

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 22, 2005

Assembly called to order at 10:55 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Giunchigliani, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, there have been quite a few religious events lately; Easter, Passover, weddings, funerals, and a new Pope. Today is Friday. Hallelujah! Father, help us to view all time as a gift from You to be used to Your glory and the good of our fellow man. Please bless these folks in their task. In the name of our Lord.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera 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 Education, to which were referred Assembly Bills Nos. 85, 397 and 518, 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. 31 and 331, 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. 156, 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. 201, 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. 306, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 392, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 59, 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 Health and Human Services, to which was referred Assembly Bill No. 337, 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 Health and Human Services, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 452 and 550, 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 28, 37, 47, 91, 135, 163, 191, 208, 225, 240, 295, 300, 332, 333, 335, 368, 396, 434, 444, 450, 458.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 22, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 114, 249, 274, 279, 299 and 411.

MARK STEVENS

Fiscal Analysis Division

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

Assembly in recess at 11:04 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 28.

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

Motion carried.

Senate Bill No. 37.

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

Motion carried.

Senate Bill No. 47.

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

Motion carried.

Senate Bill No. 91.

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

Motion carried.

Senate Bill No. 135.

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

Motion carried.

Senate Bill No. 163.

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

Motion carried.

Senate Bill No. 191.

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

Motion carried.

Senate Bill No. 208.

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

Motion carried.

Senate Bill No. 225.

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

Motion carried.

Senate Bill No. 240.

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

Motion carried.

Senate Bill No. 295.

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

Motion carried.

Senate Bill No. 300.

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

Motion carried.

Senate Bill No. 332.

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

Motion carried.

Senate Bill No. 333.

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

Motion carried.

Senate Bill No. 335.

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

Motion carried.

Senate Bill No. 368.

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

Motion carried.

Senate Bill No. 396.

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

Motion carried.

Senate Bill No. 434.

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

Motion carried.

Senate Bill No. 444.

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

Motion carried.

Senate Bill No. 450.

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

Motion carried.

Senate Bill No. 458.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

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

Amendment No. 527.

Amend sec. 2, page 3, by deleting lines 20 and 21 and inserting: "be discharged ~~by the making of payments in cash, or~~ in part by making contributions to a third".

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. 120.

Bill read second time.

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

Amendment No. 523.

Amend section 1, page 2, by deleting lines 3 through 5 and inserting:

"1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:"

Amend section 1, page 2, line 6, after "number" by inserting "and type".

Amend section 1, page 2, lines 8 and 9, by deleting: "facility during the most recent period of licensure," and inserting "facility,".

Amend section 1, page 2, by deleting lines 10 through 17 and inserting: "performed:

- (1) At a medical facility as that term is defined in NRS 449.0151; or
- (2) Outside of this State; and

(b) *Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

(a) *Collect and maintain reports received pursuant to subsection 1; and*

(b) *Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

4. *A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.”.*

Amend section 1, page 2, line 18, by deleting “2.” and inserting “5.”.

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sections 5 and 6 as sections 3 and 4.

Amend sec. 5, page 5, by deleting lines 6 through 9 and inserting:

“1. *The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:”.*

Amend sec. 5, page 5, line 10, after “number” by inserting “and type”.

Amend sec. 5, page 5, lines 12 and 13, by deleting: “*facility during the most recent period of licensure,*” and inserting “*facility,*”.

Amend sec. 5, page 5, by deleting lines 14 through 21 and inserting: “*performed:*

(1) *At a medical facility as that term is defined in NRS 449.0151; or*

(2) *Outside of this State; and*

(b) *Reporting the occurrence of any sentinel event arising from any such surgery.*

2. *Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.*

3. *The Board shall:*

(a) *Collect and maintain reports received pursuant to subsection 1; and*

(b) *Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.*

4. *A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.”.*

Amend sec. 5, page 5, line 22, by deleting “2.” and inserting “5.”.

Amend sec. 6, page 6, line 10, by deleting “5” and inserting “3”.

Amend the bill as a whole by deleting sections 7 through 9.

Amend the title of the bill to read as follows:

“AN ACT relating to physicians; requiring a physician licensed to practice medicine or osteopathic medicine to report annually to the appropriate licensing board information concerning certain office-based surgery

performed by him; providing that the failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action; requiring the licensing boards of such physicians biennially to compile and report such information to the Governor and the Legislature; and providing other matters properly relating thereto.”.

Assemblywoman Gerhardt moved the adoption of the amendment.

Remarks by Assemblywoman Gerhardt.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 320.

Bill read second time.

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

Amendment No. 525.

Amend the bill as a whole by deleting sections 1 through 8 and renumbering sections 9 through 13 as sections 1 through 5.

Amend sec. 9, page 4, by deleting lines 14 through 21 and inserting: “consumption in a county of, any:

(a) *Computer equipment;*

(b) *Article of clothing, the sales price of which does not exceed \$1,000; and*

(c) *School supplies,*

sold from August 26, 2005, to August 28, 2005, inclusive.

2. *For the purposes of this section:*

(a) *“Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.*

(b) *“Computer equipment” means:*

(1) *Computers.*

(2) *Computer software.*

(3) *Computer storage media, including, without limitation, diskettes and compact disks.*

(4) *Handheld electronic schedulers, except devices that are cellular phones.*

(5) *Personal digital assistants, except devices that are cellular phones.*

(6) *Computer printers.*

(7) *Printer supplies for computers, including, without limitation, printer paper and printer ink.*

(c) *“Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.*

(d) *“Clothing” means all human wearing apparel suitable for general use. The term:*

(1) *Includes, without limitation, household and shop aprons, athletic supporters, baby receiving blankets, bathing suits and caps, beach capes and*

coats, belts and suspenders, boots, coats and jackets, costumes, diapers for children or adults, including disposable diapers, ear muffs, footlets, formal wear, garters and garter belts, girdles, gloves and mittens for general use, hats and caps, hosiery, insoles for shoes, lab coats, neckties, overshoes, pantyhose, rainwear, rubber pants, sandals, scarves, shoes and shoe laces, slippers, sneakers, socks and stockings, steel-toed shoes, underwear, athletic and non-athletic uniforms, and wedding apparel.

(2) Does not include:

(I) Belt buckles sold separately;

(II) Costume masks sold separately;

(III) Patches and emblems sold separately;

(IV) Sewing equipment and supplies, including, without limitation, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures and thimbles; and

(V) Sewing materials that become part of clothing, including, without limitation, buttons, fabric, lace, thread, yarn and zippers.

(e) "School supplies" means the following items commonly used by a student in a course of study:

(1) Binders.

(2) Book bags.

(3) Calculators.

(4) Cellophane tape.

(5) Blackboard chalk.

(6) Compasses.

(7) Composition books.

(8) Crayons.

(9) Erasers.

(10) Folders, whether expandable, pocket, plastic or manila.

(11) Glue, paste and paste sticks.

(12) Highlighters.

(13) Index cards.

(14) Index card boxes.

(15) Legal pads.

(16) Lunch boxes.

(17) Markers.

(18) Notebooks.

(19) Paper, whether loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board or construction paper.

(20) Pencil boxes and other school supply boxes.

(21) Pencil sharpeners.

(22) Pencils.

(23) Pens.

(24) Protractors.

(25) Rulers.

(26) *Scissors*.

(27) *Writing tablets*.”.

Amend sec. 12, page 4, line 40, by deleting “9” and inserting “1”.

Amend sec. 13, page 5, by deleting lines 1 through 4 and inserting:

“Sec. 5. This act becomes effective upon passage and approval and expires by limitation on August 31, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxes on retail sales; prescribing a sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prescribes sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies. (BDR 32-1201)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 410.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 2 through 6 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Homestead exemptions which are authorized by statute offer an important source of security to the residents of this State by protecting their ownership interests in property;

2. The current practice whereby many lenders require renunciation of a person’s declaration of homestead before allowing any financing that is secured by a home has caused many Nevadans to lose the protections to which they are rightfully entitled;

3. It is the intent of the Legislature to clarify the application of the homestead exemption so that a person is not required to provide such a renunciation or to refile a declaration of homestead to obtain financing; and

4. It is further the intent of the Legislature in so clarifying to ensure that the residents of this State retain the protections of the homestead exemption.”.

Amend section 1, page 1, line 16, by deleting “given;” and inserting:

“given ~~to~~ , including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan;”.

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

Assemblyman Ocegüera moved that Assembly Bills Nos. 31, 59, 85, 156, 201, 306, 331, 337, 353, 392, 397, 418, 452, 518, and 550 just reported out of committee, be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 208.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 208:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Ocegüera.

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

Roll call on Assembly Bill No. 221:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 240:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 473 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 411 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Pierce moved that Assembly Bill No. 65 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 546 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblywoman Koivisto moved that Assembly Joint Resolution No. 8 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Koivisto.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 301 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 114 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 274 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 279 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 299 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 8.

Bill read third time.

The following amendment was proposed by Assemblywoman Koivisto:

Amendment No. 569.

Amend the resolution, page 2, by deleting lines 12 through 15 and inserting: "*of registered voters required to file the petition must be determined at the time the copy of the petition is filed with*".

Amend the resolution, page 2, line 16, by deleting "*subsection 1*" and inserting "*this Section*".

Amend the resolution, page 3, by deleting lines 2 through 4 and inserting: "*number of registered voters required to file the petition must be*".

Amend the resolution, page 3, line 5, by deleting "*a*" and inserting "*the*".

Amend the resolution, page 3, line 6, by deleting: "*subsection 3 or 4*." and inserting "*this Section*".

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 65.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 564.

Amend section 1, page 2, by deleting lines 11 through 13.

Amend section 1, page 2, line 14, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 2, line 16, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 2, line 19, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, pages 2 and 3, by deleting lines 21 through 28 on page 2 and lines 1 through 17 on page 3.

Amend section 1, page 3, line 18, by deleting "*4*." and inserting "*3*".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Hettrick, Conklin, and Buckley.

Roll call on Assembly Bill No. 393:

YEAS—33.

NAYS—Arberry, Atkinson, Buckley, Gerhardt, Koivisto, McCleary, Parks, Pierce—8.

EXCUSED—Giunchigliani.

Assembly Bill No. 393 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 444:

YEAS—40.

NAYS—Angle.

EXCUSED—Giunchigliani.

Assembly Bill No. 444 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 446 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblymen Smith, Parks, and Hardy.

Roll call on Assembly Bill No. 483:

YEAS—41.

NAYS—None.

EXCUSED—Giunchigliani.

Assembly Bill No. 483 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblymen Leslie and Carpenter.

Roll call on Assembly Bill No. 523:

YEAS—38.

NAYS—Angle, Goicoechea, Marvel—3.

EXCUSED—Giunchigliani.

Assembly Bill No. 523 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

The following amendment was proposed by Assemblymen Anderson and Buckley:

Amendment No. 603.

Amend section 1, page 2, by deleting lines 1 through 8 and inserting:

“2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “caused by the responsible parent; and providing other matters”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 528.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 602.

Amend section 1, page 2, line 10, after “*withholding;*” by inserting “*or*”.

Amend section 1, page 2, by deleting lines 11 through 14.

Amend section 1, page 2, by deleting “*(j)*” and inserting “*(i)*”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 44 and 340, 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. 495, 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 Concurrent Committee on Commerce and Labor, to which was referred Assembly Bill No. 464, 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. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and rerefer to the Committee on Ways and Means.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bill No. 314; Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 231, 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 Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 319, 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 Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 376, 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 Health and Human Services, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 426 and 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that Assembly Bills Nos. 44, 231, 271, 277, 314, 319, 340, 376, 464, 495, 554; Assembly Joint Resolution No. 5, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 306.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

“(a) *The records contain the name, address, telephone number or other identifying information of a natural person; and*

(b) The natural person whose name, address, telephone number or other identifying information is contained in”.

Amend section 1, page 2, by deleting lines 21 through 24 and inserting:

“2. *The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:*

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation; or

(c) A request by a reporter or editorial employee for the disclosure of such records, if:

(1) The reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station; and

(2) The records will be used for a journalistic purpose.”.

Amend the title of the bill by deleting the seventh through ninth lines and inserting: “the local governmental entity; requiring the disclosure of such information for certain purposes; and providing other matters”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblymen Kirkpatrick, Anderson, and Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 508.

Amend section 1, page 2, line 3, by deleting ““*Hospital-acquired*” and inserting ““*Facility-acquired*”.

Amend sec. 3, page 2, line 22, by deleting “*hospital-acquired*” and inserting “*facility-acquired*”.

Amend the title of the bill, second line, by deleting “hospital-acquired” and inserting “facility-acquired”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 384.

Amend section 1, page 2, by deleting line 26 and inserting:

“(e) *Is eligible for a millennium scholarship on or after June 1, 2008, submits a statement on or before June 1 of the year in which he will enroll in an eligible institution, which documents that he has*”.

Amend section 1, page 2, by deleting line 30 and inserting: “*in this State during the 4 years before he first becomes eligible for the*”.

Amend section 1, page 2, line 44, by deleting “1.” and inserting: “*1 and a process of appeal for students who are unable to complete the community service.*”.

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 180.

Amend section 1, page 2, by deleting lines 23 and 24 and inserting: “additional insured in an insurance policy held by the design professional ~~to~~, *if the policy allows such an addition.*”.

Amend section 1, pages 2 and 3, by deleting lines 32 through 35 on page 2 and lines 1 through 4 on page 3, and inserting:

“5. ~~May~~ *Except as otherwise provided in this subsection, may* require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys’ fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. *If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney’s fees to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional. As used in this subsection, “agents” means those persons who are directly involved in and acting on behalf of the public body in furtherance of the contract or the public work to which the contract pertains.*”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 201.

Bill read second time.

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

Amendment No. 222.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent, safe and affordable housing for persons of low or moderate income and the counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition; ~~and~~

4. It is in the public interest to encourage the preservation and maintenance of housing in this State for persons of low or moderate income, in order to improve their living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State ~~+~~; *and*

5. *The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:*

(a) Develop affordable housing; and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 2. NRS 279A.030 is hereby amended to read as follows:

279A.030 1. The governing body of a county or city may adopt an ordinance establishing a program for the rehabilitation of residential neighborhoods in that county or city.

2. The ordinance must contain provisions:

(a) Establishing an agency, or designating an existing agency, of the county or city to administer the program.

(b) Creating a revolving fund for loans for the rehabilitation of residential property and designating the amount of the original allocation of money by the governing body for the fund.

(c) Providing the criteria and procedures for allocating additional money to the fund.

(d) Providing the maximum amount of a loan from the fund and the period and rate of interest of each loan.

(e) Setting forth the criteria for determining the eligibility of an applicant for a loan and of property for rehabilitation.

(f) *Setting forth that, with respect to a residential property rehabilitated pursuant to this chapter, the monthly mortgage payment or monthly rent, as applicable, must not, during the term of any loan made pursuant to this*

chapter, exceed 30 percent of the gross monthly income of the household occupying the residential property.

(g) Establishing such other requirements for participation in the program as the governing body considers necessary.”.

Amend section 1, page 2, by deleting lines 9 through 12 and inserting:

“(2) Is a member of a household having a gross income of less than 80 percent of the median gross income for households of the same size ~~[within]~~ residing in the same ~~[geographic area or rent]~~ county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households ~~[.]~~”.

Amend section 1, page 2, by deleting line 28 and inserting:

“501(c)(3) or 501(c)(4);”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 9 through 12 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent, safe and affordable housing for persons of low or moderate income and the counties and cities of this State have an obligation to provide such persons with an opportunity to obtain residential property; ~~[and]~~

4. It is in the public interest to encourage the preservation and maintenance of housing in this State for persons of low or moderate income, in order to improve their living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State ~~[.]~~ ; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing; and

(b) Rehabilitate abandoned residential properties.”.

Amend sec. 6, page 4, by deleting lines 24 through 27 and inserting:

“(2) Is a member of a household having a gross income of less than 80 percent of the median gross income for households of the same size ~~[within]~~ residing in the same ~~[geographic area]~~;

~~(c) Intend~~ county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;”.

Amend sec. 6, page 4, by deleting line 42 and inserting: “501(c)(3) or 501(c)(4);”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 306.

Bill read second time.

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

Amendment No. 251.

Amend the bill as a whole by deleting sections 1 through 15 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the feasibility of consolidating local governmental entities and services within urbanized areas of a county.

2. In conducting the study, the subcommittee shall:

(a) Determine the appropriate procedures for the consolidation of the local governmental entities and the governmental structure of the consolidated entity;

(b) Examine and evaluate the financial impacts related to consolidation, including, without limitation, the applicable tax rates and revenue and bonded indebtedness;

(c) Analyze the types of services to be provided by the consolidated entity; and

(d) Consider any other matter that the subcommittee determines is relevant to the study.

3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The tremendous growth experienced in the urban areas of Nevada has created contiguously populated areas with no clear local governmental boundaries; and

WHEREAS, The duplication of services provided by multiple local governments has created inefficiencies and redundancy in urban areas; and

WHEREAS, Residents of large urban areas experience excessive bureaucracy caused by the overlapping and confusing jurisdictional boundaries of local governmental entities; and

WHEREAS, Residents of large urban areas also experience different property tax rates within different jurisdictions; and

WHEREAS, It is economically efficient to consolidate the multiple local governmental entities within urbanized areas of a county and the services that those local governmental entities provide; now, therefore”.

Amend the title of the bill to read as follows:

“AN ACT relating to local governments; directing the Legislative Commission to conduct an interim study of the feasibility of consolidating certain local governmental entities and services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study of feasibility of consolidating certain local governmental entities and services. (BDR S-892)”.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Assemblywoman McClain moved that upon return from the printer Assembly Bill No. 306 be rereferred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 546 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 331.

Bill read second time.

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

Amendment No. 449.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the water resources in this State.

2. The study must include, without limitation:

(a) An evaluation of the feasibility and desirability of quantifying, using existing information, the groundwater resources in this State;

(b) A review of statewide water usage and the efficiency of water usage, including, without limitation:

- (1) Per capita water consumption;
- (2) Water usage by economic sector; and
- (3) Potential methods of increasing the efficiency of water usage; and

(c) A study of the effectiveness of existing systems for administering, controlling, allocating, distributing and protecting the water resources in this State.

3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate appointed to the subcommittee and a majority of the members of the Assembly appointed to the subcommittee.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; directing the Legislative Commission to conduct an interim study concerning the water resources in this State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study concerning water resources in State. (BDR S-490)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Assemblywoman Pierce moved that upon return from the printer Assembly Bill No. 331 be rereferred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Bill ordered reprinted, engrossed, and to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 511.

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

“1. “Agency”.

Amend section 1, page 2, line 4, by deleting “person” and inserting: “person, other than a natural person,”.

Amend section 1, page 2, by deleting lines 7 and 8 and inserting: “elderly persons or persons with mental or physical disabilities to assist those persons with activities of daily living,”.

Amend section 1, page 2, by deleting lines 21 through 25 and inserting:

“2. The term does not include:

(a) An independent contractor who provides nonmedical services specified by subsection 1 without the assistance of employees; or

(b) A microboard, as defined by regulations adopted by the Board.”.

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

“Sec. 3. NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes ~~the~~ :

1. A facility for the treatment of abuse of alcohol or drugs ~~and~~ ;

2. A halfway house for recovering alcohol and drug abusers ~~and~~ ;

3. A facility for the care of adults during the day ~~for~~ ;

4. A residential facility for groups ~~and~~ ; and

5. *An agency to provide personal care services in the home.”.*

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 512.

Amend section 1, pages 1 and 2, by deleting lines 3 through 5 on page 1 and lines 1 and 2 on page 2, and inserting:

“1. Each major hospital in this State shall, on or before January 1 of each year, submit to the Department in the manner and form prescribed by the Director a complete charge master for the hospital that will be effective on January 1 of that year.

2. Each major hospital in this State shall, on or before July 1 of each year, submit to the Department in the manner and form prescribed by the Director:”.

Amend section 1, page 2, line 3, by deleting “(b)” and inserting “(a)”.

Amend section 1, page 2, line 8, by deleting “(c)” and inserting “(b)”.

Amend section 1, page 2, by deleting lines 12 through 29 and inserting:

“3. Each time a major hospital in this State revises any of its policies and procedures described in subsection 2, the major hospital shall submit to the Department in the manner and form prescribed by the Director a statement of its revised policies and procedures.

4. On or before October 1 of each year, the Director shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Committee on Health Care and to either the Legislature, or to the Legislative Commission and the Interim Finance Committee when the Legislature is not in regular session, a report concerning the information the

Department receives pursuant to this section. The report may be included in the report the Director prepares pursuant to NRS 449.520 if the Director transmits that report to the Director of the Legislative Counsel Bureau for submission to the entities that must receive the report pursuant to this subsection. The report must include, without limitation:

(a) A review and comparison of the policies and procedures used by major hospitals in this State to provide discounted services to,”.

Amend section 1, page 2, line 32, by deleting “(d)” and inserting “(b)”.

Amend section 1, page 2, line 33, after “by” by inserting “major”.

Amend section 1, page 2, line 35, by deleting “4.” and inserting:

“5. *The Director shall:*

(a) Provide the public with access to the information the Department receives pursuant to this section in a form prescribed by the Director;

(b) To the extent reasonably possible, post the information the Department receives pursuant to this section on a website or other Internet site that is operated or administered by or on behalf of the Department; and

(c) Provide a copy of the information the Department receives pursuant to this section to the Director of the Office for Consumer Health Assistance.

6.”.

Amend sec. 2, page 2, line 42, by deleting “or outpatient”.

Amend sec. 2, page 3, by deleting lines 10 through 13 and inserting:

“3. ~~[A] Each major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.~~”.

Amend sec. 2, page 3, line 21, by deleting “5” and inserting “4”.

Amend sec. 2, page 3, line 25, by deleting “5.” and inserting “4.”.

Amend sec. 2, page 3, line 28, by deleting “4.” and inserting “3.”.

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

“Sec. 3. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring major hospitals to submit to the Director of the Department of Human Resources certain information concerning their charges, their provision of discounted services to or reduction of charges for persons without health insurance and their collection of unpaid charges; increasing the amount by which certain hospitals are required to reduce or discount the total billed charges for hospital services provided to certain uninsured patients; removing the requirement that certain hospitals reduce or discount the total billed charges of their outpatient pharmacies to patients who are eligible for Medicare; requiring certain hospitals to provide to persons receiving services certain information concerning the duty of those hospitals to reduce billed charges for certain patients; and providing other matters properly relating thereto.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 380.

Amend section 1, pages 2 and 3, by deleting lines 41 through 44 on page 2 and lines 1 and 2 on page 3.

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

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; requiring the Nevada Tax Commission to adopt regulations governing the assessment of property for the purposes of taxation; requiring county boards of equalization and the State Board of Equalization to comply with such regulations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires adoption of and compliance with uniform regulations governing assessment of property for purposes of taxation. (BDR 32-275)”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 335.

Amend section 1, page 5, by deleting line 14 and inserting:

“~~{(3)}~~ (4) A certificate of ~~{attendance.}~~ *credit completion.*”.

Amend sec. 2, page 11, by deleting line 4 and inserting:

“~~{(3)}~~ (4) A certificate of ~~{attendance.}~~ *credit completion.*”.

Amend sec. 4, pages 13 and 14, by deleting line 45 on page 13 and lines 1 through 4 on page 14, and inserting:

“for graduation from high school and passes the high school proficiency examination administered pursuant to NRS 389.015.”.

Amend sec. 4, page 14, line 8, by deleting “*school.*” and inserting: “*school and he:*

(a) Receives the minimum composite score established by the State Board; and

(b) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 5.”.

Amend sec. 4, page 14, line 17, by deleting “attendance” and inserting “credit completion”.

Amend sec. 4, page 14, by deleting lines 21 through 37 and inserting: “credit completion.

5. *The State Board shall adopt regulations that prescribe:*

(a) *The alternative criteria for receipt of a standard diploma;*

(b) *The composite score that a pupil must receive on the high school proficiency examination for receipt of a standard diploma; and*

(c) *The endorsements that may be added to a diploma. A pupil must be allowed to receive more than one endorsement to his diploma if he satisfies the requirements for each endorsement.*

6. *A homeschooled child who desires to obtain a diploma designated as a Nevada homeschool diploma may take the high school proficiency examination. If a homeschooled child:*

(a) *Passes all portions of the high school proficiency examination, he must be awarded an advanced Nevada homeschool diploma; or*

(b) *Receives the composite score prescribed by the State Board, he must be awarded a standard Nevada homeschool diploma.”.*

Amend sec. 8, page 20, by deleting lines 13 through 15 and inserting: “limitation, an explanation that if the pupil fails the examination *or does not receive the composite score prescribed by the State Board*, he is not eligible to receive a ~~[standard]~~ high school diploma;”.

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sections 11 and 12 as sections 9 and 10.

Amend sec. 11, page 24, by deleting lines 22 and 23 and inserting: “who must pass the examination *or receive the composite score established by the State Board of Education* before the completion of grade 12 to graduate with a ~~[standard]~~ high”.

Amend sec. 12, page 24, line 25, by deleting “February” and inserting “January”.

Amend sec. 12, page 24, by deleting lines 27 and 28 and inserting: “the alternative criteria for receipt of a standard high school diploma, the composite score required for receipt of a standard high school diploma and the endorsements that may be added to a high school diploma. The regulations must be effective on January 1, 2006, for application to the pupils who graduate in 2006 and”.

Amend the bill as a whole by deleting sec. 13, renumbering sec. 14 as sec. 12 and adding a new section designated sec. 11, following sec. 12, to read as follows:

“Sec. 11. On or before the commencement of the 2006-2007 school year, the State Board of Education shall enter into an agreement or agreements necessary to allow a pupil to retake a portion or portions of the high school proficiency examination in lieu of retaking the entire examination.”.

Amend sec. 14, pages 24 and 25, by deleting lines 44 and 45 on page 24 and lines 1 through 7 on page 25, and inserting:

“Sec. 12. 1. This section and sections 10 and 11 of this act become effective on July 1, 2005.

2. Section 4 of this act becomes effective on July 1, 2005, for the purpose of adopting regulations and on January 1, 2006, for all other purposes.

3. Sections 1, 2, 3, 8 and 9 of this act become effective on January 1, 2006.

4. Sections 5 and 6 of this act become effective on July 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; designating the types of diplomas that may be issued to pupils; requiring the State Board of Education to establish alternative criteria and a composite score on the high school proficiency examination for the receipt of a standard diploma; authorizing homeschooled children to take the high school proficiency examination to receive a diploma; revising various other provisions governing the high school proficiency examination; 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. 418.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 381.

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

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 12:46 p.m.

Mr. Speaker presiding.

Quorum present.

Amend sec. 2, page 2, line 13, after “5.” by inserting: “It is intended that 80 percent of any additional police officers employed and equipped pursuant to this act be assigned to uniform operations for marked patrol units in the community and for the control of traffic;

6. It is further intended that each police department that receives proceeds from any sales and use tax imposed pursuant to this act establish a

program that promotes community participation in protecting the residents of the community that includes, without limitation:

(a) A written policy of the department that sets forth its position on providing law enforcement services oriented toward the involvement of residents of the community;

(b) The provision of training for all police officers employed by the department that includes, without limitation, training related to:

(1) Methods that may be used to analyze, respond to and solve problems commonly confronted by police officers in the community;

(2) The cultural and racial diversity of the residents of the community;

(3) The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing law enforcement services; and

(4) Issues concerning not only the prevention of crime, but also concerning improving the quality of life for the residents of the community; and

(c) The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns related to the provision of law enforcement services;

7.”.

Amend sec. 2, page 2, line 20, by deleting “6.” and inserting “8.”.

Amend sec. 9, page 3, line 6, after “County.” by inserting: “As used in this paragraph, “population” means the estimated annual population determined pursuant to NRS 360.283.”.

Amend sec. 10, page 3, line 22, by deleting “or after”.

Amend sec. 10, page 3, by deleting line 24 and inserting: “which the increased rate must first be imposed is on or after July 1, 2009, and if the Legislature first approves the increased rate,”.

Amend the bill as a whole by deleting sec. 11 and inserting:

“Sec. 11. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 13 and inserting:

“Sec. 13. (Deleted by amendment.)”.

Amend sec. 17, page 6, by deleting lines 10 through 30 and inserting:

“Sec. 17. 1. The City Treasurers of Boulder City, Henderson, Mesquite and North Las Vegas and the Las Vegas Metropolitan Police Department shall deposit the money received from the County Treasurer pursuant to subsection 3 of section 16 of this act into a special revenue fund created for the use of the proceeds from the tax authorized by this act.

2. Each special revenue fund created for the use of the proceeds from the tax authorized by this act pursuant to subsection 1 must be accounted for as a separate fund and not as a part of any other fund.

3. Interest earned on a special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.”.

Amend the bill as a whole by deleting sections 18 and 19 and inserting:

“Secs. 18 and 19. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 22 and inserting:

“Sec. 22. (Deleted by amendment.)”.

Amend sec. 23, pages 7 and 8, by deleting lines 41 through 45 on page 7 and lines 1 through 5 on page 8, and inserting:

“Sec. 23. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2005, for all other purposes.

2. This act expires by limitation on July 1, 2025.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

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 12:48 p.m.

ASSEMBLY IN SESSION

At 12:58 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 411.

Amend section 1, page 2, line 26, by deleting “, *except for the civil right to vote*,”.

Amend section 1, page 2, by deleting lines 34 through 38 and inserting:

“(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which”.

Amend sec. 2, page 4, by deleting lines 2 through 34 and inserting:
“dishonorable discharge.

2. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution . ~~[, but does not entitle the probationer to any privilege conferred by NRS 176A.850.]~~

3. A person who has been dishonorably discharged from probation may petition a court of competent jurisdiction for an order granting the

restoration of his civil rights. Except as otherwise provided in subsection 5, the court shall restore the civil rights of the person in the manner set forth in subsection 4 if the court finds that the person:

- (a) Has completed payment of any unpaid restitution; and
- (b) Has removed or satisfied any other condition which caused the dishonorable discharge.

4. If a court issues an order restoring the civil rights of a person pursuant to subsection 3, the person:

- (a) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (b) Four years after the date on which the order restoring his civil rights is issued, is restored to the right to hold office.
- (c) Six years after the date on which the order restoring his civil rights is issued, is restored to the right to serve as a juror in a criminal action.

5. A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably discharged from probation if the person has previously been convicted in this State:

- (a) Of a category A felony.
- (b) Of an offense that would constitute a category A felony if committed as of the date of his dishonorable discharge from probation.
- (c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.
- (d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his dishonorable discharge from probation.
- (e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

6. An order issued by a court pursuant to this section restoring the civil rights of a person must include:

- (a) A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date on which the order restoring his civil rights is issued;
- (b) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 4; and
- (c) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 4.

7. Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from probation in this State or elsewhere and whose official documentation of his dishonorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section.

Upon verification that the person has been dishonorably discharged from probation and is eligible to be restored to his civil rights pursuant to subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

8. The Board may adopt regulations necessary or convenient for the purposes of this section.”.

Amend sec. 4, page 5, line 28, by deleting “, except for the civil right to vote,”.

Amend sec. 4, page 5, by deleting lines 36 through 40 and inserting:

“(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date that his pardon is granted.

(e) Two or more times of a felony, unless a felony for which”.

Amend sec. 5, page 7, by deleting lines 7 through 36 and inserting:

“3. A person who has been dishonorably discharged from parole and who has met any other conditions imposed by the court, may petition a court of competent jurisdiction for an order granting the restoration of his civil rights. Except as otherwise provided in subsection 5, the court shall restore the civil rights of a person in the manner set forth in subsection 4 if the court finds that the person has:

(a) Completed payment of any unpaid restitution; and

(b) Removed or satisfied any other condition which caused the dishonorable discharge.

4. If a court issues an order restoring the civil rights of a person pursuant to subsection 3, the person:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date on which the order restoring his civil rights is issued, is restored to the right to hold office.

(c) Six years after the date on which the order restoring his civil rights is issued, is restored to the right to serve as a juror in a criminal action.

5. A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably discharged from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his dishonorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his dishonorable discharge from probation.

(e) *Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.*

6. *An order issued by a court pursuant to this section restoring the civil rights of a person must include:*

(a) *A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date on which the order restoring his civil rights is issued;*

(b) *The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 3; and*

(c) *The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 3.*

7. *Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from parole in this State or elsewhere and whose official documentation of his dishonorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been dishonorably discharged from parole and is eligible to be restored to his civil rights pursuant to subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.*

8. *The Board may adopt regulations necessary or convenient for the purposes of this section.”.*

Amend sec. 6, page 8, lines 15 and 16, by deleting: “3, *except for the civil right to vote*” and inserting “3”.

Amend sec. 6, page 8, lines 24 through 28, by deleting the brackets and strike-through.

Amend sec. 7, page 9, line 38, by deleting: “, *except for the civil right to vote,*”.

Amend sec. 7, page 10, lines 1 through 5, by deleting the brackets and strike-through.

Amend the bill as a whole by deleting sections 8 through 10 and renumbering sec. 11 as sec. 8.

Amend the title of the bill to read as follows:

“AN ACT relating to convicted persons; providing that certain ex-felons who have been dishonorably discharged from probation or parole may petition for the restoration of certain civil rights; 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. 518.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 336.

Amend sec. 2, page 3, line 39, by deleting “*prescribe*” and inserting: “*adopt a policy prescribing*”.

Amend sec. 2, page 4, line 2, after “*grade.*” by inserting: “*If a board of trustees adopts such a policy for pupils enrolled in programs of remedial education, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in a program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil’s progress throughout the school year and a process for appealing a determination regarding a pupil’s need for remedial education.*”.

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. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 588.

Amend sec. 2, page 4, by deleting line 42 and inserting:

“(a) The blood tested was withdrawn by a *person, other than an arresting officer, who:*”.

Amend sec. 2, page 5, line 6, by deleting “*jurisdiction;*” and inserting: “*jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;*”.

Amend sec. 3, pages 5 and 6, by deleting lines 20 through 44 on page 5 and lines 1 through 4 on page 6, and inserting:

“484.3943 1. Except as otherwise provided in ~~§~~ *subsections 2 and 5*, a court:

(a) May order a person convicted of a first *or second* violation of NRS 484.379 ~~if~~ *if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath*, for a period of not less than 3 months nor more than 6 months ~~;~~ *and*, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

(b) Shall order a person convicted of ~~§~~ :

(1) A first *or second* violation of NRS 484.379 *if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath*;

(2) A third or subsequent violation of NRS 484.379 ~~for~~ ; or

(3) A violation of NRS 484.3795,

for a period of not less than 12 months nor more than 36 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to ~~[subsection 3 of]~~ NRS 483.490 ~~[.]~~ or as a condition of reinstatement of his driving privilege.

2. A court may ~~[order a person convicted of a violation of NRS 484.379 or 484.3795, for a period determined by the court, to install at his own expense a device in any motor vehicle which he owns or operates as a condition of reinstatement of his driving privilege.]~~ provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a first violation of NRS 484.379 to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) Transport himself or another member of his immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1 ~~[or 2:]~~ .”.

Amend sec. 3, page 6, by deleting lines 19 through 28 and inserting: “this section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which he is required to use the device; or

(b) If he was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

to determine whether the device is operating properly. An”.

Amend sec. 3, page 7, line 9, by deleting “484.3745,” and inserting “484.3795,”.

Amend sec. 3, page 7, line 15, after “(b)” by inserting: ““Concentration of alcohol of less than 0.18 in his blood or breath” means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c)”.

Amend sec. 4, page 7, by deleting line 25 and inserting:

“(a) The blood tested was withdrawn by a person, other than an arresting officer, who:”.

Amend sec. 4, page 7, line 33, by deleting “jurisdiction;” and inserting: “jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127;”.

Amend the title of the bill, ninth line, by deleting: “for certain periods of time”.

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. 44.

Bill read second time.

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

Amendment No. 579.

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

“608.018 1. ~~[Except as otherwise provided in this section, an]~~ An”.

Amend section 1, page 1, line 4, after “employee” by inserting: “who receives compensation for employment at a rate less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250”.

Amend section 1, page 1, by deleting line 9 and inserting:

“2. An employer shall pay one and one-half times an employee’s regular wage rate whenever an employee who receives compensation for employment at a rate not less than one and one-half times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of ~~[subsection]~~ subsections 1 and 2 do not apply to:”.

Amend section 1, page 2, by deleting line 28 and inserting:

“~~[3. The provisions of this section do not apply to a]~~
(n) A mechanic or”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; making employees who earn one and one-half times minimum wage or more per hour subject to the jurisdiction of the Labor Commissioner for disputes regarding overtime; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 250.

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

“Section 1. 1. In a county whose population is 100,000 or more, the regional planning coalition created pursuant to NRS 278.02514 and the regional planning commission created pursuant to NRS 278.0262 shall each, in conjunction with the county school district and other local governments in the county, conduct a study of safe walking routes for pupils to public schools in the county.

2. The study must include, without limitation:

(a) A review and evaluation of the existing walking paths and sidewalks within a 1-mile radius of each public school located in the county;

(b) Recommendations for improvements to the conditions of those walking paths and sidewalks; and

(c) A review and evaluation of the programs currently implemented in the county to ensure safe walking routes for pupils to schools.

3. The regional planning coalition and regional planning commission shall each submit a report of the results of its study to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, There are over 385,000 pupils in the public school system in the State of Nevada; and

WHEREAS, Pupils who live within 2 miles of the school that they attend are not eligible for transportation by bus to and from school, and therefore many of those pupils must walk both ways; and

WHEREAS, The safety of pupils walking between their homes and their schools is of critical importance to the community; and

WHEREAS, The existence of paved walking paths and well-maintained sidewalks increases the safety of those pupils; and

WHEREAS, Safe walking paths and sidewalks may also encourage more pupils to walk to and from school, thus promoting their overall health; and

WHEREAS, Both school districts and local governments play an integral role in ensuring the safety of pupils as they travel to and from school; and

WHEREAS, An effective way of ensuring the safety of pupils is to encourage school districts and local governments to cooperate in developing safe walking routes and improving the conditions of walking paths and sidewalks for pupils; now, therefore,”.

Amend the title of the bill to read as follows:

“AN ACT relating to public schools; requiring local and regional governmental entities to conduct a study of safe walking routes for pupils in a certain area near schools; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires local and regional governmental entities to conduct study of safe walking routes in certain area near schools. (BDR S-262)”.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 509.

Amend section 1, pages 1 and 2, by deleting lines 4 and 5 on page 1 and lines 1 through 3 on page 2, and inserting:

“directed toward the control of pain and symptoms which provide the greatest degree of relief for the longest period while minimizing any adverse effects of the services and treatments, including, without limitation, any side effects of any medications given or administered.”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 422.304 is hereby amended to read as follows:

422.304 1. ~~{The}~~ *Except as otherwise provided in subsection 2, the Department, through the Division of Health Care Financing and Policy, shall pay, under the State Plan for Medicaid:*

(a) A facility for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care, including room and board, provided by that facility to a person who is eligible to receive Medicaid.

(b) A program for hospice care licensed pursuant to chapter 449 of NRS for the services for hospice care provided by that program to a person who is eligible to receive Medicaid.

2. *The Department, through the Division of Health Care Financing and Policy, is required to pay, under the State Plan for Medicaid, for the services for hospice care provided by a facility or program described in subsection 1 only to the extent that the Federal Government provides matching federal money under Medicaid for the services for hospice care.*

3. As used in this section:

(a) “Facility for hospice care” has the meaning ascribed to it in NRS 449.0033.

(b) “Hospice care” has the meaning ascribed to it in NRS 449.0115.”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 277.

Bill read second time and ordered to third reading.

Assembly Bill No. 314.

Bill read second time.

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

Amendment No. 472.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, page 3, line 4, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 3, pages 3 and 4, by deleting line 44 on page 3 and line 1 on page 4, and inserting: “to which the office pertains began on a date at least [~~30~~] 90 days immediately preceding the date of the close of filing of”.

Amend sec. 3, page 4, by deleting lines 6 through 8 and inserting: “of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I”.

Amend sec. 3, page 5, line 18, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 3, page 5, by deleting lines 23 through 25 and inserting: “Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a”.

Amend sec. 3, page 6, lines 39 and 40, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction,”.

Amend sec. 3, page 6, lines 43 through 45, by deleting: “; [~~and, if so, whether he has had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and, if so, whether he has had his civil rights restored by a court of competent jurisdiction;”.

Amend sec. 3, page 7, lines 10 and 11, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction,”.

Amend sec. 4, page 7, line 41, by deleting: “[~~30 days~~] 6 months” and inserting: “[~~30~~] 90 days”.

Amend sec. 4, page 8, by deleting lines 1 through 3 and inserting: “State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the”.

Amend sec. 4, page 9, lines 12 and 13, by deleting: “, [~~and has not had his civil rights restored by a court of competent jurisdiction,~~]” and inserting:

“and has not had his civil rights restored by a court of competent jurisdiction.”.

Amend sec. 4, page 9, lines 15 through 17, by deleting: “; ~~and, if so, whether he has had his civil rights restored by a court of competent jurisdiction;~~” and inserting: “and, if so, whether he has had his civil rights restored by a court of competent jurisdiction;”.

Amend sec. 4, page 9, lines 24 and 25, by deleting: “, ~~and has not had his civil rights restored by a court of competent jurisdiction;~~” and inserting: “and has not had his civil rights restored by a court of competent jurisdiction;”.

Amend sec. 5, page 9, line 34, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend the bill as a whole by deleting sections 6 through 10 and renumbering sections 11 through 15 as sections 5 through 9.

Amend sec. 11, page 17, line 9, by deleting “6 months” and inserting “90 days”.

Amend sec. 12, page 17, line 33, by deleting “6 months” and inserting “90 days”.

Amend sec. 13, page 18, line 10, by deleting “6 months” and inserting “90 days”.

Amend sec. 14, page 19, by deleting lines 7 and 8 and inserting: “(d) Possesses his civil rights.”.

Amend sec. 15, page 19, line 33, by deleting “~~{1. — No}~~” and inserting “1. ~~{No}~~”.

Amend sec. 15, page 19, line 36, by deleting “~~{(a)} 1.~~” and inserting “(a)”.

Amend sec. 15, page 19, line 38, by deleting “~~{(b)} 2.~~” and inserting “(b)”.

Amend sec. 15, page 19, by deleting lines 39 through 42 and inserting:

“2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.”.

Amend the bill as a whole by deleting sec. 16 and renumbering sec. 17 as sec. 10.

Amend sec. 17, page 20, line 23, by deleting “~~{1. — No}~~” and inserting “1. ~~{No}~~”.

Amend sec. 17, page 20, line 26, by deleting “~~{(a)} 1.~~” and inserting “(a)”.

Amend sec. 17, page 20, line 28, by deleting “~~{(b)} 2.~~” and inserting “(b)”.

Amend sec. 17, page 20, by deleting lines 29 through 32 and inserting:

“2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.”.

Amend the bill as a whole by deleting sec. 18 and renumbering sections 19 through 34 as sections 11 through 26.

Amend sec. 21, page 23, line 4, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 22, page 23, lines 25 and 26, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 22, page 23, line 31, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 23, page 24, line 17, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 24, page 25, line 19, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 26, page 26, lines 22 and 28, by deleting “6 months” and inserting “90 days”.

Amend sec. 27, page 27, line 1, by deleting “6 months” and inserting “90 days”.

Amend sec. 28, page 27, line 34, by deleting “6 months” and inserting “90 days”.

Amend sec. 29, page 28, lines 13 and 14, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 29, page 28, lines 22 and 23, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 32, page 30, lines 8 and 9, by deleting: “~~{30 days}~~ 6 months” and inserting: “~~{30}~~ 90 days”.

Amend sec. 34, page 32, line 11, by deleting “1.”.

Amend sec. 34, page 32, by deleting lines 15 through 20.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; requiring elected public officers and members of public boards who are appointed by the Governor, the Legislature or members of the Legislature to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 90 days immediately preceding the date of the close of filing of declarations of candidacy or preceding the appointment; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

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

Amendment No. 576.

Amend the bill as a whole by deleting sections 1 through 45, renumbering sec. 46 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each employer shall post in a conspicuous location within the place of employment a notice informing employees of the rights and benefits available to persons who perform service in the uniformed services, including, without limitation, the rights and benefits available to such persons pursuant to:*

(a) The Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§ 4301 et seq.; and

(b) The Servicemembers Civil Relief Act, 50 App. U.S.C. §§ 501 et seq.

2. *The Labor Commissioner shall, by regulation, prescribe the form and content of the notice required by subsection 1.*

3. *As used in this section:*

(a) “Service in the uniformed services” means:

(1) The performance of duty on a voluntary or involuntary basis in uniformed service under competent authority, including active duty, active duty for training, initial active duty for training, inactive duty training and full-time National Guard duty, and includes any periods for which a person is absent from a position of employment for the purpose of an examination to determine his fitness to perform such a duty;

(2) Service in the Armed Forces of the United States pursuant to a declaration of war, authorization by the United States Congress or Presidential proclamation pursuant to the War Powers Resolution, 50 U.S.C. §§ 1541 et seq., or national emergency; and

(3) Active duty in the Nevada National Guard and, when called into active service by the Governor, the Nevada National Guard Reserve.

(b) “Uniformed services” means the Armed Forces of the United States, as defined in 10 U.S.C. § 101(a)(4), including, without limitation, reserve components of the Armed Forces, the Army National Guard and the Air National Guard, the Commissioned Corps of the United States Public Health Service and any other category of persons designated by the President of the United States in time of war or emergency.”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; requiring an employer to post within the place of employment a notice informing employees of the rights and benefits available to persons who perform service in the uniformed services; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires employer to post notice of rights and benefits available to persons who perform service in uniformed services. (BDR 53-352)”.

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblywoman Weber.

Amendment adopted.

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

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 528.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "thereto a new section to read as follows:

A registrant shall prominently display in each location at which the registrant does business a notice in such form and size as is prescribed by the Commissioner which provides a toll-free number to the Office of the Commissioner to handle concerns or complaints of borrowers."

Amend the bill as a whole by deleting sections 2 through 5 and renumbering sec. 6 as sec. 2.

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sections 9 through 11 as sections 3 through 5.

Amend sec. 9, page 5, by deleting line 33 and inserting:

"(b) Payday loans, as that term is defined pursuant to section 6 of this act."

Amend sec. 10, page 5, lines 39 and 42, by deleting "9" and inserting "3".

Amend sec. 11, page 7, by deleting lines 9 and 10 and inserting: "thereto the provisions set forth as sections 6 and 7 of this act."

Amend the bill as a whole by deleting sections 12 through 17 and adding a new section designated sec. 6, following sec. 11, to read as follows:

"Sec. 6. 1. A licensee who makes payday loans shall prominently display in each location at which the licensee does business a notice in such form and size as is prescribed by the Commissioner which provides a toll-free number to the Office of the Commissioner to handle concerns or complaints of borrowers.

2. The Commissioner shall by regulation define the term "payday loans" for the purposes of this section."

Amend the bill as a whole by renumbering sec. 18 as sec. 7.

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

"AN ACT relating to financial institutions; requiring businesses which offer certain services to post a notice including a toll-free number for concerns or complaints of borrowers; requiring local governing bodies".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 376.

Bill read second time.

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

Amendment No. 310.

Amend section 1, pages 2 and 3, by deleting lines 3 through 8 on page 2 and lines 1 through 12 on page 3, and inserting:

“1. There is hereby created in the State Treasury the Patriot Relief Fund to be administered by the Office.

2. The Patriot Relief Fund is a continuing fund without reversion. The money in the Patriot Relief Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Patriot Relief Fund, after deducting any applicable charges, must be credited to the Patriot Relief Fund. All claims against the Patriot Relief Fund must be paid as other claims against the State are paid.

3. The Office may accept gifts, grants and donations from any source for deposit in the Patriot Relief Fund.

4. The money in the Patriot Relief Fund may only be used to provide:

(a) Reimbursement to members of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; and

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the University and Community College System of Nevada; and

(b) Monetary relief from economic hardships experienced by members of the Nevada National Guard who have been called into active service.

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Fund and to carry out a program to provide such reimbursement and monetary relief.”

Amend the bill as a whole by deleting sections 2 through 10, renumbering sections 11 through 14 as sections 4 through 7 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 281.145 is hereby amended to read as follows:

281.145 Any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a period of not more than ~~{45}~~ 39 working days in any 1 calendar year. No such absence may be a part of the employee’s annual vacation provided for by law.

Sec. 3. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer or employee in the public service who performs active military service in the Armed Forces of the United States or any other category of persons designated by the President of the United States or the

Governor of this State, including, without limitation, the Commissioned Corps of the United States Public Health Service, in time of war or emergency is entitled to civil leave with reduced pay for the period of such service.

2. *The pay that an officer or employee is entitled to receive pursuant to this section is the difference between the pay that he would have otherwise received as an officer or employee and his pay for active military service. If his pay for active military service is greater than the pay that he would have otherwise received as an officer or employee, the officer or employee is not entitled to receive any additional pay pursuant to this section while he performs active military service.*

3. *As used in this section, "pay for active military service" means the base pay that a person receives for active military service as determined by the rank or grade of the person. The term does not include any other type of pay that a person may be entitled to receive for active military service, including, without limitation, imminent danger pay or family separation allowance."*

Amend sec. 11, page 7, line 24, by deleting: "12 and 13" and inserting: "5 and 6".

Amend sec. 12, page 7, by deleting lines 25 through 28 and inserting:

"Sec. 5. In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is:"

Amend sec. 12, page 7, by deleting lines 33 and 34 and inserting:

"2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:"

Amend sec. 13, page 7, by deleting lines 40 and 41 and inserting: *"pursuant to section 5 of this act must file an application"*.

Amend sec. 13, page 8, by deleting lines 2 through 14 and inserting: *"the exemption provided pursuant to section 5 of this act, the Department shall issue a letter of exemption to the person. The letter of exemption expires on the date on which the person no longer meets the qualifications for eligibility.*

3. To claim an exemption pursuant to section 5 of this act for the sale of tangible personal property to such a person:"

Amend sec. 14, page 8, line 22, by deleting: "15, 16 and 17" and inserting: "8 and 9".

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 19 as sections 8 through 11.

Amend sec. 16, page 8, by deleting lines 31 through 33 and inserting:

"Sec. 8. In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal

property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is:”.

Amend sec. 16, page 8, by deleting lines 38 and 39 and inserting:

“2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:”.

Amend sec. 17, page 8, by deleting line 45 and inserting: *“pursuant to section 8 of this act must file an application with the”.*

Amend sec. 17, page 9, line 5, by deleting “15” and inserting “8”.

Amend sec. 17, page 9, by deleting lines 7 through 14 and inserting: *“letter of exemption expires on the date on which the person no longer meets the qualifications for eligibility.*

3. To claim an exemption pursuant to section 8 of this act,”.

Amend sec. 18, page 9, lines 25 and 26, by deleting “\$264,000” and inserting “\$2,500,000”.

Amend sec. 19, page 9, by deleting lines 27 through 34 and inserting:

“Sec. 11. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the uniformed services; creating the Patriot Relief Fund to provide reimbursement to certain members of the Nevada National Guard for the cost of premiums paid for coverage under certain policies of group life insurance and certain textbooks and to provide certain other monetary relief; increasing the number of days of paid leave of absence that a public employer is required to grant to a public officer or employee for certain military duty; providing for additional pay for state officers and employees who perform certain active military service in certain circumstances; applying the exemption for the gross receipts from the sale, storage, use or other consumption of tangible personal property sold to the State of Nevada, its unincorporated agencies and instrumentalities to certain members of the Nevada National Guard and certain relatives of such members; making an appropriation; and providing other matters properly relating thereto.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Assembly Bill No. 464.

Bill read second time.

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

Amendment No. 326.

Amend sec. 3, page 1, by deleting line 11.

Amend sec. 3, page 1, line 12, by deleting “3.” and inserting “2.”.

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

“3. *Meeting any combination of the descriptions contained in subsections 1 and 2.*”.

Amend sec. 9, page 2, line 31, after “cigarette” by inserting: “into the United States”.

Amend sec. 23, page 8, line 13, after “act;” by inserting “and”.

Amend sec. 23, page 8, line 16, by deleting “container; and” and inserting “container.”.

Amend sec. 23, page 8, by deleting lines 17 through 19.

Amend sec. 39, page 14, lines 16 and 20, by deleting “10” and inserting “20”.

Amend sec. 42, page 16, line 16, after “states” by inserting “, Indian tribes”.

Amend the bill as a whole by deleting sec. 51 and adding a new section designated sec. 51, following sec. 50, to read as follows:

“Sec. 51. 1. This act becomes effective upon passage and approval for the purposes of adopting regulations and for taking such other actions as are necessary to carry out the provisions of this act;

2. This section and sections 1 to 15, inclusive, 17, 24, 27, 29 to 37, inclusive, 39, 41, 43, 46, 48, 49 and 50 of this act become effective upon passage and approval; and

3. Sections 16, 18 to 23, inclusive, 25, 26, 28, 38, 40, 42, 44, 45 and 47 of this act become effective on January 1, 2006.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 495.

Bill read second time.

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

Amendment No. 560.

Amend section 1, page 1, line 2, by deleting “11,” and inserting “12,”.

Amend the bill as a whole by renumbering sections 12 through 16 as sections 13 through 17 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. 1. *The Department shall:*

(a) *Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit so that each Medicare beneficiary who is eligible for or enrolled in such a state program maintains his present coverage for prescription drugs and pharmaceutical services to the extent allowed by federal law; and*

(b) *Coordinate each state program that provides pharmaceutical or medical assistance to persons in this State with the Medicare Part D benefit in a manner that:*

(1) *Maximizes coverage for prescription drugs and pharmaceutical services for persons in this State;*

(2) *Minimizes disruptions in the enrollment of persons in this State in state and federal programs that provide coverage for prescription drugs and pharmaceutical services;*

(3) *Minimizes disruptions in the eligibility of persons in this State for state and federal programs that provide coverage for prescription drugs and pharmaceutical services;*

(4) *Minimizes out-of-pocket expenses for prescription drugs and pharmaceutical services for Medicare beneficiaries in this State; and*

(5) *Maximizes federal funding for coverage of prescription drugs and pharmaceutical services for persons in this State.*

2. *The Department shall submit a plan for coordinating the state programs with the Medicare Part D benefit as required by subsection 1 to the Interim Finance Committee for approval before the Department coordinates those programs and benefits.*

3. *The Department may adopt such regulations as may be required to carry out the provisions of this section.”.*

Amend sec. 12, page 5, line 25, by deleting “3” and inserting “[3] 5”.

Amend sec. 13, page 6, by deleting lines 24 through 26 and inserting:

“inclusive . ~~[-, and to fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745.]~~ From the money”.

Amend sec. 13, page 6, by deleting lines 31 through 35 and inserting:

“439.690, inclusive . ~~[-, and fund in whole or in part any program established pursuant to NRS 422.274 or 422.2745.]~~ The Department shall”.

Amend sec. 13, page 6, by deleting lines 38 through 40 and inserting:

“439.690, inclusive . ~~[-, and administering any program established pursuant to NRS 422.274 or 422.2745.]~~ The Department shall submit a quarterly report to the”.

Amend sec. 14, page 9, line 34, after “439.630,” by inserting: “*section 12 of this act,*”.

Amend the title of the bill, third line, after “disabilities;” by inserting: “requiring the Department of Human Resources to coordinate the provision of prescription drugs and pharmaceutical services by state programs that provide pharmaceutical or medical assistance and certain Medicare pharmaceutical benefits; increasing the portion of the money in the Fund for a Healthy Nevada that may be used to pay certain administrative costs incurred by the Department of Human Resources;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning Fund for a Healthy Nevada and provision of prescription drugs and pharmaceutical services by this State. (BDR 40-1031)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 554.

Bill read second time.

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

Amendment No. 558.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

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

“Sec. 4. NRS 363B.030 is hereby amended to read as follows:

363B.030 “Employer” means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter, except a financial institution, an Indian tribe, a nonprofit organization, ~~or~~ a political subdivision ~~or~~ *or any person who does not supply a product or service, but who only consumes a service.* For the purposes of this section:

1. “Financial institution” has the meaning ascribed to it in NRS 363A.050.

2. “Indian tribe” includes any entity described in subsection 10 of NRS 612.055.

3. “Nonprofit organization” means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

4. “Political subdivision” means any entity described in subsection 9 of NRS 612.055.”

Amend sec. 5, page 6, between lines 5 and 6, by inserting:

“(k) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.”.

Amend sec. 6, page 6, line 22, by deleting “property acquired” and inserting: “property which is:

1. *Worth \$100 or less; and*

2. *Acquired”.*

Amend sec. 7, page 6, line 28, by deleting “property acquired” and inserting: “property which is:

1. *Worth \$100 or less; and*
2. *Acquired*”.

Amend sec. 8, page 7, by deleting lines 14 and 15 and inserting: “conveyed within the first degree of *lineal* consanguinity ~~[-]~~ *or affinity*.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; exempting certain community banks from the taxes imposed on branch offices of financial institutions; reducing the tax on financial institutions imposed on certain community banks located in smaller counties; clarifying the definition of “employer” for the purpose of the tax on business; revising the provisions governing the applicability and administration of the tax on live entertainment; clarifying the provisions governing the administration of the use taxes on certain personal property acquired free of charge at public events; expanding the exemptions from the taxes on the transfer of real property; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblyman Conklin moved that upon return from the printer Assembly Bill No. 554 be rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly Joint Resolution No. 5.

Bill read second time.

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

Amendment No. 584.

Amend the resolution, page 2, by deleting lines 2 and 3 and inserting:

“NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the

question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. *The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to this section.* The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:"

Amend the resolution, page 3, line 39, by deleting "petition." and inserting: "petition ~~[-]~~ , and if 55 percent or more of such voters vote for the disapproval of such statute or amendment to a statute, an initiative petition must not be instituted to place a measure on the ballot at the next succeeding general election that is substantially similar to the statute or amendment to a statute that was disapproved by the voters."

Amend the resolution, page 6, by deleting lines 18 through 22 and inserting: "voters vote for the disapproval of the measure, an initiative petition must not be instituted to place a measure on the ballot at the next succeeding primary or general election that is substantially similar to the measure which was disapproved by the voters."

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 553, 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 Government Affairs, to which was referred Assembly Bill No. 430, 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*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 430, 553, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 430.

Bill read second time.

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

Amendment No. 598.

Amend sec. 3, page 2, by deleting lines 28 through 35 and inserting:

“Section 1. Section 56.1 of the above-entitled Act, being Chapter 397, Statutes of Nevada 1955, as added by Chapter 306, Statutes of Nevada 1969, at page 532, and as last amended by Chapter 404, Statutes of Nevada 1995, at page 1007, is hereby amended to read as follows:

Sec. 56.1. 1. There are exempted from the taxes imposed by this act the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances ~~and~~, *hearing aids and other auditory devices and appliances, corrective eyeglasses, contact lenses and other ophthalmic or ocular devices and appliances*, ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~and~~ *and durable medical equipment if prescribed by a licensed provider of health care acting within his scope of practice.*

(d) *Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his scope of practice.*

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) “Medicine” means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure,

mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

- (1) Any auditory, ophthalmic or ocular device or appliance.
- (2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.
- (3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.
- (4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section."

Amend sec. 4, page 3, by deleting line 7 and inserting: "consumption of auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care?"

Amend sec. 5, page 3, by deleting line 17 and inserting: "consumption of auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment prescribed by a licensed provider of health care. If this".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of section 56.1 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.283, the Department shall construe the term:

1. "Durable medical equipment" to mean equipment, including any repair and replacement parts therefor, which:

- (a) Can withstand repeated use;
 - (b) Is primarily and customarily used to serve a medical purpose;
 - (c) Generally is not useful to a person in the absence of illness or injury;
- and
- (d) Is not worn in or on the body.

2. "Mobility-enhancing equipment" to mean equipment, including any repair and replacement parts therefor, which:

- (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;
- (b) Is not generally used by persons with normal mobility; and
- (c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles."

Amend sec. 9, page 3, by deleting lines 38 through 40 and inserting:

“In administering the provisions of NRS 374.287, the Department shall construe the term:

1. “Durable medical equipment” to mean equipment, including any repair and replacement parts therefor, which:

(a) Can withstand repeated use;

(b) Is primarily and customarily used to serve a medical purpose;

(c) Generally is not useful to a person in the absence of illness or injury;
and

(d) Is not worn in or on the body.

2. “Mobility-enhancing equipment” to mean equipment which:

(a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;

(b) Is not generally used by persons with normal mobility; and

(c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.”.

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

“Sec. 11. NRS 374.287 is hereby amended to read as follows:

374.287 1. There are exempted from the taxes imposed by this chapter the gross receipts from sales and the storage, use or other consumption of:

(a) Prosthetic devices, orthotic appliances ~~and~~, hearing aids and other auditory devices and appliances, corrective eyeglasses, contact lenses and other ophthalmic or ocular devices and appliances, ambulatory casts for human use, and other supports and casts if prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

(b) Appliances and supplies relating to an ostomy.

(c) Products for hemodialysis ~~+~~ and durable medical equipment if prescribed by a licensed provider of health care acting within his scope of practice.

(d) Canes, crutches, manual or motorized wheelchairs or scooters that enhance the ability of a person to move, and other mobility-enhancing equipment if prescribed by a licensed provider of health care acting within his scope of practice.

(e) Medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe medicines, and dispensed on a prescription filled by a registered pharmacist in accordance with law;

(2) Furnished by a licensed physician, dentist or podiatric physician to his own patient for the treatment of the patient;

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician, dentist or podiatric physician; or

(4) Sold to a licensed physician, dentist, podiatric physician or hospital for the treatment of a human being.

2. As used in this section:

(a) "Medicine" means any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease or affliction of the human body and which is commonly recognized as a substance or preparation intended for such use. The term includes splints, bandages, pads, compresses and dressings.

(b) "Medicine" does not include:

(1) Any auditory, ophthalmic or ocular device or appliance.

(2) Articles which are in the nature of instruments, crutches, canes, devices or other mechanical, electronic, optical or physical equipment.

(3) Any alcoholic beverage, except where the alcohol merely provides a solution in the ordinary preparation of a medicine.

(4) Braces or supports, other than those prescribed or applied by a licensed provider of health care, within his scope of practice, for human use.

3. Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on a prescription within the meaning of this section."

Amend sec. 11, page 4, by deleting line 5 and inserting:

"2. Sections 9, 10 and 11 of this act become effective on January 1,".

Amend the title of the bill by deleting the fourth line and inserting: "the tax for certain auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment; providing for".

Amend the summary of the bill to read as follows:

"SUMMARY—Proposes to exempt sales of certain auditory devices and appliances, ophthalmic or ocular devices and appliances, durable medical equipment and mobility-enhancing equipment from sales and use taxes and analogous taxes. (BDR 32-1003)".

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

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 1:24 p.m.

ASSEMBLY IN SESSION

At 1:25 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 430 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 553.

Bill read second time.

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

Amendment No. 600.

Amend sec. 4, page 2, between lines 28 and 29, by inserting:

“(d) ‘‘Supplier’’ means an establishment other than a rectifier or winery which manufactures liquors or wines or an establishment which acts as an agent of a rectifier or winery for the purpose of sales to wholesale dealers or exporters of liquors or wines from the State.”.

Amend Sec. 7, page 3, line 27, after *“(1)”* by inserting:

“holds a wholesale wine, beer and liquor license issued pursuant to this chapter;

(2)”.

Amend sec. 7, page 3, line 29, by deleting *“(2)”* and inserting *“(3)”*.

Amend sec. 7, page 3, line 31, by deleting *“(3)”* and inserting *“(4)”*.

Amend the bill as a whole by renumbering sections 9 and 10 as sections 12 and 13 and adding new sections designated sections 9 through 11, following sec. 8, to read as follows:

“Sec. 9. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not:

(a) Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or

(b) Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.

2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.

3. As used in this section:

(a) ‘‘Alcohol vaporizing device’’ means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.

(b) ‘‘Liquor’’ has the meaning ascribed to it in NRS 369.040.

Sec. 10. NRS 202.015 is hereby amended to read as follows:

202.015 For the purposes of NRS 202.015 to 202.065, inclusive, *and section 9 of this act*, *“alcoholic beverage”* means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing

one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced

Sec. 11. NRS 597.200 is hereby amended to read as follows:

597.200 1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. "Engage in" includes participation in a business, *directly or indirectly*, as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

4. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part."

Amend the title of the bill, sixth line, after "spirits;" by inserting: "prohibiting the sale, purchase, possession or use of an alcohol vaporizing device; prohibiting the use of the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device;".

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to intoxicating liquors. (BDR 32-1314)".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 546.

Bill read third time.

The following amendment was proposed by Assemblywoman Koivisto:

Amendment No. 606.

Amend sec. 6, page 6, line 18, by deleting "~~willful~~" and inserting "willful".

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. I rise today to remember our former colleague and friend, Jan Evans, who was the Speaker pro Tempore and Assemblywoman from Assembly District 30, and who passed away five years ago this Sunday, April 24. When we honored Jan in the 2001 Session, I read these words: "Some people come into our lives and quickly go. Some people move our souls to dance. They awaken us to new understanding with the passing whisper of their wisdom. Some people make the sky more beautiful to gaze upon. They stay in our lives for awhile, leave footprints on our hearts, and we are never, ever the same." In fact, Mr. Speaker, when you gave remarks to this Body, in your first session as Speaker of this Assembly, after Jan's passing, you told us that we had lost our moral compass. In honoring her in a resolution on this Floor in 2001, one of the things in the resolution said, "In the political arena, where the ability to unite those with diverse opinions looms awesome, this great lady was recognized as a builder of bridges toward consensus and as a 'power-sharer' who often did most of the work on a project but was the first to offer thanks to everyone who helped."

I wanted to remember Jan today because I think it is so important for us to remember those who came before us and the great work that they did. Jan was an extraordinary legislator. She always remained true to her vision and to her ideals, but she always reached out to others to find compromise and to build consensus. Jan found the first dedicated source of funding for domestic violence victims, and she also championed funding for School-to-Careers.

Jan was a staunch Democrat, but one of her best friends and political allies was our former Republican Lieutenant Governor, Sue Wagner. Jan was always a role model for women and fought on women's issues. She distinguished herself by attaining the highest level of a woman in this Body. At the same time, she was a great friend and political ally of Speaker Emeritus Joe Dini.

As we head into the last 40-something days of this session, I encourage my colleagues to consider these traits as we do our work. Remember our friends and families at home and, of utmost importance, guard our physical and mental health. Jan left a great legacy in those who worked with her and spent time with her, both when she was a lobbyist and activist, and when she served in this Body. She left behind a loving family and many friends, some of whom are in the gallery today, also honoring Jan.

I will close with this, also in the resolution in 2001: "That the name Jan Evans has become and will always remain synonymous with compassion, courage, and integrity, and that the person, Jan Evans, will always be alive in our hearts and minds."

Thank you, Mr. Speaker, for allowing this moment of personal privilege.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 97; Assembly Concurrent Resolution No. 22; Senate Bill No. 94; Senate Concurrent Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Kirsten Gansert, Elizabeth Armstrong, Jennifer Bayless, Lucia Bevia, Emily Creighton, Matthew Egan, M.J. Farthing, Tisha Ferraro, Kristen Gansert, Emily Hartman, Austyn Herman, Patrick Hinojosa, Katie Rose Jacobus, Edward Kaufer, Alexandra Krmpotic, Emma Krump, Madison Kapitz,

Ashley Laughlin, Rhett Lawson, Bradley Lujan, Kelly Lujan, Katie McDonald, Julia Moreno, Gina Perano, Miranda Russell, Waverlee Smith, Shannon Sullivan, Shane Talbot, Jacob Tremewan, Xiomara Valencia, Joe Wallick, Hayden White, Michael Jacobus, Becky McDonald, Carolyn Ferraro, Rene Hinojosa, Cynthia Kaufer, Kelly Creighton, Lisa Laughlin, Jill White, Michele Krump, Monica Bevia, Esther Bedotto, Mrs. Sandra Armentrout, Miss Carol Winans, Ms. Tracey Frandsen, Lisa Buck, Nancy Gill, Janice Foulk, Keith Brown, Lisa Cody-Goade, Rita Higgins, Robin Adamson-Dutton, Patti Boorman, Louise Hogen, Carrie Jones, Eve King, Steven Kish, Laurie MacNamara, Jeanne Marks, Brigid Pierce, Sheri Vial, Alanna Fitzgerald, Lia Griffin, Linda Gardner, Karen Colombini, Gretchen Graybar, Debbie Klaich, Angelo Macaluso, Goyle Kern, Dawn Pappas, Kevin Raak, Laura Moore, Julie Scolari, Lynn McClellan, Camie Stosic, Gregory Avera, Sofia Baig, Elise Brodsky, Dylan Brunson, Corrie Calderon, Cordell Clarence-Young, Cory Colombini, Kyle Dhindsa, Brittany Dietz, Shelbie Faretto, Shelby Gardner, Oliver Graybar, Bruce Holbrook, Michael Johnston, Brennan Kern, Tiffany Klaich, Zachary Liske, Erika Macaluso, Taylor Meyer, James Moore, Roderick Morrison, Carson Mullins, Sarah Pappas, Mollie Pierce, Taylor Raack, Peyton Remedios, Cecily Rooker, Jenna Scolari, Tucker Stosic, Keegan Sullivan, Dakotah Tom, Luke Smith, Kevin Boles, Britt Brown, Summer Buck, Jordan Cardenas, Marie Cody, Ben Belford, Katarina Vanderpool, Daniel Mills, Brett Drumright, Cassie Fould, Brittany Garcia, Eric Gill, Lindsey Harrison, Renay Hernandez, Jesse Higgins, Kuuipo Hunter, Jeff Ishi, Ranald MacDonald, Megan Urbano, Erin Moyle, Anna Nason, Ricky Olguin, Wesley Ott, Gayln Painter, Kylee Palmer, Kyle Pierce, Janet Salas, Uno Sung, Hannah Wilkening, Kendelle Abts, Caroline Boorman, Kelly Cascinai, Brandon Chang, Crystal Davis, Cole DeLong, David Diaz, Elizabeth Dutton, William Evermann, Monica Guerrero, Michael Jones, Angel-Antonio Keene, Jakob Keppelmann, Sophia King, Katarina LeCoque, Mildred Hoover, and Patricia Myers.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Lilia Sandoval, Bryan Sandoval, Felipe Sandoval, John Sanford, and Heath Sanford.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Jones and Lois Thran.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Godecke and Ruth Spikes.

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

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Cordes and Donnis Thran.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, April 25, 2005, at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:29 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly