sec. 12, page 9, line 7, by deleting “*The members*” and inserting: “*If section 6 of this act becomes effective, the members*”.

Amend the bill as a whole by renumbering sec. 13 as sec. 11 and adding a new section designated as sec. 10, following sec. 12, to read as follows:

“Sec. 10. If a committee related to higher education is created by the Legislature, that committee is encouraged to participate in any review conducted by the Board of Regents of the University of Nevada pursuant to section 2 of this act and to report back to the Legislature on the status of the review.”.

Amend sec. 13, page 9, by deleting line 10 and inserting:

“Sec. 11. 1. This section and sections 1 to 5, inclusive, and 7 to 10, inclusive, of this act become effective on July 1, 2005.

2. Section 6 of this act becomes effective only if Assembly Joint Resolution No. 11 of the 72nd Session of the Nevada Legislature is not passed by the 73rd Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to higher education; requiring the Board of Regents of the University of Nevada to ensure that students enrolled in a program for the

education of teachers are instructed in the academic standards required for high school pupils; authorizing school districts and charter schools to request permission from the Board of Regents for certain high school teachers to provide instruction for dual-credit courses; requiring access to library and research services for students enrolled at an institution within the University and Community College System of Nevada; revising the terms of office of members of the Board of Regents; revising provisions regarding the degrees and transferability of credits earned within the System; revising the definition of the term "public work" as that term applies to the System; and providing other matters properly relating thereto."

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 460.

Amend the bill as a whole by deleting sec. 22 and renumbering sec. 23 as sec. 22.

Amend the title of the bill by deleting the eighth through eleventh lines and inserting: "and providing other matters properly relating".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 337.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 3 through 8 and adding new sections designated sections 1 and 2, immediately following the enacting clause, to read as follows:

"Section 1. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
 - (b) Mathematics; and
 - (c) Except as otherwise provided in subsection 6, science.
2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in

which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading and mathematics and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; ~~and~~

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties; and

(5) *A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it is necessary for the performance of his duties.*

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 2. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 7, 10 and 11.
- (b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

- (a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; ~~and~~

(4) Director of testing of a school district to the extent that it is necessary for the performance of his *duties*; *and*

(5) *A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it is necessary for the performance of his duties.*

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.”.

Amend section 1, page 2, line 25, by deleting “2” and inserting “4”.

Amend sec. 2, page 3, lines 6, 13 and 32, by deleting “1” and inserting “3”.

Amend sec. 5, page 5, by deleting lines 31 and 32 and inserting:

“Sec. 7. 1. There is hereby created an Advisory Task Force to the Legislative Committee on Education for the Review of Certain Academic”.

Amend sec. 5, page 5, line 36, after “The” by inserting:

“Chairman of the Legislative Committee on Education, upon recommendation of the”.

Amend sec. 5, page 6, line 12, by deleting “and”.

Amend sec. 5, page 6, line 14, by deleting “school.” and inserting:
“school;

(j) One teacher who provides instruction in an alternative education program of a school district or a program of adult education; and

(k) One school principal.

The Chairman of the Legislative Committee on Education shall appoint a Chairman of the Advisory Task Force from among the members he appoints.”.

Amend sec. 5, page 6, by deleting lines 15 through 24.

Amend sec. 5, page 6, line 25, by deleting “7.” and inserting “3.”.

Amend sec. 5, pages 6 and 7, by deleting lines 34 through 43 on page 6 and lines 1 through 4 on page 7, and inserting:

“4. Each member of the Task Force is”.

Amend sec. 5, page 7, line 9, by deleting “nonlegislative”.

Amend sec. 5, page 7, lines 10 and 11, by deleting: “by the Department of Education.” and inserting: “from the Legislative Fund.”.

Amend sec. 6, page 7, line 14, by deleting “5” and inserting “7”.

Amend sec. 6, page 7, by deleting lines 17 through 28 and inserting:

“(1) The percentage of the examination questions that address the academic standards for grades 9 to 12, inclusive;

(2) The percentage of the examination questions that address the academic standards for kindergarten through grade 8, inclusive; and

(3) The percentage of the academic standards for grades 9 to 12, inclusive, which have been assigned priority for state testing by the Council

to Establish Academic Standards for Public Schools and that are tested on the examination;

(b) Analyze whether the results of pupils on the high school proficiency examination are delivered in a timely manner to ensure that pupils are able to receive appropriate remediation before the next administration of the examination, including, without limitation, a review of:

(1) The test administration documents and guidelines of the testing company or the Department of Education, as applicable; and

(2) The efficiency of procedures carried out by school districts for the submission of the test booklets for scoring;

(c) Determine the methods and procedures that may be used to ensure more efficient and expedient delivery of the results of pupils on the high school proficiency examination to ensure that pupils who would benefit from remediation before the next administration of the examination are provided with an adequate opportunity to receive that remediation;”.

Amend sec. 6, page 7, line 29, by deleting “(c)” and inserting “(d)”.

Amend sec. 6, page 7, line 33, by deleting “(d)” and inserting “(e)”.

Amend sec. 6, page 7, line 38, by deleting “(e)” and inserting “(f)”.

Amend sec. 6, page 7, line 41, by deleting “(f)” and inserting “(g)”.

Amend sec. 6, page 7, by deleting lines 44 and 45 and inserting:

“(h) On or before August 1, 2006, submit a report of its findings and recommendations for legislation to the Legislative Committee on Education.

2. The Legislative Committee on Education shall consider the recommendations of the Task Force and shall, on or before February 1, 2007, submit the report of the Task Force to the Director of”.

Amend sec. 6, page 8, line 3, by deleting “2.” and inserting “3.”.

Amend sec. 6, page 8, line 10, by deleting “3.” and inserting “4.”.

Amend the bill as a whole by renumbering sections 7 through 9 as sections 10 through 12 and adding a new section designated sec. 9, following sec. 6, to read as follows:

“Sec. 9. 1. There is hereby created an Advisory Committee to the Legislative Committee on Education to study of the effectiveness of financial incentives and other methods of compensation to attract and retain qualified teachers, consisting of the following nine members appointed by the Chairman of the Legislative Committee on Education:

(a) The Superintendent of Public Instruction, or his designee;

(b) Three employees from various school districts who are responsible for recruiting teachers;

(c) One representative of the Nevada State Education Association, recommended for appointment by the President of that Association;

(d) One teacher employed by the Clark County School District, recommended for appointment by the superintendent of schools of that school district;

(e) One teacher employed by the Washoe County School District, recommended for appointment by the superintendent of schools of that school district; and

(f) From two rural school districts selected by the Department of Education, two teachers recommended for appointment by the superintendent of schools in each of the selected school districts.

2. Each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Committee or is otherwise engaged in the business of the Advisory Committee. Except for the Superintendent of Public Instruction, the per diem allowance and travel expenses for the members of the Task Force must be paid from the Legislative Fund.

3. The Advisory Committee shall:

(a) Examine the effectiveness of financial incentives in attracting and retaining qualified teachers, including, without limitation, the signing bonuses provided to newly hired teachers by the 71st Session of the Nevada Legislature, section 4 of chapter 574, Statutes of Nevada 2001, at page 2899, and by the 72nd Session of the Nevada Legislature, paragraph (c) of subsection 2 of section 33 of chapter 327, Statutes of Nevada 2003, at page 1837, and the purchase of retirement credit required by NRS 391.165;

(b) Determine which financial incentives and other methods of compensation are most effective in recruiting and retaining qualified teachers, the appropriate level of those financial incentives and the feasibility of providing those incentives to the licensed teachers in this State; and

(c) Examine the feasibility and effectiveness of a pay schedule for teachers that is based on performance.

4. On or before August 1, 2006, the Advisory Committee shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education. The Legislative Committee on Education shall consider the recommendations and submit the report of the Advisory Committee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 9, page 9, by deleting line 21 and inserting:

“Sec. 12. 1. This section and sections 1 and 3 to 11, inclusive, of this act become effective on July 1, 2005.

2. Section 1 of this act expires by limitation on June 30, 2007.

3. Section 2 of this act becomes effective on July 1, 2007.”.

Amend the title of the bill by deleting the seventh through fifteenth lines and inserting: “authorizing the disclosure of certain confidential examinations to a representative of the Statewide Council for the coordination of the Regional Training Programs; creating advisory committees to the Legislative Committee on Education for the review of the high school proficiency examination and teacher incentives; requiring the Department of Education to review certain issues related to distance

education; requiring the Legislative Committee on Education to review the transition of pupils from high”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding education and makes appropriations. (BDR 34-482)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 456.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 6, lines 21 and 22, by deleting: “~~superintendent of schools of the school district.]~~ *board of trustees.*” and inserting: “superintendent of schools of the school district.”.

Amend the title of the bill by deleting the fourth through twelfth lines and inserting: “from school; requiring that if a”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 408 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 193.

Amend the bill as a whole by deleting sections 5 and 6 and inserting: “Secs. 5 and 6. (Deleted by amendment.)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 1:34 p.m.

ASSEMBLY IN SESSION

At 1:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 19 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 315.

Amend sec. 2, page 2, line 12, by deleting "may" and inserting: "*may, except as otherwise prohibited by federal or state law,*".

Amend sec. 2, page 2, line 13, after "*administrative*" by inserting "*or investigative*".

Amend sec. 2, page 2, line 20, by deleting "not" and inserting: "*not, except as otherwise required by federal or state law,*".

Amend sec. 3, page 2, by deleting lines 24 through 27 and inserting:

"Sec. 3. *If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of this section, NRS 289.010 to 289.120, inclusive, and section 2 of this act, and that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and the arbitrator or court shall exclude such evidence during any administrative proceeding commenced or civil action filed against the peace officer.*".

Amend sec. 4, page 2, line 29, after "*officer*" by inserting: "*in the possession of a law enforcement agency*".

Amend sec. 5, page 3, by deleting line 10 and inserting: "*officer. The term*".

Amend sec. 6, page 3, lines 27 and 40, by deleting "*an*" and inserting "*any*".

Amend sec. 6, page 3, line 42, by deleting "*misconduct,*" and inserting: "*misconduct if the allegation is sustained,*".

Amend sec. 6, page 4, line 2, after "*punitive*" by inserting "*or remedial*".

Amend sec. 7, page 4, line 34, after “(b)” by inserting: *“Immediately before the interrogation or hearing begins, inform the officer orally on the record that:*

(1) He is required to provide a statement and answer questions related to his alleged misconduct; and

(2) If he fails to provide such a statement or to answer any such questions, the agency may charge him with insubordination.

(c)”.

Amend sec. 7, page 4, line 36, by deleting: “(c)” and inserting “~~{(c)}~~ (d)”.

Amend sec. 9, page 5, line 30, by deleting “2,” and inserting “~~{2,}~~ 3,”.

Amend sec. 9, page 5, line 37, after “2.” by inserting: *“A representative of a peace officer must assist the peace officer during the interrogation or hearing. The law enforcement agency conducting the interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.*

3.”

Amend sec. 9, page 5, line 39, by deleting “3.” and inserting “~~{3,}~~ 4.”

Amend sec. 9, page 6, by deleting line 4 and inserting:

“~~{4,}~~ 5. The peace officer, any representative of the peace officer or the law enforcement agency may make”.

Amend sec. 9, page 6, line 5, after “stenographic” by inserting “, digital”.

Amend sec. 9, page 6, by deleting line 9 and inserting:

“(b) Recording on the digital or magnetic tape.

6. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 274.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 2. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsections 2, 3 and 5, every contract for a public work for which the estimated cost is \$100,000 or more, and to which a public body of this State is a party, must require a contractor or subcontractor who performs work under the contract to:*

(a) Provide coverage under a bona fide health care plan for each workman who:

(1) The contractor or subcontractor employs to perform work under the contract; and

(2) Is deemed to be employed on the public work pursuant to NRS 338.040; and

(b) Pay the entire cost of the premiums or contributions for the coverage required to be provided pursuant to paragraph (a).

2. *The requirement to provide coverage under a bona fide health care plan applies only to:*

(a) The prime contractor for the construction of the public work; and

(b) Each subcontractor who will provide labor or a portion of the work on the public work to the prime contractor, for which the subcontractor will be paid an amount exceeding 1 percent of the prime contractor's total bid or \$50,000, whichever is greater.

3. *A workman who has obtained or receives health care coverage by way of another source, including, without limitation, through a benefit plan provided to the workman's spouse, may elect to decline the coverage otherwise required to be provided pursuant to this section by signing a written statement to that effect. If a workman declines coverage pursuant to this subsection, the contractor or subcontractor that employs the workman shall keep an accurate record of the declination as required by paragraph (b) of subsection 4 of NRS 338.070.*

4. *The coverage required to be provided under a bona fide health care plan pursuant to paragraph (a) of subsection 1 must be established before the commencement of work on the applicable public work and must be maintained for the entire period during which a workman is performing work under the contract for the public work.*

5. *In the event of a conflict between the provisions of this section and the provisions of a collective bargaining agreement, the provisions of the agreement prevail.*

6. *The Labor Commissioner shall, by regulation, establish the minimum standards for the coverage required to be provided under a bona fide health care plan pursuant to paragraph (a) of subsection 1.*

7. *For the purposes of this section, a contractor or subcontractor shall be deemed to be providing “coverage” to a workman under a bona fide health care plan if the contractor or subcontractor, as applicable, has enrolled the workman as a participant in a bona fide health care plan and has begun to pay the cost of the premiums or contributions for the workman*

to participate in that plan, regardless of whether the benefits that will be available to the workman under the plan have gone into effect.”.

Amend sec. 4, page 4, by deleting lines 29 through 36 and inserting:

“4. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept an accurate record ~~[showing the]~~ of:

(a) *The name, the occupation and the actual per diem, wages and benefits paid to each workman employed by the contractor ~~[and]~~ or subcontractor, as applicable, in connection with the public work [-]; and*

(b) *If the public work is a public work for which the contractor or subcontractor is required to provide coverage under a bona fide health care plan pursuant to section 1 of this act:*

(1) *The benefits provided under that bona fide health care plan to each workman employed by the contractor or subcontractor in connection with the public work; and*

(2) *Each written statement pursuant to which a workman employed by the contractor or subcontractor in connection with the public work has declined coverage under that bona fide health care plan, as described in subsection 3 of section 1 of this act.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public works; requiring contractors and certain subcontractors to provide and maintain a bona fide health care plan for certain employees employed on certain public works projects; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires contractors and certain subcontractors to provide bona fide health care plan for certain employees employed on certain public works. (BDR 28-723)”.

Assemblyman Ocegueda moved the adoption of the amendment.

Remarks by Assemblymen Ocegueda and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 459.

Amend section 1, page 2, line 1, by deleting “District;” and inserting: “District School Renewals Program;”.

Amend section 1, page 2, by deleting lines 10 and 11 and inserting: “numbers 12-182-02 and 12-182-03. The contract for the construction of the restitution center must be a turn-key contract that provides that the contractor will complete the design, engineering, procurement and construction of the restitution center so that the restitution center is ready for occupancy at the

conclusion of the contract and that the contractor assumes all risks associated with the contract. The contract must include a provision that requires payment of prevailing wages pursuant to NRS 338.020 to 338.090, inclusive, to all skilled mechanics, skilled workmen, semiskilled mechanics, semiskilled workmen or unskilled labor who perform work on the construction of the restitution center. The design of”.

Amend section 1, page 2, by deleting lines 36 through 38 and inserting: “Parcel Number 12-301-02. The State must agree, upon”.

Amend section 1, page 2, line 42, after “applicable” by inserting “local,”.

Amend section 1, page 2, line 43, after “from” by inserting “local,”.

Amend section 1, page 2, line 44, after “act.” by inserting: “The Reno-Sparks Indian Colony must obtain letters of support or resolutions from the City of Reno and Washoe County that approve the exchange of land pursuant to paragraph (c) of subsection 2.”.

Amend section 1, page 3, between lines 4 and 5, by inserting:

“8. The provisions of NRS 323.100 do not apply to a contract entered into pursuant to this act.”.

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 328.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. 1. The Legislature hereby encourages:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) Each board of county commissioners, county park and recreation commission and county park commission; and

(c) The governing body of each city or town,

to adopt regulations to facilitate the display and sale of artistic expressions protected by the First Amendment in the public parks, public recreational and cultural facilities and other public spaces within their respective jurisdictions.

2. The Legislature hereby encourages the Administrator, county commissioners, county park and recreation commissions, county park commissions and the governing bodies to adopt regulations that do not create impediments to artistic expression, but include reasonable standards for:

(a) Designating space within public parks, public recreational and cultural facilities or other suitable public spaces within their respective jurisdictions,

including sidewalks, for the display of various forms of artistic expression, including space for an artist to sell art he has created; and

(b) Allocating space within the public park, public recreational or cultural facility or other public space among the artists wishing to display and sell their work in the public park, public recreational or cultural facility or other public space, at the lowest cost possible to encourage artists and the public to participate in, develop and enjoy various forms of art.”.

Amend the preamble of the bill, page 1, between lines 3 and 4, by inserting:

“WHEREAS, The Supreme Court of the United States has held that a narrow, succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a particularized message, would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schoenberg, or Jabberwocky verse of Lewis Carroll; and”.

Amend the preamble of the bill, page 1, between lines 8 and 9, by inserting:

“WHEREAS, The Supreme Court of the United States has held that it is unquestioned that the First Amendment protection is not lost simply because the protected expression is sold for profit; and”.

Amend the preamble of the bill, pages 1 and 2, by deleting lines 13 through 18 on page 1 and lines 1 through 6 on page 2.

Amend the title of the bill, first and second lines, by deleting: “requiring the adoption of certain regulations concerning the display and sale of art” and inserting: “encouraging the adoption of regulations to facilitate the display and sale of artistic expressions protected by the First Amendment”.

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages adoption of regulations to facilitate display and sale of artistic expressions protected by First Amendment in state, county and municipal parks, and recreational and cultural facilities. (BDR S-555)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 3. NRS 125B.040 is hereby amended to read as follows:

125B.040 1. The obligation of support imposed on the parents of a child also creates a cause of action on behalf of the legal representatives of

either of them, or on behalf of third persons or public agencies furnishing support or defraying the reasonable expenses thereof.

2. In the absence of a court order, reimbursement from the nonsupporting parent is limited to not more than 4 years' support furnished before the bringing of the action.

3. *An order for the support of a child creates an obligation for the support of the child and follows the child to the person who has obtained lawful physical custody of the child.*

4. *A person who obtains lawful physical custody of a child for whom an order for support has been issued shall be deemed to be the person entitled to receive the payments ordered for the support of the child. Such a person may in the same manner as the person named in the order for support of the child and without petitioning the court for a new order:*

- (a) Enforce the existing order for support of the child; or*
- (b) Request modification of the order for support of the child.*

5. *The transfer of an obligation for support of a child pursuant to this section remains in effect as long as the person lawfully retains physical custody of the child or until a court orders otherwise. If the person ceases to have physical custody of the child, the person to whom the lawful physical custody of the child is transferred becomes the person entitled to receive the payments for the support of the child, unless a court orders otherwise.*

6. *A person who obtains lawful physical custody of a child and who was not a party to the original proceeding in which a court issued an order for the support of the child that wishes to enforce the order must:*

(a) Provide the Welfare Division of the Department of Human Resources with a written declaration, under penalty of perjury, that the person has obtained lawful physical custody of the child;

(b) If the Welfare Division or its designee has not been responsible for enforcing the order, mail to the obligor at his last known address by first-class mail:

- (1) A copy of the written declaration created pursuant to paragraph (a);*
- (2) A statement setting forth the name of the person, the month and year in which the person obtained physical custody of the child and the address to which the payments for support of the child must be sent; and*
- (3) Notice that the obligor must send future payments for support of the child to the person; and*

(c) If the Welfare Division or its designee has not been responsible for enforcing the order, file a copy of the declaration created pursuant to paragraph (a) with the court that entered the order for support of the child and comply with the provisions of subsection 2 of NRS 125B.055.

7. *Upon receipt of a declaration created pursuant to paragraph (a) of subsection 6, if the Welfare Division or its designee has been responsible for enforcing the order for the support of the child, the Welfare Division shall:*

- (a) Mail to the obligor at his last known address by first-class mail:*
 - (1) A copy of the declaration; and*

(2) *Notice to the obligor that the payments for support of the child will be provided to the person who has lawful physical custody of the child until such custody is terminated or until a court orders otherwise; and*

(b) *File a copy of the declaration and notice with the court that entered the order for support of the child.*

8. *A person who fails to comply with the requirements of subsection 6 does not lose the right to receive payments ordered for the support of the child but such failure may be considered by a court in determining the amount of arrears owed by an obligor to the person.*

9. *Notwithstanding the transfer of an obligation for the support of a child made pursuant to this section, any arrears in the payment of an obligation for the support of a child accrues to the person who had lawful physical custody of the child at the time that the payment was due and remains due until paid in full.*

10. *For the purposes of this section, visitation rights must not be construed as a change of custody.*

11. *As used in this section, "lawful physical custody" means a person who has obtained physical custody:*

(a) *Pursuant to an order of a court; or*

(b) *With the consent of the person who has been awarded physical custody of the child pursuant to an order of a court."*

Amend sec. 2, page 2, line 18, by deleting: "Department of Human Resources" and inserting: "Legislative Committee on Children, Youth and Families, or, if the Committee does not exist, to the Legislative Commission,".

Amend sec. 2, page 2, line 22, by deleting "Resources." and inserting: "Resources and the district attorneys of this State.".

Amend sec. 2, page 2, lines 24 and 27, after "Division" by inserting: "and the district attorneys of this State".

Amend sec. 2, page 2, line 28, by deleting "its" and inserting "their".

Amend sec. 2, page 2, lines 36 and 37, by deleting: "Department of Human Resources" and inserting: "Legislative Committee on Children, Youth and Families, or, if the Committee does not exist, the Legislative Commission,".

Amend sec. 4, page 3, by deleting line 1 and inserting:

"Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1 and 3 of this act become effective on July 1, 2005."

Amend the title of the bill, seventh line, by deleting "Resources;" and inserting: "Resources and the district attorneys of this State;".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions regarding obligation of child support and makes appropriation for audit of child support collection and enforcement by Welfare Division of Department of Human Resources and district attorneys of this State. (BDR 11-1231)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Assembly Bill No. 386 be rereferred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Ways and Means.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 407.

Amend sec. 2, page 2, line 27, by deleting “38.257 and” and inserting “[38.257 and]”.

Amend sec. 2, page 3, line 15 after “submitted to” by inserting “*binding*”.

Amend sec. 2, page 3, by deleting lines 16 through 18 and inserting: “disputes, including, without limitation, a settlement conference ~~[, mediation or a binding short trial,]~~ or mediation, if the parties agree to the submission.”.

Amend sec. 2, page 3, by deleting lines 27 and 28 and inserting: “conducted, with the consent of the parties to the action, in”.

Amend sec. 3, page 4, line 34, by deleting “and”.

Amend sec. 3, page 4, line 35, by deleting “*incarcerated.*” and inserting: “*incarcerated; and*”

(n) *Actions submitted to mediation pursuant to rules adopted by the Supreme Court.*”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec.

4.

Amend sec. 5, page 6, by deleting lines 18 through 22 and inserting:

“2. If the Supreme Court authorizes the use of an”.

Amend sec. 5, page 6, line 23, by deleting “1 ~~[,]~~” and inserting “1,”.

Amend sec. 5, page 6, line 24, by deleting “or 2,”.

Amend sec. 5, page 6, line 26, by deleting “~~[3.]~~ 4.” and inserting “3.”.

Amend the bill as a whole by adding new sections designated sections 5 through 9, following sec. 5, to read as follows:

“Sec. 5. Chapter 67 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, the Supreme Court shall adopt rules and procedures for conducting trials by jury in civil actions in the justices’ courts that are designed to limit the length of trials.*

2. *The rules and procedures adopted pursuant to this section may provide for:*

(a) *Restrictions on the amount of discovery requested by each party;*

(b) *The use of a jury composed of not more than six persons and not less than four persons; and*

(c) *A specified limit on the amount of time each party may use to present his case.*

3. *This section does not apply to:*

(a) *An action for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.*

(b) *An action when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.*

(c) *An action for the issuance of a temporary or extended order for protection against domestic violence.*

(d) *An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.*

(e) *A small claims action brought under the provisions of chapter 73 of NRS.*

(f) *An action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.*

Sec. 6. NRS 67.020 is hereby amended to read as follows:

67.020 1. At the time appointed for the trial, the justice shall proceed to call from the jurors summoned the names of the persons to constitute the jury for the trial of the issue. If a sufficient number of competent and indifferent jurors do not attend, the justice shall direct that additional jurors sufficient to complete the jury be summoned.

2. ~~[The jury, by consent of the parties,]~~ Pursuant to the Justice Court Rules of Civil Procedure adopted by the Supreme Court, the jury may consist of any number not more than ~~[eight]~~ six nor less than four.

Sec. 7. NRS 67.030 is hereby amended to read as follows:

67.030 The challenges are either peremptory or for cause. Each party is entitled to ~~[three]~~ two peremptory challenges. Either party may challenge for cause on any grounds set forth in NRS 16.050.

Sec. 8. NRS 38.257 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.”.

Amend the bill as a whole by adding the text of a repealed section, following sec. 9, to read as follows:

“

TEXT OF REPEALED SECTION

38.257 Adoption of rules by Supreme Court for establishment of mandatory short trial program for civil cases in justices’ courts.

1. The Supreme Court shall adopt rules to provide for the establishment of a mandatory short trial program for civil cases in the justices’ courts.

2. This section does not apply to the following actions and proceedings:

(a) Actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(b) Actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(c) Any action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) Small claims actions under the provisions of chapter 73 of NRS.

(f) Any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

3. As used in this section, “short trial” means a trial that is conducted in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than six persons, and a specified limit on the amount of time each party may use to present his case.”.

Amend the title of the bill to read as follows:

“AN ACT relating to civil actions; revising the criteria for determining whether a case must be submitted to arbitration; revising provisions concerning the use of alternative dispute regulation; increasing the maximum number of jurors who may serve on the jury for a short trial in district court; requiring the Nevada Supreme Court to adopt rules and procedures for jury trials in certain civil actions in justices’ courts that are designed to limit the length of such trials; reducing the maximum number of jurors who may serve on a jury in a civil action in a justice’s court; reducing the number of peremptory challenges that each party is entitled to use in a civil action in a justice’s court; repealing provisions concerning the establishment of a mandatory short trial program for certain civil actions in justices’ courts; and providing other matters properly relating thereto.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 254.

Amend sec. 3, page 3, by deleting lines 18 through 20 and inserting:

“5. ~~[Each]~~ *Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his service not more than \$6,000 per year .* ~~[.]~~ *Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his service not more than \$9,000 per year. The compensation of the members of a board is payable*”.

Amend the title of the bill by deleting the third through fifth lines and inserting: “relating to a district; revising the provisions governing the compensation of members of the board of trustees of districts; authorizing the board of trustees of”.

Assemblyman Grady moved the adoption of the amendment.

Remarks by Assemblyman Grady.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 500.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting:

“246.030 1. All county clerks ~~[are authorized to]~~ may appoint deputies, who are authorized to transact all official business ~~[appertaining]~~ pertaining to the office to the same extent as their principals. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county clerk or the county by which the deputy is employed.*”.

Amend sec. 2, page 2, by deleting lines 4 through 7 and inserting:

“247.040 1. All county recorders ~~[are authorized to]~~ may appoint deputies, who are authorized to transact all official business ~~[appertaining]~~ pertaining to the office to the same extent as their principals. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county recorder or the county by which the deputy is employed.*”.

Amend sec. 3, page 2, by deleting lines 23 through 25 and inserting:

“(a) Appoint, in writing signed by him, one or more deputies, who may perform all the duties devolving on the sheriff of the county ~~[.]~~ *and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.*”.

Amend sec. 4, pages 2 and 3, by deleting lines 42 through 44 on page 2 and line 1 on page 3, and inserting:

“2. Any county treasurer may authorize his deputy or deputies to transact any official business pertaining to the office of county treasurer in the same manner as the county treasurer. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county treasurer or the county by which the deputy is employed.*

3. All appointments of deputies under the provisions of this”.

Amend sec. 5, page 3, by deleting lines 10 through 13 and inserting:

“250.060 1. All county assessors ~~are authorized to~~ may appoint deputies, who are authorized to transact all official business relating to the ~~offices~~ office to the same extent as the county assessors. A deputy must be at least 18 years of age. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county assessor or the county by which the deputy is employed.*”.

Amend sec. 6, page 3, by deleting lines 27 through 29 and inserting:

“252.070 1. All district attorneys ~~are authorized to~~ may appoint deputies, who ~~may~~ are authorized to transact all official business relating to those duties of the ~~offices~~ office set forth in NRS 252.080 and 252.090 to the same extent as their principals ~~and~~ and perform such other duties as the district attorney may from time to time direct. *The appointment of a deputy district attorney must not be construed to confer upon that deputy policymaking authority for the office of the district attorney or the county by which the deputy district attorney is employed.*”.

Amend sec. 7, page 4, by deleting lines 13 through 19 and inserting:

“253.025 1. A public administrator may appoint as many deputies as he deems necessary to perform fully the duties of his office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his duties each deputy must take and subscribe to the constitutional oath of office. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.*”.

Amend sec. 8, page 4, by deleting lines 29 through 36 and inserting:

“253.175 1. A public guardian may appoint deputies to perform the duties of his office. A deputy so appointed may transact all official business relating to the office of the public guardian to the same extent as the public guardian, except that the deputy is not authorized to ~~establish or change the policies of the office or to~~ employ or terminate the employment of subordinates in the office. Before entering upon the discharge of his duties, each deputy must take and subscribe to the constitutional oath of office. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public guardian or the county by which the deputy is employed.*”.

Amend sec. 9, page 5, by deleting lines 5 through 11 and inserting:

“258.060 1. All constables ~~[are authorized to]~~ may appoint deputies, who ~~[shall have power]~~ are authorized to transact all official business ~~[appertaining]~~ pertaining to the ~~[offices]~~ office to the same extent as their principals . ~~[, but no person shall]~~ A person must not be appointed as a deputy constable unless ~~[such person shall have]~~ he has been a resident of the State of Nevada for at least 6 months ~~[prior to]~~ before the date of ~~[such]~~ the appointment. *The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.*”.

Amend sec. 10, page 5, by deleting lines 27 through 32 and inserting:

“259.040 1. All coroners may appoint ~~[a deputy or]~~ deputies, who ~~[may]~~ are authorized to transact such official business pertaining to the ~~[offices]~~ office as their principals direct. Coroners are responsible for the compensation of the ~~[deputy or deputies,]~~ deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the ~~[deputy or]~~ deputies. *The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county coroner or the county by which the deputy is employed.*”.

Amend the bill as a whole by renumbering sec. 11 as sec. 12 and adding a new section designated sec. 11, following sec. 10, to read as follows:

“Sec. 11. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners. The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as he considers necessary to enable him to carry out his responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. *The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.*

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration

with limited jurisdiction may engage in private practice which does not present a conflict with his appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is 400,000 or more, deputies are governed by the merit personnel system of the county.”.

Assemblyman Munford moved the adoption of the amendment.

Remarks by Assemblyman Munford.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 230.

Amend section 1, page 2, line 4, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend section 1, page 2, line 8, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend sec. 2, page 2, line 17, by deleting “zone,” and inserting: “~~{zone,}~~ area created pursuant to chapter 279 of NRS,”.

Amend sec. 2, page 2, line 18, by deleting “zone” and inserting “~~{zone}~~ area”.

Amend sec. 2, page 2, line 24, by deleting: “*January 1, 2005;*” and inserting: “*the effective date of this act;*”.

Amend sec. 2, page 2, line 32, by deleting: “*January 1, 2005.*” and inserting: “*the effective date of this act.*”.

Amend sec. 3, page 3, by deleting lines 1 and 2 and inserting:

“Sec. 3. This act becomes effective upon passage and approval.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 534.

Amend section 1, page 2, line 31, by deleting: “*State of Nevada*” and inserting “*Commission*”.

Amend section 1, page 2, line 35, after “*appointed*” by inserting “*at least*”.

Amend the title of the bill to read as follows:

“AN ACT relating to economic development; requiring the Commission on Economic Development to establish the qualifications of persons representing the Commission in foreign countries to recruit businesses and industries to locate their offices and businesses in this State; requiring the Commission to appoint such persons and review their performances at least biennially; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 383.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 414.

Amend sec. 5, page 6, line 3, after “4.” by inserting:

“IF THE COMMON-INTEREST COMMUNITY SELLS YOUR HOME IN A NONJUDICIAL FORECLOSURE SALE, YOU MAY EXERCISE THE RIGHT OF REDEMPTION TO REPURCHASE YOUR HOME?”

If the association sells your property in a nonjudicial foreclosure sale, you may be able to redeem your property by following certain procedures. To redeem the property, you or your successor in interest must pay the purchaser of the property the price that he paid for the property and interest on the purchase price and pay to any applicable governmental entities, lienholders and creditors the amount of any outstanding assessments, taxes and liens which were placed on the property before the date on which the property was sold and interest on those assessments, taxes and liens. You are also required to serve upon the association and the purchaser, if the purchaser is not the association, a notice of redemption accompanied by proof of payment of the amounts required to be paid.

If you follow all of the procedures and comply with all of the requirements, the purchaser is required to execute and deliver to you a certificate of redemption and the deed to the property.

If the purchaser fails to deliver the certificate of redemption and the deed, you may file a cause of action against him and you may recover reasonable attorney’s fees and costs if you prevail in the lawsuit.

To complete the redemption of the property, you must, upon receiving the certificate of redemption and the deed to the property, record the certificate and the deed in the office of the recorder of the county in which the property

is situated, accompanied by an affidavit attesting to and describing the completion of all the required payments and duties.

If you redeem your property and are subsequently evicted because of irregularities in the redemption proceedings, you may recover from the purchaser or other appropriate parties all of the money paid for the redemption. For more information regarding these requirements, see section 1 of this act.

5.”.

Amend sec. 5, page 7, line 5, by deleting “5.” and inserting “~~{5.}~~ 6.”.

Amend sec. 5, page 7, line 24, by deleting “6.” and inserting “~~{6.}~~ 7.”.

Amend sec. 5, page 7, line 41, by deleting “7.” and inserting “~~{7.}~~ 8.”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 19 be taken from the Chief Clerk’s desk and placed on the Second Reading File.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 32 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Remarks by Assemblyman Atkinson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32

Bill read third time.

Remarks by Assemblymen Atkinson, Anderson, Leslie, Buckley, and Goicoechea.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 32 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 47 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 143:

YEAS—42.

NAYS—None.

Assembly Bill No. 143 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 315:

YEAS—42.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 440 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Assembly Bill No. 465:

YEAS—42.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Holcomb.

Roll call on Assembly Bill No. 469:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 469 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505.

Bill read third time.

Remarks by Assemblyman Ocegueda.

Roll call on Assembly Bill No. 505:

YEAS—42.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Roll call on Senate Bill No. 94:

YEAS—42.

NAYS—None.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on
Commerce and Labor:

Amendment No. 567.

Amend section 1, page 2, by deleting lines 3 through 30 and inserting:

*“1. A person engages in a “deceptive trade practice” if, in the course of
his business or occupation:*

*(a) He issues a gift certificate that expires on a certain date, unless either
of the following is printed plainly and conspicuously on the front or back of
the gift certificate in at least 10-point font and in such a manner that the
print is readily visible to the buyer of the gift certificate before the buyer
purchases the gift certificate:*

(1) *The expiration date of the gift certificate; or*

(2) *A toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate;*

(b) *He imposes upon the buyer or holder of a gift certificate a service fee, unless each of the following is printed plainly and conspicuously on the front or back of the gift certificate in at least 10-point font and in such a manner that the print is readily visible to the buyer of the gift certificate before the buyer purchases the gift certificate:*

(1) *The amount of the service fee;*

(2) *The event or events that will cause the service fee to be imposed;*

(3) *The frequency with which the service fee will be imposed; and*

(4) *If the service fee will be imposed on the basis of inactivity, the duration of inactivity that will cause the service fee to be imposed; or*

(c) *Regardless of the notice provided, he imposes upon the buyer or holder of a gift certificate:*

(1) *A service fee or a combination of service fees that exceed a total of \$1 per month; or*

(2) *A service fee that commences or is imposed within the first 12 months after the issuance of the gift certificate.*

2. *The provisions of this section do not apply to:*

(a) *A gift certificate that is issued as part of an award, loyalty, promotional or reward program and for which issuance the issuer does not receive money or any other thing of value;*

(b) *A gift certificate that is sold at a reduced price to an employer or nonprofit or charitable organization, if the expiration date of the gift certificate is not more than 30 days after the date of sale; and*

(c) *A gift certificate that is issued by an establishment licensed pursuant to the provisions of chapter 463 of NRS.*

3. *As used in this section:*

(a) *“Gift certificate” means an instrument or a record evidencing a promise by the seller or issuer of the instrument or record to provide goods or services to the holder of the gift certificate for the value shown in, upon or ascribed to the instrument or record and for which the value shown in, upon or ascribed to the instrument or record is decreased in an amount equal to the value of goods or services provided by the issuer or seller to the holder. The term includes, without limitation, a gift card, certificate or similar instrument. The term does not include:*

(1) *An instrument or record for prepaid telecommunications or technology services, including, without limitation, a card for prepaid telephone services, a card for prepaid technical support services and an instrument for prepaid Internet service purchased or otherwise distributed to a consumer of such services, including, without limitation, as part of an award, loyalty, promotional or reward program; or*

(2) *An instrument or record, by whatever name called, that may be used to obtain goods or services from more than one person or business entity, if the expiration date is printed plainly and conspicuously on the front or back of the instrument or record in at least 10-point font and in such a manner that the print is readily visible to the buyer of the instrument or record before the buyer purchases the instrument or record.*

(b) *“Issue” means to sell or otherwise provide a gift certificate to any person and includes, without limitation, adding value to an existing gift certificate.*

(c) *“Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium, including, without limitation, information stored on a microprocessor chip or magnetic strip, and is retrievable in perceivable form.*

(d) *“Service fee” means any charge or fee other than the charge or fee imposed for the issuance of the gift certificate, including, without limitation, a service fee imposed on the basis of inactivity or any other type of charge or fee imposed after the sale of the gift certificate.”.*

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

“a gift certificate from charging certain fees to the buyer or holder of a gift certificate under certain circumstances; providing a penalty;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits, under certain circumstances, issuance of gift certificate that contains expiration date and prohibits, under certain circumstances, issuer of gift certificate from charging certain fees to buyer or holder of gift certificate. (BDR 52-558)”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 18 and 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Alberto Ayala, Ruth Bravo, Samantha Cardnuto, Victoria Costello, Gary Deppey, Silvano Herrera,

Jeremy Joustra, Teresa Martin, Andrew Marton, Derek McCabe, Stacy Mitchell, Keith Nelson, Vanessa Ortega, Justin Palylyk, Susana Partida, Jessica Perez, Diane Sawyer, Jessica Seltzer, Juan Silva, Ashley Spiker, Lynda Sutman, Peter Mark Villegas, Kiyoumi Weibye, Shelby Young, Carmen Villanueva, Tom Parton, Angel Aguirre, Tamara Davis, Joyce Dawkins, Efren Galindo, Diana Galvan, Brett Jacoby, Erika Kamper, Derrick Mastalka, Casey McCabe, Roberto Perez, Jacob Rasner, Charlotte Rivinius, Claudia Roman, Chanelle Sisia, Erik Torres, Natasha Wolfe, Ryan Adler, Amanda Arrington, Victoria Butterworth, Michelle Carral, Tiffany Casino, Elisabeth Castro, Yareli Chavez, Samantha Cray, Charles Dimino, Daniel Dupree, Amanda James, David Jayme, Octavio Maldonado, Michael McGough, Stephanie Murga, Margaret Olheiser, Christopher Rabe, Jesse Rasner, Cameron Regan, Adam Roa, Jayson Robbins, Carlos Sandoval, Roman Schomberg, Adam Segura, Nicholas Triplett, Claire Walker, Cole Watson, Koelyn Weeks, Joshua Wilson, Lindsey Winner, Mark Zaski, Stevielyn Webber, Valerie Bayard de Volo-Fine, Jim Hulse, and Dorothy Gardner.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Morgan.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Browne and Karen Priest.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Johnson.

On request of Assemblywoman Leslie, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Liveratti.

On request of Assemblywoman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Bobbie Talso and Joyce Duncan.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lee and Janice Ayres.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Magaret McCall and Phyllis Jackson.

Assemblywoman Buckley moved that the Assembly adjourn until Thursday, April 21, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:22 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly