

**THE SEVENTY-EIGHTH DAY**

---

CARSON CITY (Monday), April 25, 2005

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Stan Pesis.

Almighty God, by Your life-giving and life-renewing spirit bring life to this new day at the beginning of this new week. Freshen our spirits that we may live and act in life-giving ways for all Your people.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 66, 69, 183, 236, 249, 250, 260, 278, 338, 360, 364, 384, 501, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 154, 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 443 and 497, 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 were referred Assembly Bills Nos. 188, 210, 371, 484 and 508, 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 were referred Assembly Bills Nos. 296, 322, 454, 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. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 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. 30, 83, 110, 126, 173, 199, 216, 266, 280, 281, 282, 306, 313, 353, 403, 408, 421, 422, 432, 460, 467, 493.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS, AND NOTICES

##### NOTICE OF EXEMPTION

April 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 320 and 430.

MARK STEVENS

*Fiscal Analysis Division*

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

Assembly Resolution No. 4—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Shari Andreasen, Sylvia Brown, Gwenavere Dally, Steven Henricksen, Carolyn Maynick and Bruce Pfeiffer are elected as additional attaches of the Assembly for the 73rd Session of the Nevada Legislature.

Assemblywoman Koivisto moved the adoption of the resolution.

Remarks by Assemblywoman Koivisto.

Resolution adopted.

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

Assembly in recess at 11:35 a.m.

## ASSEMBLY IN SESSION

At 11:51 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. 30.

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

Motion carried.

Senate Bill No. 83.

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

Motion carried.

Senate Bill No. 110.

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

Motion carried.

Senate Bill No. 126.

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

Motion carried.

Senate Bill No. 173.

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

Motion carried.

Senate Bill No. 199.

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

Motion carried.

Senate Bill No. 216.

Assemblyman Ocegüera moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 266.

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

Motion carried.

Senate Bill No. 280.

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

Motion carried.

Senate Bill No. 281.

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

Motion carried.

Senate Bill No. 282.

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

Motion carried.

Senate Bill No. 306.

Assemblyman Ocegueda moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 313.

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

Motion carried.

Senate Bill No. 353.

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

Motion carried.

Senate Bill No. 403.

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

Motion carried.

Senate Bill No. 408.

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

Motion carried.

Senate Bill No. 421.

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

Motion carried.

Senate Bill No. 422.

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

Motion carried.

Senate Bill No. 432.

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

Motion carried.

Senate Bill No. 460.

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

Motion carried.

Senate Bill No. 467.

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

Motion carried.

Senate Bill No. 493.

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

Motion carried.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 66, 69, 154, 183, 188, 202, 210, 236, 249, 250, 255, 260, 278, 296, 322, 338, 360, 364, 371, 384, 443, 454, 484, 497, 501, 508, 540 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Parks.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 314 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McCleary.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 452 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

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

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 277 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ocegüera.

Motion carried.

Assemblywoman Parnell moved that Assembly Bill No. 85 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblywoman Parnell.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 320 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 397.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 586.

Amend section 1, page 1, line 15, by deleting "appropriation," and inserting: "appropriation ~~+~~ or authorization,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 587.

Amend section 1, page 4, by deleting lines 25 through 27 and inserting: "existing state program , *other than a state program which has previously received a grant of money allocated from the Fund for a Healthy Nevada, and whose grant is continued at a level that maintains, but does not increase, the current level of services,* to the Interim Finance Committee for approval before the".

Amend section 1, page 4, by deleting lines 41 and 42 and inserting: "state program , *other than a state program which has previously received a grant of money allocated from the Fund for a Healthy Nevada, and whose grant is*

*continued at a level that maintains, but does not increase, the current level of services, to the”.*

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 66.

Bill read second time.

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

Amendment No. 195.

Amend section 1, page 2, line 1, by deleting “639” and inserting “228”.

Amend section 1, page 2, line 4, by deleting: “*shall file a report with the Board*” and inserting: “*licensed pursuant to chapter 639 of NRS shall file a report with the Attorney General’s Office*”.

Amend section 1, page 2, by deleting lines 7 through 9 and inserting: “*provided, directly or indirectly, to a practitioner, including, without limitation, any physician, hospital, nursing home, pharmacist, administrator of a health care facility or plan or any other person authorized to purchase wholesale, prescribe or dispense prescription drugs in this State, except that the*”.

Amend section 1, page 2, lines 29 and 32, by deleting “*Board.*” and inserting: “*Attorney General’s Office.*”.

Amend section 1, page 2, line 34, by deleting “*Board*” and inserting: “*Attorney General’s Office*”.

Amend section 1, page 3, lines 3 and 7, by deleting “*Board*” and inserting: “*Attorney General’s Office*”.

Amend section 1, page 3, lines 14 and 15, by deleting: “*is, in addition to any criminal penalty,*” and inserting “*is*”.

Amend section 1, page 3, line 16, after “*violation.*” by inserting: “*The Attorney General may bring a civil action to enforce the provisions of this section.*”.

Amend section 1, page 3, line 22, after “7.” by inserting: “*The Attorney General may adopt such regulations as are necessary and convenient for the enforcement of the provisions of this section, including, without limitation, regulations specifying the form and manner of the report required by this section.*

8.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Attorney General; requiring certain wholesalers or manufacturers of drugs to report to the Attorney General’s Office certain gifts and other economic benefits provided by the wholesalers or manufacturers to practitioners; providing civil penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires reporting of certain gifts and other economic benefits provided by wholesalers or manufacturers of drugs. (BDR 18-562)”.

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. 69.

Bill read second time.

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

Amendment No. 489.

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

Amend section 1, page 2, by deleting lines 5 through 7 and inserting: “employee in a bargaining unit who is not a member of that labor organization to pay a service fee to the labor organization for any services that the labor organization provides to the employee upon the request of that employee.”.

Amend section 1, page 2, by deleting lines 9 through 15 and inserting: “represent the reasonable costs incurred by the labor organization for any services that the labor organization provides to the employee upon the request of that employee. The service fee must not include any fee for contributions relating to the election or”.

Amend the title of the bill to read as follows:

“AN ACT relating to employment practices; authorizing an employer to enter into a fair share agreement with a labor organization which requires an employee who is not a member of the labor organization and who requests and receives services from the labor organization to pay to the labor organization a service fee which represents the reasonable costs incurred by the labor organization in providing those services; 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. 154.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 359.

Amend sec. 2, page 2, by deleting lines 4 through 9 and inserting:

“Sec. 2. 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:



*(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:*

*(1) Who are economically disadvantaged, as defined by the State Board;*

*(2) Who are from major racial or ethnic groups, as defined by the State Board;*

*(3) With disabilities;*

*(4) Who are limited English proficient; and*

*(5) Who are migratory children, as defined by the State Board;*

*(b) The average daily attendance of pupils, reported separately for the subgroups identified in paragraph (a);*

*(c) The transiency rate of pupils;*

*(d) The percentage of pupils who are habitual truants;*

*(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;*

*(f) The number of incidents resulting in suspension or expulsion for:*

*(1) Violence to other pupils or to school personnel;*

*(2) Possession of a weapon;*

*(3) Distribution of a controlled substance;*

*(4) Possession or use of a controlled substance; and*

*(5) Possession or use of alcohol;*

*(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;*

*(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;*

*(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;*

*(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;*

*(k) The number and percentage of pupils who graduated from high school;*

*(l) The number and percentage of pupils who received a:*

*(1) Standard diploma;*

*(2) Adult diploma;*

*(3) Adjusted diploma; and*

*(4) Certificate of attendance;*

*(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the University and Community College System of Nevada;*

*(n) Per pupil expenditures;*

*(o) Information on the professional qualifications of teachers;*

*(p) The average daily attendance of teachers and licensure information;*

*(q) Information on the adequate yearly progress of the schools and school districts;*

(r) *Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;*

(s) *To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and”.*

Amend sec. 2, page 2, line 10, by deleting “(b)” and inserting “(t)”.

Amend sec. 2, page 2, lines 12 and 22, by deleting “written”.

Amend sec. 2, page 2, line 25, by deleting “written summary” and inserting: “summary in an electronic format”.

Amend sec. 2, page 3, lines 11 and 12, by deleting: “school district or the charter school, as applicable,” and inserting “Department”.

Amend sec. 2, page 3, between lines 13 and 14, by inserting:

“5. *The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.*”.

Amend sec. 3, page 3, by deleting lines 14 through 22 and inserting:

“Sec. 3. 1. *The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:*

(a) *The information set forth in subsection 1 of section 2 of this act, reported for the school district as a whole and for each school within the school district, including, without limitation, each charter school sponsored by the district;*

(b) *Information on the involvement of parents and legal guardians in the education of their children; and”.*

Amend sec. 3, page 3, line 23, by deleting “(b)” and inserting “(c)”.

Amend sec. 3, page 3, line 25, by deleting “written”.

Amend sec. 3, page 3, line 32, by deleting “shall” and inserting: “shall, in consultation with the Bureau and the school districts,”.

Amend sec. 3, page 3, by deleting lines 40 and 41 and inserting:

“(a) *Submit the summary in an electronic format to the:*”.

Amend sec. 3, page 4, by deleting lines 1 through 13 and inserting:

“(4) *Committee;*

(5) *Bureau; and*

(6) *Schools within the school district, including, without limitation, the charter schools sponsored by the school district.*

(b) *Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by*

*the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.”.*

Amend sec. 4, pages 4, 5 and 6, by deleting lines 14 through 45 on page 4, lines 1 through 45 on page 5 and lines 1 through 4 on page 6, and inserting:

*“Sec. 4. 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:*

*(a) The information set forth in subsection 1 of section 2 of this act, reported only for the school;*

*(b) Information on the involvement of parents and legal guardians in the education of their children; and”.*

Amend sec. 4, page 6, line 5, by deleting “(i)” and inserting “(c)”.

Amend sec. 4, page 6, line 7, by deleting “written”.

Amend sec. 4, page 6, line 11, by deleting “shall” and inserting: “shall, in consultation with the Bureau and the school districts,”.

Amend sec. 4, page 6, by deleting lines 17 through 24 and inserting:

*“4. On or before September 7 of each year:*

*(a) The principal of each public school shall submit the summary in electronic format to the:*

*(1) Department;*

*(2) Bureau; and*

*(3) Board of trustees of the school district in which the school is located.*

*(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. If the summary is not posted on the website of the school or the school district, the school district shall otherwise provide for public dissemination of the summary.*

*(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary before the distribution required by subsection 5.*

*5. On or before September 30 of each year, the principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.”.*

Amend sec. 5, page 6, line 28, by deleting “significantly improved” and inserting: “an exemplary turnaround school”.

Amend sec. 6, page 6, line 35, by deleting “significantly improved” and inserting: “an exemplary turnaround school district”.

Amend sec. 9, page 8, line 38, by deleting “and” and inserting “[and]”.

Amend sec. 9, page 8, line 44, by deleting “State.” and inserting: “State [”

;

(4) *For each middle school, junior high school and high school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level and subject area; and*

(5) *For each elementary school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level.”.*

Amend sec. 9, page 11, lines 38 through 40, by deleting the brackets and strike-through.

Amend sec. 9, page 11, line 41, by deleting “~~((c))~~ (b)” and inserting “(c)”.

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

“Sec. 10. NRS 385.347 is hereby amended to read as follows:

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

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

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

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

(1) The number of pupils who took the examinations;

(2) ~~[An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~

~~(3)]~~ A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

~~{{4}}~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~{{5}}~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~{{6}}~~ (5) The percentage of pupils who were not tested;

~~{{7}}~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~{{4}}~~ (3);

~~{{8}}~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~{{9}}~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~fin~~ *sponsored by* the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~{{10}}~~ (9) For each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

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

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

whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district.

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

(4) *For each middle school, junior high school and high school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level and subject area; and*

(5) *For each elementary school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level.*

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

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

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

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school ~~that~~ *sponsored by* the district. For the purposes of this paragraph, a pupil is not

transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

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

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

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

(2) *An identification of each program of remedial study, listed by subject area.*

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

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

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

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

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

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

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



(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

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

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

7. On or before ~~April 1~~ August 15 of each year, the board of trustees of each school district shall submit to:

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

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

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

(a) ~~Submit~~ *Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:*

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

## (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) *by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school ~~that~~ sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~that~~ sponsored by the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

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

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

Amend the bill as a whole by renumbering sections 15 through 21 as sections 19 through 25 and adding new sections designated sections 15 through 18, following sec. 14, to read as follows:

"Sec. 15. NRS 386.605 is hereby amended to read as follows:

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

2. ~~{On or before August 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.}~~ *On or before July 15 of each year, the governing body of a charter school that is sponsored by the State Board shall submit the information described in subsection 2 of NRS 385.347 to the Department in a format prescribed by the Department. The Department shall prepare a separate report of accountability information for the charter schools sponsored by the State Board.*

3. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and

analyze information submitted by charter schools pursuant to this section and NRS 385.357, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 16. NRS 386.650 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

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

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

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school

districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

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

Sec. 17. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

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

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

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

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

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

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

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

- (a) Plans that have been adopted by the Department and the school districts in this State;
- (b) Plans that have been adopted in other states;
- (c) The information ~~[submitted to the Commission by the board of trustees of each school district pursuant to subsection 7 of]~~ *reported pursuant to paragraph (t) of subsection 2 of NRS 385.347*; and
- (d) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

- (a) Incorporate educational technology into the public schools of this State;
- (b) Increase the number of pupils in the public schools of this State who have access to educational technology;
- (c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;
- (d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and
- (e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

- (a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to

ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

7. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS."

Amend sec. 21, page 34, by deleting lines 11 through 14 and inserting: "information required of:

(a) The State Board of Education pursuant to section 2 of this act.

(b) The board of trustees of each school district pursuant to section 3 of this act.

(c) The principal of each public school pursuant to section 4 of this act."

Amend the bill as a whole by renumbering sec. 22 as sec. 27 and adding a new section designated sec. 26, following sec. 21, to read as follows:

"Sec. 26. The information required to be reported pursuant to subparagraphs (4) and (5) of paragraph (k) subsection 1 of section 9 of this act and subparagraphs (4) and (5) of paragraph (d) of subsection 2 of section 10 of this act is not required to be included in the reports of the State Board



of Education and the school districts until the reports that are made after January 1, 2006.”.

Amend sec. 22, page 34, line 20, by deleting “21” and inserting “25”.

Amend sec. 22, page 34, line 22, after “Sections” by inserting “2,”.

Amend sec. 22, page 34, by deleting line 26 and inserting:

“3. Sections 1, 5 to 10, inclusive, 12 to 24, inclusive, and 26 of this”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

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

Assembly Bill No. 183.

Bill read second time.

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

Amendment No. 533.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against:*

*(a) The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:*

*(1) Reports to his immediate supervisor, in writing, that, in his professional judgment, an assignment to provide nursing services to a patient would harm the patient; and*

*(2) Refuses to provide the nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.*

*(b) The licensee or nursing assistant if the licensee or nursing assistant, in accordance with the policy, if any, established by the employer or person who retains the licensee or nursing assistant:*

*(1) Reports to his immediate supervisor, in writing, that he does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and*

*(2) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the licensee or nursing assistant concerning his competence to provide various nursing services, he does not possess the knowledge, skill or experience to comply with the*

*assignment to provide nursing services to the patient, unless such refusal constitutes unprofessional conduct as set forth in this chapter or any regulations adopted pursuant thereto.*

2. *An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not retaliate or discriminate unfairly against the licensee or nursing assistant because the licensee or nursing assistant has taken an action described in subsection 1.*

3. *An employer of a licensee or nursing assistant or a person who retains a licensee or nursing assistant as an independent contractor, or any agent or employee of the employer or person, shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of the licensee or nursing assistant to take an action described in subsection 1.*

4. *As used in this section, "retaliate or discriminate":*

*(a) Includes, without limitation, the following action if such action is taken solely because the licensee or nursing assistant took an action described in subsection 1:*

*(1) Frequent or undesirable changes in the location where the licensee or nursing assistant works;*

*(2) Frequent or undesirable transfers or reassignments;*

*(3) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;*

*(4) A demotion;*

*(5) A reduction in pay;*

*(6) The denial of a promotion;*

*(7) A suspension;*

*(8) A dismissal;*

*(9) A transfer; or*

*(10) Frequent changes in working hours or workdays.*

*(b) Does not include action described in subparagraphs (1) to (10), inclusive, of paragraph (a) if the action is taken in the normal course of employment or as a form of discipline.*

Sec. 3. 1. *A licensee or nursing assistant who believes that he has been retaliated or discriminated against in violation of subsection 2 or 3 of section 2 of this act may file an action in a court of competent jurisdiction for such relief as may be appropriate under the law.*

2. *If the licensee or nursing assistant prevails in such an action, he may be awarded as damages:*

*(a) Payment for any hours which he was unable to work as a result of the retaliation or discrimination, based on his current hourly rate of pay; and*

*(b) Any other amount deemed appropriate by the court.*

Sec. 4. 1. *Except as otherwise provided in subsection 2, in an action that is commenced against a person for violating the provisions of subsection 2 or 3 of section 2 of this act, the attorney for the complainant shall file an*

*affidavit with the court concurrently with the service of the first pleading in the action, stating that the attorney:*

- (a) Has reviewed the facts of the case;*
- (b) Has consulted with an expert;*
- (c) Reasonably believes the expert who was consulted is knowledgeable in the matters involved in the action; and*
- (d) Has concluded on the basis of his review and the consultation with the expert that the action has a reasonable basis in law and fact.*

*2. The attorney for the complainant may file the affidavit required pursuant to subsection 1 at a later time if he could not consult with an expert and prepare the affidavit before filing the action without causing the action to be impaired or barred by the statute of limitations or repose, or other limitations prescribed by law. If the attorney must submit the affidavit late, he shall file an affidavit concurrently with the service of the first pleading in the action stating his reason for failing to comply with subsection 1 and the attorney shall consult with an expert and file the affidavit required pursuant to subsection 1 not later than 45 days after filing the action.*

*3. An expert consulted by an attorney to prepare an affidavit pursuant to this section must not be a party to the action.”.*

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

“AN ACT relating to nursing; prohibiting employers and certain other persons from retaliating or discriminating unfairly against registered nurses, licensed practical nurses and nursing assistants for refusing to provide nursing services under certain circumstances; providing that nurses subjected to such retaliation or discrimination may recover certain ”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits employers and certain other persons from retaliating or discriminating unfairly against certain nurses and nursing assistants for refusing to provide nursing services under certain circumstances. (BDR 54-927)”.

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. 188.

Bill read second time.

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

Amendment No. 130.

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

“Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section or by specific statute:*

(a) *If a person or his agent provides the electronic mail address of the person to a governmental entity for the purpose of or in the course of communicating electronically with that governmental entity, the governmental entity shall maintain the electronic mail address in a secure database.*

(b) *If a governmental entity receives a database pursuant to paragraph (b) of subsection 2, the governmental entity shall maintain the database in a secure manner.*

(c) *A database described in this subsection is confidential and not a public book or record within the meaning of NRS 239.010.*

2. *A governmental entity may disclose a database described in subsection 1:*

(a) *In response to an order issued by a court upon a finding that the disclosure of the database is necessary to protect the public safety or to prosecute a crime; or*

(b) *For any reason to any other governmental entity.*

3. *Unless otherwise prohibited by a specific statute, a governmental entity may disclose an individual electronic mail address in a database described in subsection 1 if the requester requests the electronic mail address of a specific person.*

4. *The provisions of this section do not alter, limit or otherwise affect the operation of any statute or regulation of this State which provides greater or more stringent protections for the confidentiality of the electronic mail address of a person.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public records; setting forth that certain databases which contain electronic mail addresses provided to a governmental entity are confidential and not subject to disclosure or public inspection; providing certain exceptions; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides that certain databases which contain electronic mail addresses are confidential and not public records open for public inspection. (BDR 19-595)”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 202.

Bill read second time.

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

Amendment No. 585.

Amend sec. 2, page 2, line 16, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 2, page 2, lines 18 and 19, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 2, page 3, by deleting lines 1 through 8.

Amend sec. 3, page 3, line 16, by deleting: “*model program of education*” and inserting “*policy*”.

Amend sec. 3, page 3, by deleting lines 18 through 26 and inserting:

“3. *On or before September 1 of each year, submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or expulsion of a pupil, if any.*”.

Amend sec. 4, page 3, by deleting lines 30 through 37 and inserting:

“2. *On or before October 1 of each year, submit the written compilation to the Attorney General.*”.

Amend sec. 5, page 3, by deleting lines 39 through 42 and inserting: “*interfere with or prevent the disclosure of*”.

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

“2. *As used in this section, “school official” means:*”.

Amend sec. 5, page 4, line 14, by deleting “(1)” and inserting “(a)”.

Amend sec. 5, page 4, line 16, by deleting “(2)” and inserting “(b)”.

Amend sec. 6, page 4, by deleting lines 19 and 20 and inserting: “*NRS 388.135 unless the person who made the report acted with malice,*”.

Amend the bill as a whole by renumbering section 8 as section 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

“Sec. 8. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State’s high academic standards;

2. Any form of harassment or intimidation in public schools seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential; ~~and~~

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate harassment or intimidation; and

*(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to violence, harassment or intimidation; and*

4. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse and harassment.”.

Amend the bill as a whole by deleting sec. 9.

Amend sec. 10, page 5, line 17, after “act.” by inserting: “In prescribing the policy, the Department shall consider policies currently in use in school districts in this State.”.

Amend sec. 11, page 5, line 24, by deleting: “5, 6, 7” and inserting: “5 to 8, inclusive,”.

Amend sec. 11, page 5, line 29, by deleting “4, 8” and inserting “4”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 210.

Bill read second time.

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

Amendment No. 309.

Amend section 1, page 2, line 4, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 2, line 6, before “work,” by inserting: “work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public”.

Amend section 1, page 2, line 8, by deleting “7,” and inserting “8,”.

Amend section 1, page 2, line 17, after “subcontractor” by inserting: “who is required to prepare such a report”.

Amend section 1, page 3, line 9, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 3, line 15, by deleting “work;” and inserting: “work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public work;”.

Amend section 1, page 3, by deleting lines 16 through 19 and inserting:

“(d) Representatives appointed by the contractor engaged on the public work from a variety of groups that represent or promote the interests of minorities or women who are qualified to perform work on the public work.”.

Amend section 1, page 3, line 20, by deleting “may” and inserting “shall”.

Amend section 1, page 3, line 22, by deleting “month.” and inserting: “month, unless conditions affecting the public work would make the holding

*of a meeting impractical, including, without limitation, delays on the public work caused by weather.”.*

Amend section 1, page 3, by deleting lines 25 through 34 and inserting:

*“5. A public body may withhold payment from a contractor or subcontractor engaged on a public work for failure to comply with the provisions of this section until such compliance is obtained. Upon compliance, the public body shall promptly pay the amount of money withheld pursuant to this subsection, without interest, to the contractor or subcontractor.”.*

Amend section 1, page 3, line 36, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 3, line 38, by deleting “penalties” and inserting “penalty”.

Amend section 1, page 3, line 40, after “7.” by inserting: *“The public body shall not divide a public work into separate portions to avoid the requirements of this section.*

*8.”.*

Amend sec. 2, page 4, line 25, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 3, page 6, line 17, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 4, page 7, line 41, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 5, page 9, line 31, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 6, page 11, line 39, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 7, page 12, line 43, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 8, page 15, line 1, by deleting “\$20,000,000” and inserting “\$25,000,000”.

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

*“Sec. 9. The Legislative Auditor shall conduct an audit during the interim immediately following the fourth year after the commencement of the first public work that requires the filing of a report pursuant to section 1 of this act. The audit must assess:*

- 1. The level of compliance with section 1 of this act;*
- 2. The effectiveness of section 1 of this act in increasing the rate of employment of minorities and women on public works; and*
- 3. The degree of burden, if any, experienced by public bodies, contractors and subcontractors as a result of compliance with section 1 of this act.”.*

Amend the title of the bill by deleting the second through seventh lines and inserting: “certain subcontractors on certain public works in larger counties

to submit a monthly report concerning the demographics of the workmen employed on the public work to the public body that awarded the contract; requiring the establishment of a committee for each such public work to discuss the monthly reports; requiring that”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires contractor and certain subcontractors on certain public works to submit monthly report on demographics of persons employed on public work. (BDR 28-872)”.

Assemblyman Hogan moved the adoption of the amendment.

Remarks by Assemblyman Hogan.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 236.

Bill read second time.

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

Amendment No. 526.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 4 through 8 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area ~~[-~~

~~2.—A.] until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility’s peak capacity.~~

2. *If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 30 kilowatts, the utility:*

(a) ~~Shall offer to make available to each of its customer-generators who has accepted its offer for net metering~~ the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator’s minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. *If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 30 kilowatts, the utility may:*

(a) *Require the customer-generator to install at its own cost an energy meter that is capable of measuring generation output and customer load.*



*(b) Charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.*

Sec. 3. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering ~~{may be either}~~ *must be a monthly period . ~~{or, with the written consent of the customer-generator, an annual period.}~~*

~~2. The~~

2. *If a customer-generator's net metering system has a capacity of not more than 30 kilowatts, the net energy measurement must be calculated in the following manner:*

(a) The utility shall measure , *in kilowatt hours*, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period . ~~{; and}~~

(2) *The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.*

(3) *Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:*

*(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;*

*(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or*

*(III) The customer-generator transfers the net metering system to another person.*

(4) The excess electricity which is fed back to the utility shall be deemed to be electricity that the utility generated or acquired from a

renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

3. *If a customer-generator's net metering system has a capacity of more than 30 kilowatts, the net energy measurement must be calculated in the following manner:*

(a) *The utility shall:*

(1) *Measure, in kilowatt hours, the amount of electricity supplied by the utility to the customer-generator during the billing period and calculate its value using the tariff that would be applicable if the customer-generator did not use a net metering system; and*

(2) *Measure, in kilowatt hours, the amount of electricity generated by the customer-generator which is fed back to the utility during the billing period and calculate its value at a rate that is consistent with the rate used to calculate the value of the electricity supplied by the utility.*

(b) *If the value of electricity supplied by the utility exceeds the value of the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net value of the electricity supplied by the utility.*

(c) *If the value of the electricity generated by the customer-generator which is fed back to the utility exceeds the value of the electricity supplied by the utility during the billing period:*

(1) *Neither the utility nor the customer-generator is entitled to compensation for the value of the electricity provided to the other during the billing period.*

(2) *The value of the excess electricity:*

(I) *Must not be shown as a credit on the customer-generator's bill for that billing period or carried forward to the next billing period as a credit balance in the customer-generator's account.*

(II) *Does not reduce any other fee or charge imposed by the utility.*

4. *A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator."*

Amend sec. 2, pages 2 and 3, by deleting line 22 on page 2 and line 1 on page 3, and inserting: "704.7811, as their primary source of energy to".

Amend sec. 4, page 4, line 23, by deleting: "Systems which use" and inserting: "A system that uses".

Amend sec. 4, page 4, lines 24 and 25, by deleting "one acre" and inserting "2 acres".

Amend sec. 4, page 4, between lines 35 and 36, by inserting:

"4. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (b) of subsection 2 unless he first obtains the written consent of each owner of property within 300 feet of any boundary of the unit."

Amend sec. 6, page 5, line 28, after "codes" by inserting: "and, if necessary, its zoning ordinances and regulations".

Amend the title of the bill, sixth line, after “codes” by inserting “and zoning ordinances”.

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. 249.

Bill read second time.

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

Amendment No. 522.

Amend section 1, page 2, line 8, by deleting “*Director*” and inserting: “*Director, or his designee,*”.

Amend section 1, page 2, by deleting line 10 and inserting: “*State Controller shall:*

(a) *Draw his warrant, payable to the Department; or*

(b) *Electronically transfer money to the appropriate account of the Department,*

*as appropriate, in*”.

Amend sec. 12, page 3, by deleting line 13 and inserting: “*fine of not more than \$10,000 against*”.

Amend sec. 12, pages 3 and 4, by deleting lines 22 through 44 on page 3 and lines 1 through 8 on page 4, and inserting: “*and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller:*

(1) *Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;*

(2) *Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or*

(3) *Fails to use the disclosure as required in subsection 3.*

(b) *Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.*”.

Amend sec. 12, page 4, line 9, by deleting “(i)” and inserting “(c)”.

Amend sec. 12, page 4, line 12, by deleting “(j)” and inserting “(d)”.

Amend sec. 12, page 4, line 14, after “3.” by inserting: “*If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.*

4.”.

Amend sec. 12, page 4, line 17, by deleting “4. The” and inserting:

“5. Except as otherwise provided in this subsection, the”.

Amend sec. 12, page 4, line 18, after “law.” by inserting: “*The Department may not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act.*”.

Amend sec. 16, page 7, by deleting lines 1 through 3 and inserting: “*bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety*”.

Amend sec. 16, page 7, by deleting lines 17 through 20 and inserting: “*distributor, rebuilder, manufacturer, representative or salesman may be executed through a writ of attachment.*”.

Amend the bill as a whole by deleting sec. 18 and adding:

“Sec. 18. (Deleted by amendment.)”.

Amend sec. 24, page 10, line 14, after “487.790” by inserting “*I.*”.

Amend sec. 24, page 10, line 15, by deleting “1.” and inserting “~~{1.}~~ (a)”.

Amend sec. 24, page 10, line 16, by deleting “2.” and inserting “~~{2.}~~ (b)”.

Amend sec. 24, page 10, line 17, after “repair” by inserting: “, *not including any cost associated with painting any portion of the vehicle.*”.

Amend sec. 24, page 10, by deleting lines 20 through 26 and inserting:

“2. The term does not include ~~{a}~~ :

(a) A nonrepairable vehicle ; ~~for other~~

(b) A motor vehicle which is 10 model years old or older and which ~~[requires only the replacement of the hood, trunk lid, grill assembly or two or fewer quarter panels, doors, bumper assemblies, headlight assemblies, taillight assemblies, or any combination thereof, to restore the vehicle to its condition before it]~~ , *to restore the vehicle to its condition before it was wrecked, destroyed or otherwise damaged and regardless of cost, requires the replacement of only:*

(1) *The hood;*

(2) *The trunk lid;*

(3) *Two or fewer of the following parts or assemblies, which may be bolted or unbolted:*

(I) *Doors;*

(II) *A grill assembly;*

(III) *A bumper assembly;*

(IV) *A headlight assembly; or*

(V) *A taillight assembly; or*

(4) *Any combination of subparagraph (1), (2) or (3); or*

(c) *A motor vehicle, regardless of the age of the vehicle, for which the cost to repair the vehicle, not including any cost associated with painting any portion of the vehicle, is less than 65 percent of the fair market value of the vehicle immediately before the vehicle was wrecked, destroyed or otherwise damaged.*

3. For the purposes of this section, the model”.

Amend the bill as a whole by deleting sections 26 and 27 and adding:

“Secs. 26 and 27. (Deleted by amendment.)”.

Amend sec. 28, page 11, by deleting lines 16 through 42 and inserting:

“Sec. 28. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Department of Motor Vehicles may adopt such regulations as it deems necessary to ensure that persons who, pursuant to NRS 108.265 to 108.360, inclusive, have liens for storing, maintaining, keeping or repairing of vehicles required to be registered with the Department pursuant to chapter 482 of NRS, comply with all statutory provisions that are applicable to processing the lien.”.*

Amend the bill as a whole by deleting sections 30 through 33 and adding:

“Secs. 30-33. (Deleted by amendment.)”.

Amend sec. 35, page 16, line 2, by deleting: “*or should have known*”.

Amend the bill as a whole by adding new sections designated sections 40 through 44, following sec. 39, to read as follows:

“Sec. 40. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

*A civil penalty must not be imposed against any person who engages in a deceptive trade practice pursuant to NRS 598.0903 to 598.0999, inclusive, in a civil proceeding brought by the Commissioner, Director or Attorney General if a fine has previously been imposed against that person by the Department of Motor Vehicles pursuant to section 12 of this act, for the same act.*

Sec. 41. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, and section 40 of this act, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the

Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. ~~Any~~ Except as otherwise provided in section 40 of this act, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 43. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. ~~It is~~ *Except as otherwise provided in section 40 of this act,* in any action brought pursuant to NRS 598.0979 to 598.099, inclusive, if the court finds that a person has engaged in a deceptive trade practice directed toward an elderly or disabled person, the court may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than \$10,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly or disabled person;

(b) The person knew or should have known that his conduct was directed toward an elderly or disabled person;

(c) The elderly or disabled person was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly or disabled person;

(d) The conduct of the person caused the elderly or disabled person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly or disabled person to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly or disabled person;

(3) The loss of the principal employment or source of income of the elderly or disabled person;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly or disabled person; or

(7) Any other interference with the economic well-being of the elderly or disabled person, including the encumbrance of his primary residence or principal source of income; or

(f) Any other factors that the court deems to be appropriate.

Sec. 44. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. ~~It is~~ *Except as otherwise provided in section 40 of this act,* a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains

jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. ~~It is~~ *Except as otherwise provided in section 40 of this act*, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$2,500 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.



The court may grant or deny the relief sought or may order other appropriate relief.”.

Amend the title of the bill to read as follows:

“AN ACT relating to vehicles; authorizing the Director of the Department of Motor Vehicles to expend money appropriated by the Legislature to assist in the acquisition of certain evidence; authorizing the Department to impose an administrative fine against a person who engages in certain deceptive trade practices relating to the purchase or sale of a vehicle under certain circumstances; authorizing a person who is injured by a bonded dealer, distributor, rebuilder, manufacturer, representative or salesman to bring an action or to apply to the Director for compensation from the bond; providing that a rebuilt vehicle may not be registered unless it is inspected and certified by a garageman or the owner of a body shop; prohibiting a person from removing certain markings on a certificate of title for a rebuilt vehicle; authorizing the Department to adopt certain regulations relating to liens on vehicles; revising the duties of a manufacturer or its agent or authorized dealer concerning the sale, lease or transfer of ownership of a vehicle that fails to conform to certain express warranties; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Assemblywoman Buckley moved that upon return from the printer Assembly Bill No. 249 be rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 196.

Amend sec. 8, page 2, line 43, by deleting “town.” and inserting: “town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.”.

Amend sec. 9, page 3, line 9, by deleting “five” and inserting: “at least six”.

Amend sec. 9, page 3, line 11, by deleting “Four” and inserting: “At least five”.

Amend sec. 9, page 3, by deleting line 13 and inserting: “At least two of whom represent northern Nevada and at least two of whom”.

Amend sec. 13, page 4, between lines 40 and 41, by inserting:

*“3. The Board shall hire a full-time staff of investigators to conduct background investigations of applicants for a license in a timely manner, as determined by the Board, and to conduct routine unannounced inspections of massage therapists. The Board shall employ those investigators in both northern Nevada and southern Nevada.”.*

Amend sec. 14, page 5, line 7, by deleting “and”.

Amend sec. 14, page 5, line 11, by deleting “examination.” and inserting: “examination; and

*6. Reduce duplication in the licensing procedure for a qualified applicant who is applying to the Board for a license issued pursuant to this chapter and to the State Board of Cosmetology for a license issued pursuant to chapter 644 of NRS.”.*

Amend sec. 19, page 7, line 6, by deleting “and”.

Amend sec. 19, page 7, line 10, by deleting “report; and” and inserting: “report;

*(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;*

*(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and*

*(8) If required by the Board, a financial questionnaire; and”.*

Amend sec. 19, page 7, between lines 20 and 21, by inserting:

*“4. The Board or its designee shall:*

*(a) Fingerprint each applicant and conduct an investigation to determine:*

*(1) The reputation and character of the applicant;*

*(2) The existence and contents of any record of arrests or convictions of the applicant;*

*(3) The existence and nature of any pending litigation involving the applicant; and*

*(4) The accuracy and completeness of any information submitted to the Board by the applicant;*

*(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;*

*(c) Report the results of the investigation not more than 30 days after the Board receives a complete application; and*

*(d) Maintain the results of the investigation in a confidential manner. The results of an investigation must be available only to the Board and a peace officer of this State.”.*

Amend sec. 20, page 7, by deleting lines 37 and 38 and inserting:

*“(b) Offered not less than four times each year. The location of the examination must alternate between northern Nevada and southern Nevada. Upon request, the Board must provide a list of approved interpreters at the*

*location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.”.*

Amend sec. 24, page 10, between lines 31 and 32, by inserting:

*“4. An applicant who holds a license to practice massage therapy that is issued by a county, city or town in this State and who does not have a criminal background investigation approved by a local law enforcement agency must submit to a background investigation conducted pursuant to section 19 of this act.”.*

Amend sec. 25, page 10, line 44, by deleting “48 120” and inserting “45 300”.

Amend sec. 26, page 11, line 16, by deleting: “location at each place” and inserting: “manner at each location”.

Amend sec. 29, page 12, by deleting lines 22 and 23 and inserting:

*“3. Has been convicted of a crime involving violence, prostitution or any other sexual”.*

Amend sec. 29, page 12, line 24, after “offense,” by inserting: “a crime involving any type of larceny,”.

Amend sec. 29, page 12, line 27, by deleting “turpitude; or” and inserting: “turpitude within the immediately preceding 10 years.”.

Amend sec. 29, page 12, by deleting lines 28 through 30.

Amend sec. 29, page 13, line 18, by deleting “training;” and inserting: “training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;”.

Amend sec. 32, page 14, line 27, by deleting “\$5,000;” and inserting: “\$1,000 per day for each day for which the Board determines that a violation occurred as charged in the complaint;”.

Amend sec. 32, page 14, after line 45, by inserting:

*“4. The appropriate law enforcement agency of a city or county in which a massage therapist holds a business license issued by the city or county may temporarily suspend the license of a massage therapist immediately if the massage therapist is charged with or cited for a crime involving violence, prostitution or any other sexual offense. The temporary suspension of the license must not exceed 15 days. The Board may extend the temporary suspension if the Board determines that the suspension is required to protect the health, safety or welfare of the public. In any such case, the hearing must be held and a final decision rendered within 15 days after the law enforcement agency notifies the holder of the license of the temporary suspension.”.*

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. 255.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 389.

Amend the bill as a whole by deleting sections 1 through 18 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

“Section 1. NRS 360A.030 is hereby amended to read as follows:

360A.030 1. If a person ~~continues~~ *continues* :

(a) *Continues* to engage in business in this State without a permit or license as required by chapter 365 or 366 of NRS, or after the license or permit has been suspended or revoked ~~+~~;

(b) *Knowingly sells at retail any fuel that is subject to taxation pursuant to chapter 365 or 366 of NRS for which the tax imposed by chapter 365 or 366 of NRS is not remitted; or*

(c) *Sells or otherwise distributes dyed special fuel in violation of section 6 of this act,*

the Department may, after providing notice to that person, order any place of business of the person to be locked and sealed. If notice is served by mail, it must be addressed to the person at his address as it appears in the records of the Department.

2. The order to lock and seal a place of business must be delivered to the sheriff of the county in which the business is located. The sheriff shall assist in the enforcement of the order.

Sec. 2. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. “*Dyed special fuel*” means special fuel which, in accordance with subsection 1 of NRS 366.203, must be dyed before it is removed for distribution from the rack.

Sec. 4. “*Retail station*” means any fixed facility or location that:

1. Operates in the retail business of selling or handling fuel; and
2. Dispenses fuel from a stationary pump or metered tank for which the access to the fuel is not controlled.

Sec. 5. “*Retailer*” means any person, other than a dealer or supplier, who is engaged in the business of selling or handling any special fuel at a retail station and who delivers or authorizes the delivery of fuel into the fuel supply tank of a motor vehicle that is not owned by that person.

Sec. 6. 1. A retailer or any other person who sells or distributes dyed special fuel shall not sell or distribute the dyed special fuel unless the retailer or person controls the access to the dyed special fuel.

2. A retailer or other person may sell or distribute the dyed special fuel only to a purchaser who has been approved to purchase the dyed special fuel from the retailer or other person. To be approved to purchase dyed special fuel from a retailer or other person, a purchaser must provide to the retailer

or other person a written statement of acknowledgement and intended use on a form provided by the Department and completed by the purchaser that includes:

- (a) The full name and address of the purchaser;
- (b) A description of the manner in which the purchaser intends to use the dyed special fuel;
- (c) An attestation indicating that the purchaser:
  - (1) Will only use the dyed special fuel for a purpose that is not taxable pursuant to this chapter; and
  - (2) Is aware of the penalties set forth NRS 366.735, a copy of which must be included on the statement; and
- (d) The signature of the purchaser.

3. A retailer or other person who sells or distributes dyed special fuel shall keep on file a completed statement of acknowledgment and intended use for each person approved to purchase dyed special fuel from the retailer or other person.

4. In addition to any action that may be taken pursuant to chapter 360A of NRS, the Department may impose on a retailer or any other person who violates the provisions of subsection 1 an administrative fine of not more than \$10,000 for each violation.

Sec. 7. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.025 to 366.100, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 8. NRS 366.140 is hereby amended to read as follows:

366.140 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers ~~used in the preparation of a report or return required pursuant to this chapter~~ described in subsection 1 must be preserved for 4 years after the ~~report or return is filed with the Department.~~ date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

Sec. 9. NRS 366.203 is hereby amended to read as follows:

366.203 1. Special fuel, other than compressed natural gas, liquefied petroleum gas or kerosene, which is exempt from the tax pursuant to subsection 3 or 4 of NRS 366.200 must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of

the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. Except as otherwise provided in subsections 3, 4 and 5, a person shall not operate or maintain on any highway in this State a motor vehicle which contains *dyed special fuel* in the fuel tank of that vehicle . ~~[special fuel which has been dyed.]~~ A person who operates or maintains a motor vehicle in violation of this subsection and the registered owner of the motor vehicle are jointly and severally liable for any taxes, penalties and interest payable to the Department.

3. A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200, is exempt from the tax imposed by this chapter may operate or maintain a motor vehicle on a highway in this State which contains *dyed special fuel* in the fuel tank of that vehicle . ~~[special fuel which has been dyed.]~~

4. To the extent permitted by federal law, a person may operate or maintain on a highway in this State any special mobile equipment or farm equipment that contains *dyed special fuel* in the fuel tank of the special mobile equipment or farm equipment . ~~[special fuel which has been dyed.]~~ As used in this subsection:

(a) “Farm equipment” means any self-propelled machinery or motor vehicle that is designed solely for tilling soil or for cultivating, harvesting or transporting crops or other agricultural products from a field or other area owned or leased by the operator of the farm equipment and in which the crops or agricultural products are grown, to a field, yard, silo, cellar, shed or other facility which is:

- (1) Owned or leased by the operator of the farm equipment; and
- (2) Used to store or process the crops or agricultural products.

The term includes a tractor, baler or swather or any implement used to retrieve hay.

(b) “Highway” does not include a controlled-access highway as defined in NRS 484.041.

5. To the extent authorized by federal law, a person may operate or maintain a motor vehicle on a highway in this State that contains *dyed special fuel* in the fuel tank ~~[special fuel which has been dyed]~~ if the motor vehicle is used only to cross the highway to travel from one parcel of land owned or controlled by the person to another parcel of land owned or controlled by the person.

6. There is a rebuttable presumption that all special fuel which ~~has not been dyed]~~ *is not dyed special fuel* and which is sold or distributed in this State is for the purpose of propelling a motor vehicle.

Sec. 10. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter, it is unlawful for any:

(a) Special fuel supplier, special fuel dealer or special fuel user to sell or use special fuel within this State unless the special fuel supplier, special fuel

dealer or special fuel user is the holder of a special fuel supplier's, special fuel dealer's or special fuel user's license issued to him by the Department.

(b) Person to be a:

(1) Special fuel exporter unless the person is the holder of a special fuel exporter's license issued to him by the Department.

(2) Special fuel transporter unless the person is the holder of a special fuel transporter's license issued to him by the Department.

(c) *Retailer or other person to sell or distribute dyed special fuel unless the retailer or person controls the access to the dyed special fuel.*

2. The Department may adopt regulations relating to the issuance of any special fuel supplier's, special fuel dealer's, special fuel exporter's, special fuel transporter's or special fuel user's license and the collection of fees therefor.

Sec. 11. NRS 366.360 is hereby amended to read as follows:

366.360 1. The Department shall cancel any license to act as a special fuel supplier, special fuel dealer ~~for~~, *special fuel exporter, special fuel transporter or special fuel user* immediately upon the surrender thereof by the holder.

2. If a surety has lodged with the Department a written request to be released and discharged of liability, the Department shall immediately notify the special fuel supplier or special fuel dealer who furnished the bond, and unless he files a new bond as required by the Department within 30 days or makes a deposit in lieu thereof as provided in NRS 366.235, the Department may cancel his license.

3. If a special fuel supplier or special fuel dealer becomes delinquent in the payment of excise taxes as prescribed by this chapter to the extent that his liability exceeds the total amount of bond furnished by him, the Department may cancel his license immediately.

Sec. 12. NRS 366.735 is hereby amended to read as follows:

366.735 1. The Department may ~~impose an administrative fine of the greater of \$1,000 or \$10 per gallon of special fuel based on the maximum storage capacity of the storage tank that contains the special fuel if a person:~~

~~1-} take disciplinary action in accordance with subsection 2 against any person who:~~

(a) Sells or stores any dyed special fuel ~~{that has been dyed}~~ for a use which the person selling or storing such fuel knows, or has reason to know, is a taxable use of the fuel;

~~{2-} (b) Willfully alters or attempts to alter the strength of composition of any dye in any special fuel intended to be used for a taxable purpose; or~~

~~{3-} (c) Uses dyed special fuel {that has been dyed} for a taxable purpose.~~

2. *For any violation described in subsection 1, the Department may:*

(a) *If the violation is a first offense, impose an administrative fine of not more than \$2,500 and suspend any license issued to that person pursuant to this chapter for not more than 30 days;*

(b) *If the violation is a second offense within a period of 4 years, impose an administrative fine of not more than \$5,000 and suspend any license issued to that person pursuant to this chapter for not more than 60 days; and*

(c) *If the violation is a third or subsequent offense within a period of 4 years, impose an administrative fine of not more than \$10,000 and revoke any license issued to that person pursuant to this chapter.*

Sec. 13. NRS 366.740 is hereby amended to read as follows:

366.740 1. Except as otherwise provided in NRS 366.735 ~~and~~ *and section 6 of this act*, the Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of this chapter, or any regulation or order adopted or issued pursuant thereto.

2. The Department shall afford to any person fined pursuant to this section, ~~for~~ NRS 366.735 *or section 6 of this act* an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1, ~~for~~ NRS 366.735 *or section 6 of this act* must be deposited with the State Treasurer to the credit of the State Highway Fund.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and taking such other actions as are required to carry out the provisions of this act; and

2. On July 1, 2005, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; expanding the circumstances under which the Department of Motor Vehicles may order the locking and sealing of a business; prohibiting a retailer or other person from selling or distributing dyed special fuel unless he controls the access to the dyed special fuel; requiring the retailer or other person to approve each purchaser of dyed special fuel; requiring the preservation of certain records; authorizing the Department of Motor Vehicles to take certain disciplinary action; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to taxation of special fuels and dyed special fuels. (BDR 32-1258)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.



Assembly Bill No. 260.

Bill read second time.

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

Amendment No. 599.

Amend sec. 6, page 2, line 38, by deleting “control;” and inserting: “control for a public health agency;”.

Amend sec. 6, page 3, line 4, after “performed” by inserting “by and”.

Amend sec. 6, page 3, line 9, by deleting: “remediation; or” and inserting “remediation;”.

Amend sec. 6, page 3, line 10, by deleting “engineering.” and inserting: “engineering;

(d) *Cleaning up and disposing of hazardous waste and substances performed by a person who is certified by the State Department of Conservation and Natural Resources pursuant to NRS 459.400 to 459.600, inclusive, and the regulations adopted pursuant thereto, unless the clean up and disposal of the hazardous waste and substances is performed directly by and for a public health agency;*

(e) *Zoonotic disease ecology or vector-borne disease ecology, or both, when the practice in that field is performed as a specialty; or*

(f) *Mining performed by an employee of a mining company engaged in mining operations in this State.”.*

Amend sec. 19, pages 7 and 8, by deleting lines 34 through 43 on page 7 and lines 1 through 7 on page 8, and inserting: “environmental health specialist, an applicant ~~must have:~~

~~(a) A:~~

(a) *Must:*

(1) *Possess a baccalaureate or higher degree from an ~~accredited college or university;~~*

~~(b) Satisfactorily] institution of higher education approved by the Board;~~

(2) *Have satisfactorily completed at least 45 quarter hours or 30 semester hours of academic work ~~approved by the Board in environmental health and public hygiene or the physical and biological sciences, or a combination of both; and~~*

~~(c) A:] in basic science courses, including biology, chemistry, physics, geology, sanitary engineering or environmental engineering;~~

(3) *Have passed the written examination pursuant to NRS 625A.120; and*

(4) *Have at least 2 years of experience approved by the Board in this field of public health ~~];~~*

(b) *Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and pass the written examination pursuant to NRS 625A.120; or*

(c) *Must possess a master's degree in public health from an institution of higher education approved by the Board and pass the written examination pursuant to NRS 625A.120.*"

Amend sec. 19, page 8, line 8, by deleting "may ~~register~~" and inserting: "~~may register~~ shall".

Amend sec. 19, page 8, line 10, by deleting: "~~if he:~~" and inserting: "~~if he:~~ *if the Board determines to its satisfaction that the person:*".

Amend sec. 19, page 8, line 15, by deleting "had" and inserting "~~had~~ completed".

Amend the title of the bill by deleting the eighth and ninth lines and inserting: "elected biennially on or before a certain date; requiring the issuance of a basic certificate of registration as an".

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. 278.

Bill read second time.

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

Amendment No. 535.

Amend section 1, page 2, by deleting lines 28 through 34 and inserting: *"the contrary, if a physical or mental condition of a tenant requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling and the tenant is 60 years of age or older or has a physical or mental disability:*

(a) *That tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates; and*

(b) *A cotenant of that tenant may terminate the lease by giving the landlord 30 days' written notice within 60 days after the tenant relocates if:*

(1) *The cotenant became a tenant of the dwelling before the date on which the lease was signed by the tenant who is relocating and the cotenant is 60 years of age or older or has a physical or mental disability; or*

(2) *The cotenant became a tenant of the dwelling on or after the date on which the lease was signed by the tenant who is relocating."*

Amend section 1, page 2, lines 37 and 38, by deleting "person" and inserting "tenant".

Amend section 1, page 2, by deleting line 39 and inserting:

*" the tenant may terminate the lease by giving the landlord 60"*.

Amend section 1, page 2, line 40, by deleting "6" and inserting "3".

Amend section 1, page 3, by deleting lines 1 through 4 and inserting: *"the tenant or cotenant is entitled to terminate the lease. If the tenant or cotenant is terminating the lease pursuant to subsection 1, the tenant or cotenant shall include reasonable verification:*

(a) *Of the existence of the physical or mental condition of the tenant; and*  
(b) *That the physical or mental condition requires the relocation of the tenant from his dwelling because of a need for care or treatment that cannot be provided in the dwelling.”.*

Amend section 1, page 3, between lines 6 and 7, by inserting:

“6. *As used in this section, “cotenant” means a tenant who, pursuant to a lease, is entitled to occupy a dwelling that another tenant who is 60 years of age or older or who has a physical or mental disability is also entitled to occupy pursuant to the same lease.”.*

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin, Arberry, and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time.

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

Amendment No. 510.

Amend section 1, page 1, line 9, by deleting “and”.

Amend section 1, page 1, line 10, after “(b)” by inserting: “*Was admitted to the major hospital; and*  
(c)”.

Amend section 1, page 2, line 1, after “provide” by inserting: “*through a contract between the entity that issues the policy of insurance and the major hospital or through a contract between the third party and the major hospital*”.

Amend section 1, page 2, by deleting lines 7 through 10 and inserting: “*rate of 175 percent of the amount Medicare pays for such services*”.

Amend section 1, page 2, line 26, after “a hospital” by inserting: “*with 100 or more beds*”.

Amend section 1, page 2, line 35, by deleting “hospital; and” and inserting “hospital;”.

Amend section 1, page 2, line 40, by deleting “NRS.” and inserting: “NRS; and

(4) *Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.”.*

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. 322.

Bill read second time.

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

Amendment No. 430.

Amend section 1, page 1, line 1, by deleting “Title 40” and inserting “Chapter 439B”.

Amend section 1, page 1, line 2, by deleting: “a new chapter to consist of”.

Amend section 1, page 1, line 3, by deleting “16,” and inserting “7,”.

Amend sec. 2, page 1, lines 6, 8, 10 and 17, before “*hospitals*” by inserting “*major*”.

Amend sec. 2, page 2, line 4, by deleting “*Hospitals*” and inserting “*Major hospitals*”.

Amend sec. 2, page 2, lines 5 and 7, after “*benefits*” by inserting: “*and charity care*”.

Amend sec. 2, page 2, line 8, before “*hospitals*” by inserting “*major*”.

Amend sec. 2, page 2, by deleting line 9 and inserting: “*every major hospital in this State shall provide community benefits and charity care in the*”.

Amend sec. 3, page 2, line 11, by deleting “*this chapter*” and inserting: “*sections 2 to 7, inclusive, of this act,*”.

Amend sec. 3, page 2, line 12, by deleting: “*4 to 9, inclusive,*” and inserting: “*4, 5 and 6*”.

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

Amend sec. 6, page 2, line 20, by deleting “*benefits*” and inserting: “*benefits and charity care*”.

Amend sec. 6, page 2, line 21, before “*hospitals*” by inserting “*major*”.

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

Amend the bill as a whole by deleting sections 9 through 16, renumbering sec. 17 as sec. 8 and adding a new section, designated sec. 7, following sec. 8, to read as follows:

“Sec. 7. 1. *Each major hospital shall:*

(a) *Adopt a plan for the provision of community benefits and charity care during the following fiscal year; and*

(b) *For the fiscal year beginning on July 1, 2006, and for each succeeding fiscal year, provide community benefits and charity care, in that fiscal year, in an amount which represents at least 4 percent of the total operating revenue of the major hospital for that fiscal year.*

2. *On or before July 1 of each year, a major hospital shall submit to the Department a copy of:*

(a) *The plan for the provision of community benefits and charity care adopted by the major hospital pursuant to subsection 1;*

(b) *If the major hospital is a member or part of a system or company consisting of hospitals in more than one state, any plan for the provision of community benefits and charity care adopted by that system or company; and*

(c) *The policy and procedures established by the major hospital to ensure that the major hospital complies with the provisions of NRS 439B.260.*

3. *On or before November 1 of each year, a major hospital shall submit to the Division of Health Care Financing and Policy of the Department a report on the community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1 during the preceding fiscal year. Any care for indigent patients provided without charge by a major hospital in compliance with the provisions of NRS 439B.320 is to be included in the calculation of the amount of community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1.*

4. *The Division of Health Care Financing and Policy of the Department shall:*

*(a) If a major hospital fails to provide the community benefits and charity care required pursuant to the provisions of paragraph (b) of subsection 1, assess the major hospital with a civil penalty in an amount equal to the difference between the amount of community benefits and charity care the major hospital was required to provide and the amount of community benefits and charity care the major hospital actually provided.*

*(b) Inform the Attorney General of all cases of suspected noncompliance with the requirements of this section. The Attorney General may investigate any suspected noncompliance and enforce the provisions of this section.*

5. *Any money recovered pursuant to subsection 4 as a civil penalty must be deposited in the State General Fund.”.*

Amend sec. 17, page 7, line 17, by deleting “Each” and inserting:

“1. Each major”.

Amend sec. 17, page 7, by deleting lines 18 and 19 and inserting: “plan for the provision of community benefits and charity care pursuant to section 7 of this act on or before July 1, 2006.

2. In addition to the reports required pursuant to subsection 3 of section 7 of this act, on or before February 1, 2007, each major hospital shall submit to the Division of Health Care Financing and Policy of the Department of Human Resources and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the community benefits and charity care provided by the major hospital pursuant to the provisions of paragraph (b) of subsection 1 of section 7 of this act from July 1, 2006, to December 31, 2006, and the community benefits and charity care planned to be provided by the major hospital from January 1, 2007, to June 30, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; requiring each major hospital to adopt a plan for providing community benefits and charity care; requiring each major hospital to provide a certain amount of community benefits and charity care; providing a civil penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires major hospitals to adopt and carry out plans to provide community benefits and charity care. (BDR 40-1074)”.

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. 338.

Bill read second time.

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

Amendment No. 323.

Amend sec. 8, page 3, line 44, by deleting “insurer.” and inserting: “insurer, health maintenance organization or prepaid limited health service organization pursuant to title 57 of NRS.”.

Amend sec. 12, page 5, by deleting line 2 and inserting: “cancel the plan.”.

Amend the bill as a whole by renumbering sections 17 through 31 as sections 62 through 76 and adding new sections designated sections 17 through 61, following sec. 16, to read as follows:

“Sec. 17. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 18 to 61, inclusive, of this act.

Sec. 18. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 19 to 40, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 19. “Closed-end credit” means a credit transaction that is not open-end credit.

Sec. 20. “Collateral” means personal property in which a purchase money security interest is retained or personal property that is pledged as security for the satisfaction of a debt.

Sec. 21. “Compensation” means commissions, dividends, retrospective rate credits, service fees, expense allowances or reimbursements, gifts, furnishing of equipment, facilities, goods and services, or any other form of remuneration that is paid either directly or indirectly as a result of the sale of credit personal property insurance.

Sec. 22. “Credit agreement” means the written document that sets forth the terms of the credit transaction and includes the security agreement.

Sec. 23. “Credit personal property insurance” means a policy, endorsement, rider, binder, certificate, or other instrument or evidence of insurance written in connection with a credit transaction that:

1. Covers perils to the goods purchased through a credit transaction or used as collateral for a credit transaction and that concerns the interest of a creditor in the purchased goods or pledged collateral either in whole or in part; or

2. *Covers perils to goods purchased in connection with an open-end credit transaction.*

Sec. 24. *“Credit transaction” means any transaction for which the terms of repayment of money loaned or loan commitment made, or payment of goods, services or properties sold or leased, is to be made at a future date.*

Sec. 25. *“Creditor” means the lender of money or vendor or lessor of goods, services, property, rights or privileges for which payment is arranged through a credit transaction, and includes:*

- 1. The successor to the right, title or interest of;*
- 2. An affiliate, associate or subsidiary of;*
- 3. Any director, officer or employee of; or*
- 4. Any other person in any way associated with,*  
*any such lender, vendor or lessor.*

Sec. 26. *“Creditor-placed insurance” means single-interest insurance or dual-interest insurance that is purchased by the creditor, as the named insured, after a credit transaction:*

*1. According to the terms of the credit agreement as a result of the debtor’s failing to provide required insurance, the cost for which is charged to the debtor; and*

*2. For coverage against loss, expense or damage to personal property used as collateral as a result of fire, theft, collision or other risk of loss that would impair the interest of the creditor or adversely affect the value of the collateral.*

Sec. 27. *“Debtor” means a borrower of money or a purchaser or lessee of goods, services, property, rights or privileges for which payment is arranged through a credit transaction.*

Sec. 28. *“Dual-interest insurance” means credit personal property insurance covering the interest of the creditor or seller and any portion of the interest of the borrower in goods purchased through the credit transaction or pledged as collateral for the credit transaction.*

Sec. 29. *“Experience” means earned premiums and incurred losses during the experience period.*

Sec. 30. *“Experience period” means the most recent period of time that is not more than 3 years and for which earned premiums and incurred losses are reported.*

Sec. 31. *“Finance charge” means any charge payable directly or indirectly as an incident to or condition of an extension of credit, including, without limitation, interest, time-price differentials, amounts payable under a discount system of additional charges, service, transaction or carrying charges, loan fees, points or similar charges, appraisal fees or charges incurred for investigating the creditworthiness of the consumer. The term does not include charges as a result of default, taxes, license fees, delinquency charges or filing fees.*

Sec. 32. *“Gross debt” means the sum of the remaining payments owed to a creditor by a debtor.*

Sec. 33. “*Identifiable charge*” means a charge for credit personal property insurance that is made to debtors who have that insurance and not made to debtors who do not have that insurance. The term includes a charge for insurance that is disclosed in the credit agreement or other instrument furnished to the debtor which sets forth the financial elements of the credit transaction and any difference in the finance, interest, service or other similar charge made to debtors who are in similar circumstances except for the insured or noninsured status of the debtor.

Sec. 34. “*Incurred losses*” means total claims and claim adjustment expenses paid during the experience period plus any change in claim and claim adjustment expense reserves.

Sec. 35. “*Loss ratio*” means incurred losses divided by the sum of earned premiums.

Sec. 36. “*Net debt*” means the amount required to liquidate the remaining debt in a single lump-sum payment, excluding all unearned interest and other unearned finance charges.

Sec. 37. “*Nonfiling insurance*” means insurance that indemnifies the creditor for loss of its interest in the collateral due to failure to perfect a security interest in the collateral.

Sec. 38. “*Open-end credit*” means credit extended by a creditor under an agreement in which:

1. The creditor reasonably contemplates repeated transactions;
2. The creditor periodically imposes a finance charge on any outstanding unpaid balance; and
3. The amount of credit that may be extended to the debtor during the term of the agreement up to any limit set by the creditor is generally made available to the extent that any outstanding balance is repaid.

Sec. 39. “*Reverse competition*” means competition among insurers that regularly takes the form of insurers competing for the favor of a person who controls or may control the placement of insurance with insurers that tends to increase insurance premiums or prevents a decrease in insurance premiums in order to give greater compensation to a person who controls or may control the placement of insurance with insurers.

Sec. 40. “*Single-interest insurance*” means credit personal property insurance covering only the interest of the seller or creditor in goods purchased through a credit transaction or pledged as collateral in a credit transaction.

Sec. 41. All credit personal property insurance, including guaranteed asset protection insurance, written in connection with credit transactions for personal, family or household purposes is subject to the provisions of this chapter, except:

1. Credit transactions involving extensions of credit primarily for business or commercial purposes;
2. Insurance written in connection with a credit transaction that is secured by a real estate mortgage or deed of trust;



3. *Creditor-placed insurance;*
4. *Title insurance;*
5. *Nonfiling insurance;*
6. *Insurance purchased by a creditor after repossession or a similar event in which the creditor acquired possession of the property; and*
7. *Insurance for which an identifiable charge is not made to or collected from the debtor.*

Sec. 42. *For credit personal property insurance sold in conjunction with a closed-end credit transaction, an insurer shall not:*

1. *Issue credit personal property insurance unless the amount financed exceeds \$300;*
2. *Issue credit personal property insurance in an amount that exceeds the amount of the underlying credit transaction; and*
3. *Sell credit personal property insurance with a term that exceeds the scheduled term of the underlying credit transaction.*

Sec. 43. *Credit personal property insurance must:*

1. *At a minimum, include the coverage in the standard fire policy with coverage attachment and extended coverage endorsement; and*
2. *Cover a substantial risk of loss of or damage to the property related to the credit transaction.*

Sec. 44. 1. *An insurer shall not:*

- (a) *Require the bundling of other credit insurance coverage with the purchase of credit personal property insurance; and*
- (b) *Use gross debt in any manner to determine the premiums for credit personal property insurance.*

2. *A debtor must have a choice to purchase credit personal property insurance separately from other credit insurance coverage.*

Sec. 45. 1. *Before a debtor elects to purchase credit personal property insurance in connection with a credit transaction, the following information must be disclosed to the debtor in writing:*

(a) *That the purchase of credit personal property insurance from the creditor is not mandatory and is not a condition for obtaining credit approval;*

(b) *If more than one type of credit insurance is made available to the debtor, whether the debtor may purchase credit personal property insurance separately from any other credit insurance;*

(c) *The conditions of eligibility;*

(d) *That if the debtor has other insurance that covers the risk, the debtor may not want or need credit personal property insurance;*

(e) *That the debtor may cancel the insurance at any time, or if evidence of insurance is required for the extension of credit, upon proof of insurance that is acceptable to the creditor, and obtain a refund of:*

(1) *If the cancellation is not more than 30 days after the debtor receives the individual policy or certificate of insurance, any premium paid by the debtor; or*

(2) *If the cancellation is more than 30 days after the debtor receives the individual policy or certificate of insurance, any unearned premium paid by the debtor;*

(f) *A brief description of the coverage, including a description of the amount, term, extensions, limitations, perils and exclusions, the insured event, any waiting or elimination period, any deductible, any applicable waiver of premium, the person who would receive any benefits, and the premium or premium rate for the credit personal property insurance; and*

(g) *If the premium or charge is for the insurance financed, that it will be subject to finance charges at the rate applicable to the credit transaction.*

2. *The disclosures required pursuant to subsection 1:*

(a) *If made in connection with credit personal property insurance offered at the same time as the extension of credit or offered through direct mail advertisements, must be made in writing and presented to the customer in a clear and conspicuous manner; or*

(b) *If made in connection with credit personal property insurance offered after the extension of credit other than through direct mail advertisements, may be provided orally or electronically if written disclosures are provided not later than the earlier of:*

(1) *Ten days after the debtor elects to accept the coverage; or*

(2) *The date any other written material is provided by the creditor to the debtor.*

Sec. 46. *An offer to extend coverage for an open-end credit transaction must include, at the time of the invitation to contract, a written disclosure or, if the solicitation is made by telephone and the written disclosure is mailed to the debtor not later than 10 days after enrollment, an oral summary of the written disclosure. The written disclosure must be in not smaller than 12-point type and be in substantially the following form:*

*This coverage may duplicate existing coverage if you have a residential property insurance policy. It applies to any item of covered property on which you owe a debt. This coverage is primary, so it is the first source to be used in the event of a loss on property it covers. You may cancel this coverage at any time by calling the insurer during business hours at the telephone number provided to you or by writing to the insurer. We are charging you a premium that may be based on subjects for which a claim cannot be made, such as services, meals or other consumables, entertainment, finance or service fees, loan interest, delivery charges or other insurance premiums.*

Sec. 47. 1. *All credit personal property insurance must be evidenced by an individual policy or a certificate of insurance that is delivered to the debtor.*

2. *The individual policy or certificate of insurance must, in addition to other requirements of law, include:*

(a) *The name and address of the home office of the insurer;*

(b) *The name of each debtor or, on a certificate of insurance, the identity by name or otherwise of each debtor;*

(c) *The amount of the premium or payment of the debtor or, for open-end credit, the premium rate, basis of the calculation of premiums and balance to which the premium rate applies;*

(d) *A complete description of the coverage or coverages, including the amount of coverage and any exceptions, limitations and exclusions;*

(e) *A statement that all benefits must be paid to the creditor to reduce or extinguish the unpaid debt or to repair or replace the property and that if the benefits exceed the unpaid debt, any excess benefit must be paid to the debtor;*

(f) *If the scheduled term of the insurance is less than the scheduled term of the credit transaction, a statement indicating that fact set forth on the face of the individual policy or certificate of insurance in not less than 10-point bold type; and*

(g) *If the policy is related to open-end credit, a statement that the debtor will, at least once each year, receive the statement as required pursuant to subsection 3.*

3. *For credit personal property insurance related to open-end credit, the creditor must provide to the debtor at least once each year with the account statement a statement in the following form in at least 12-point type:*

*You are paying a premium for credit personal property insurance based on the outstanding balance of this account. You may cancel this coverage at any time by calling the insurer during business hours at the telephone number provided to you or by writing to the insurer. You are being charged a premium that may be based on subjects for which a claim cannot be made, such as services, meals or other consumables, entertainment, finance or service fees, loan interest, delivery charges or other insurance premiums.*

Sec. 48. 1. *Except as otherwise provided in subsection 2, the individual policy or certificate of insurance must be delivered to the debtor upon acceptance of the insurance by the insurer.*

2. *An individual policy or certificate of insurance made in connection with an open-end credit agreement or any credit personal property insurance requested by the debtor after the date the debt is incurred must be delivered to the debtor not more than 30 days after the debtor requested the insurance.*

Sec. 49. 1. *All policies, certificates of insurance, applications for insurance, enrollment forms, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates related thereto must be filed with the Commissioner.*

2. *An item filed with the Commissioner pursuant to subsection 1 may not be issued until 60 days after it is filed with the Commissioner or until the written prior approval of the Commissioner is obtained.*

3. *The Commissioner shall, not more than 60 days after an item is submitted to him pursuant to subsection 1, disapprove the item if the benefits*

*are not reasonable in relation to the premium charged or if the item contains provisions that are unjust, unfair, inequitable, misleading or deceptive or encourage misrepresentation of the coverage or are contrary to any provision of the Code or any regulation adopted pursuant to the Code. If the Commissioner does not disapprove an item filed pursuant to subsection 1 in accordance with this subsection, the item shall be deemed to be approved.*

*4. If the Commissioner notifies an insurer that an item is disapproved pursuant to subsection 3, the insurer shall not use the item. The notice must include the reason for the disapproval and state that a hearing will be granted not less than 30 days after the insurer submits a written request for a hearing to the Commissioner, unless postponed by mutual consent or by order of the Commissioner.*

*5. The Commissioner may hold a hearing to withdraw approval of an item submitted pursuant to subsection 1 not less than 20 days after providing a written notice of the hearing to the insurer. The written notice must include one of the reasons described in subsection 3 for the proposed withdrawal of approval of the item. An insurer shall not use an item if approval of the item is withdrawn pursuant to this subsection.*

*Sec. 50. If an insurer revises its schedule of premium rates, it shall file the revised schedule with the Commissioner pursuant to section 49 of this act. An insurer shall not issue credit personal property insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.*

*Sec. 51. Benefits provided by credit personal property insurance must be reasonable in relation to the premium charged. Benefits shall be deemed to be reasonable if the premium rate charged develops or may reasonably be expected to develop a loss ratio of not less than 60 percent or such higher loss ratio as designated by the Commissioner to afford reasonable allowance for actual and expected loss experience, including a reasonable catastrophe provision and reasonable general and administrative expenses, acquisition expenses, creditor compensation, investment income, premium taxes, licenses, fees, assessments and profit for the insurer.*

*Sec. 52. For open-end credit transactions, the rating plan of the insurer must address, by the grouping of similar accounts, the expected variance in the ratio of goods purchased that are covered under the credit personal property insurance and goods that are not covered by that insurance. Accounts must be separated into groups that have or are expected to have a similar ratio of goods purchased that are covered under the credit personal property insurance and goods that are not covered by that insurance.*

*Sec. 53. An insurer shall not pay to a creditor compensation in excess of 20 percent of the premium. A reasonable level of creditor compensation may be lower than 20 percent. A reasonable level of compensation must be considered in determining the extent to which benefits are reasonable pursuant to sections 49 to 52, inclusive, of this act.*

Sec. 54. *Each year, not later than the date specified in the Instructions to the Annual Statement published by the National Association of Insurance Commissioners, an insurer doing business in this State shall file with the Commissioner and the National Association of Insurance Commissioners a report of credit personal property insurance written on the basis of a calendar year. The report must be prepared using the Credit Insurance Supplement-Annual Statement Blank approved by the National Association of Insurance Commissioners and must contain separate data for each state.*

Sec. 55. *A rate that has been filed and approved pursuant to section 49 of this act is effective for a period not to exceed 3 years after the date of approval. The insurer shall file a rate for approval before the expiration of the 3-year period. The insurer may file a rate for approval at any time before the expiration of the 3-year period.*

Sec. 56. *Except as otherwise provided in this section, a debtor is entitled to a refund of unearned premiums calculated on a daily pro rata basis if the credit personal property insurance of the debtor is cancelled for any reason and if the amount of the refund is \$10 or more.*

Sec. 57. 1. *All claims must be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate files on all reported claims. All claims must be settled as soon as practicable and in accordance with the terms of the insurance contract.*

2. *All claims must be paid by draft drawn upon the insurer, by electronic funds transfer or by check of the insurer to the order of:*

(a) *The claimant to whom payment of the claim is due pursuant to the provisions of the policy; or*

(b) *Any other person designated by the claimant to whom payment is due.*

Sec. 58. *A plan or arrangement may not be used whereby a person other than the insurer or its designated claim representative is authorized to settle or adjust claims. The creditor may not be designated as the representative for the insurer in adjusting claims, except that a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due the group policyholder subject to the periodic audit of the insurer.*

Sec. 59. *A claim made pursuant to credit personal property insurance must not be denied more than 90 days after the initiation of coverage because the debtor was ineligible for coverage unless the debtor misrepresented a material fact. If a claim is denied within 90 days after the initiation of coverage because the debtor was ineligible for coverage or because the debtor misrepresented a material fact, the insurer shall refund to the debtor any premium paid and the creditor shall refund to the debtor any finance charge paid on the premium.*

Sec. 60. *The Commissioner:*

1. *Shall, by regulation, establish reasonable rates as described in this chapter; and*

2. *May adopt any other regulations to carry out the provisions of this chapter.*

Sec. 61. *In addition to any other penalty provided by law, a person who violates a provision of this chapter or a final order of or a regulation adopted by the Commissioner pursuant to this chapter, after notice and a hearing, upon order of the Commissioner is subject to:*

1. *The imposition of an administrative fine not to exceed \$5,000 per violation, or \$10,000 per violation if the Commissioner determines that the violation was willful; and*

2. *Revocation of the license or certificate of authority held by the person.”.*

Amend sec. 20, page 13, line 27, by deleting “17” and inserting “62”.

Amend sec. 26, page 17, lines 12 and 20, by deleting “24” and inserting “69”.

Amend sec. 30, page 19, line 34, by deleting “expires” and inserting “[~~expires~~] terminates”.

Amend sec. 30, page 19, line 35, by deleting “at”.

Amend sec. 30, page 19, by deleting line 36 and inserting: “*not more than 30 days after the termination of the license, the associate*”.

Amend the bill as a whole by renumbering sections 32 through 42 as sections 80 through 90 and adding new sections designated sections 77 through 79, following sec. 31, to read as follows:

“Sec. 77. Chapter 685B of NRS is hereby amended by adding thereto a new section to read as follows:

*Any producer of insurance or surplus lines broker licensed in this State who in this State knowingly represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category B felony and shall be punished as provided in NRS 193.130.*

Sec. 78. NRS 685B.030 is hereby amended to read as follows:

685B.030 1. As used in this section , unless otherwise indicated, “insurer” includes:

(a) All corporations, associations, partnerships and natural persons engaged as principals in the business of insurance, including a fraternal benefit society, a nonprofit corporation offering dental, hospital and medical services, a health maintenance organization, a prepaid limited health service organization, an organization for dental care, a dental plan, an optometric plan or a similar health service plan; and

(b) Interinsurance exchanges and mutual benefit societies.

2. It is unlawful for any insurer to transact an insurance business in this State as set forth in subsection 3 ~~[-]~~ without a certificate of authority from the Commissioner. This section does not apply to:

(a) Any transaction for which a certificate of authority is not required pursuant to NRS 680A.070.

(b) Attorneys at law acting in the ordinary relation of attorney and client in the adjustment of claims or losses.

(c) Transactions in this State involving any policy of insurance or annuity contract issued before January 1, 1972.

(d) Transactions in this State relative to a policy issued or to be issued outside this State involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy.

3. Any of the following acts in this State effected by mail or otherwise by or on behalf of an unauthorized insurer ~~[constitutes]~~ *constitute* the transaction of an insurance business in this State:

(a) The making of or proposing to make, as an insurer, an insurance contract.

(b) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety.

(c) The taking or receiving of any application for insurance.

(d) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof.

(e) The issuance or delivery of contracts of insurance to residents of this State or to persons authorized to do business in this State.

(f) Directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of another any person or insurer in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters after effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurer in the transaction of insurance with respect to subjects of insurance that are resident, located or to be performed in this State. The provisions of this paragraph do not prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance on behalf of such an employer.

(g) The transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance.

(h) The transacting or proposing to transact any insurance business in substance equivalent to any of the provisions of paragraphs (a) to (g), inclusive, in a manner designed to evade the provisions of the statutes.

4. The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect.

5. The failure of an insurer transacting insurance business in this State to obtain a certificate of authority does not impair the validity of any act or contract of the insurer and does not prevent the insurer from defending any action at law or suit in equity in any court of this State, except that no insurer transacting insurance business in this State without a certificate of authority

may maintain an action in any court of this State to enforce any right, claim or demand arising out of the transaction of such business until the insurer has obtained a certificate of authority. In the event of a failure by an unauthorized insurer to pay any claim or loss within the provisions of an insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of the insurance contract is liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of the insurance contract.

6. *Any insurer who transacts any unauthorized business as set forth in this section is guilty of a category B felony and shall be punished as provided in NRS 193.130.*

Sec. 79. NRS 685B.080 is hereby amended to read as follows:

685B.080 1. Any unauthorized insurer who transacts any unauthorized act of an insurance business as set forth in the Unauthorized Insurers Act may be fined not more than \$10,000 for each act or violation.

2. ~~In addition to any other penalties provided in this Code:~~

~~(a) Any producer of insurance or surplus lines broker licensed in this State who in this State knowingly represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(b) Any person other than a producer of insurance or surplus lines broker licensed in this State who in this State represents or aids an unauthorized insurer in violation of the Unauthorized Insurers Act is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) Any person who commits a second or subsequent violation of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~3.} In addition to the penalties provided in subsection {2,} 1, such a violator is liable, personally, jointly and severally with any other person liable therefor, for the payment of premium taxes at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers.”.~~

Amend sec. 39, page 27, line 24, by deleting “37” and inserting “85”.

Amend sec. 41, page 28, lines 20 and 22, by deleting “40” and inserting “88”.

Amend the bill as a whole by renumbering sections 43 through 84 as sections 124 through 165 and adding new sections designated sections 91 through 123, following sec. 42, to read as follows:

“Sec. 91. Chapter 690A of NRS is hereby amended by adding thereto the provisions set forth as sections 92 to 114, inclusive, of this act.

Sec. 92. “*Compensation*” means commissions, dividends, retrospective rate credits, service fees, expense allowances or reimbursements, gifts, furnishing of equipment, facilities, goods and services, or any other form of



*remuneration that is paid directly or indirectly as a result of the sale of consumer credit insurance.*

Sec. 93. *“Credit accident and health insurance” means insurance on a debtor to provide indemnity for payments or debt becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.*

Sec. 94. *“Credit transaction” means any transaction for which the terms of repayment of money loaned or loan commitment made, or payment of goods, services or properties sold or leased, is to be made at a future date or dates.*

Sec. 95. *“Credit unemployment insurance” means insurance on a debtor to provide indemnity for payments or a debt becoming due on a specific loan or other credit transaction while the debtor is involuntarily unemployed as defined in the policy.*

Sec. 96. *“Gross debt” means the sum of the remaining payments owed to a creditor by a debtor.*

Sec. 97. *“Identifiable charge” means a charge for consumer credit insurance that is made to debtors who have that insurance and not made to debtors who do not have that insurance. The term includes a charge for insurance that is disclosed in the credit agreement or other instrument furnished to the debtor which sets forth the financial elements of the credit transaction and any difference in the finance, interest, service or other similar charge made to debtors who are in similar circumstances except for the insured or noninsured status of the debtor.*

Sec. 98. *“Net debt” means the amount required to liquidate the remaining debt in a single lump-sum payment, excluding all unearned interest and other unearned finance charges.*

Sec. 99. *“Open-end credit” means credit extended by a creditor under an agreement in which:*

- 1. The creditor reasonably contemplates repeated transactions;*
- 2. The creditor periodically imposes a finance charge on any outstanding unpaid balance; and*
- 3. The amount of credit that may be extended to the debtor during the term of the agreement up to any limit set by the creditor is generally made available to the extent that any outstanding balance is repaid.*

Sec. 100. *The types of consumer credit insurance defined in this chapter may be written separately or in combination with other types of consumer credit insurance on an individual policy or group policy basis. The Commissioner may by regulation prohibit or limit any combination.*

Sec. 101. 1. *Except as otherwise provided in this section, the amount of credit life insurance must not exceed the greater of the actual net debt or the scheduled net debt.*

2. *If coverage is written on the actual net debt, the amount payable at the time of loss must not be less than the actual net debt less any payments that are more than 2 months past due.*

3. If the coverage is written on any scheduled net debt, the amount payable at the time of loss must not be less than:

(a) If the actual net debt is less than or equal to the scheduled net debt, the scheduled net debt;

(b) If the actual net debt is greater than the scheduled net debt but less than the scheduled net debt plus 2 months of payments, the actual net debt; or

(c) If the actual net debt is greater than the scheduled net debt plus 2 months of payments, the scheduled net debt plus 2 months of payments.

4. If a premium is assessed to the debtor on a monthly basis and is based on the actual net debt, the amount payable at the time of loss must not be less than the actual net debt on that date. If the premium is based on a balance that does not include accrued past due interest, the amount payable at the time of loss must not be less than the actual net debt less any accrued interest that is more than 2 months past due.

5. Insurance on agricultural loan commitments that do not exceed 1 year in duration may be written for not more than the amount of the loan on a nondecreasing or level term plan.

6. Insurance on educational loan commitments may be written for the net unpaid debt plus any unused commitment.

7. Coverage may be written for less than the net debt through the following methods:

(a) The amount of insurance may be the lesser of a stated level amount and the amount determined in accordance with subsection 2;

(b) The amount of insurance may be the lesser of a stated level amount and the amount determined in accordance with subsection 3;

(c) The amount of insurance may be a constant percentage of the amount determined in accordance with subsection 2;

(d) The amount of insurance may be a constant percentage of the amount determined in accordance with subsection 3; or

(e) In the absence of any exclusions for a preexisting condition, the amount of insurance payable in the event of death by natural causes may be limited to the balance as it existed 6 months before the date of death if:

(1) There have been one or more increases in the outstanding balance during the 6-month period other than increases resulting from the accrual of interest or late charges; and

(2) Evidence of individual insurability has not been required during the 6-month period.

8. Other amounts of insurance may be used if those amounts are not inconsistent with the provisions of this section.

Sec. 102. 1. Except as otherwise provided in this section, for consumer credit insurance that is made available to and elected by a debtor before or with the credit transaction to which it relates, the term of the insurance must, subject to acceptance by the insurer, commence on the date on which the debtor becomes obligated to the creditor. If the insurer requires evidence of

*individual insurability and the evidence is provided to the insurer more than 30 days after the date on which the debtor becomes obligated to the creditor, the insurance may commence on the date on which the insurer determines the evidence to be satisfactory.*

2. *Except as otherwise provided in this section, for consumer credit insurance that is made available to and elected by a debtor after the credit transaction to which it relates, the term of the insurance must, subject to acceptance by the insurer, commence on a date not earlier than the date the election is made by the debtor and not later than 30 days after the date on which the insurance company accepts the risk for coverage. If the coverage does not commence on the date on which the insurance company accepts the risk for coverage, the date that coverage commences must be related to an objective method for determining the date, including, without limitation, the billing cycle, the payment cycle or a calendar month.*

3. *If a group policy provides coverage with respect to debts existing on the effective date of the policy, the insurance related to a debt must not commence before the effective date of the group policy.*

4. *A creditor or insurer shall not charge or retain payment from a debtor before commencement of the insurance to which the charge is related.*

Sec. 103. 1. *The term of any consumer credit insurance must not extend beyond the date of termination specified in the policy. The date of termination of the insurance must not occur more than 15 days after the scheduled maturity date of the debt to which it relates unless:*

*(a) The date is extended at no additional cost to the debtor; or*

*(b) The date is extended pursuant to a written agreement signed by the debtor and relates to a variable rate credit transaction or a deferral, renewal, refinancing or consolidation of debt.*

2. *If a debt is discharged because of any renewal, refinancing or consolidation before the scheduled date of termination of the consumer credit insurance, the insurance must be cancelled before any new consumer credit insurance is written in relation to the renewed, refinanced or consolidated debt.*

3. *If consumer credit insurance is terminated before the scheduled termination date, unless the insurance is terminated because of the performance by the insurer of all obligations with respect to the insurance, the insurer shall make an appropriate refund or credit to the debtor of any unearned charge that was paid by the debtor.*

4. *A debtor may cancel consumer credit insurance at any time by providing a request to the insurer. The insurer may require the request to be submitted in writing and may require the debtor to surrender any individual policy or group certificate. The right of the debtor to cancel the insurance may be subject to the terms of the credit transaction.*

Sec. 104. 1. *Before a debtor elects to purchase consumer credit insurance in connection with a credit transaction, the following information must be disclosed to the debtor in writing:*

(a) That the purchase of consumer credit insurance from the creditor is not mandatory and is not a condition for obtaining credit approval;

(b) If more than one type of consumer credit insurance is made available to the debtor, whether the debtor may purchase each separately or only as a package;

(c) The conditions of eligibility;

(d) That if the debtor has other insurance that covers the risk, the debtor may not want or need consumer credit insurance;

(e) That the debtor may cancel the insurance at any time, or if evidence of insurance is required for the extension of credit, upon proof of insurance that is acceptable to the creditor, and obtain a refund of:

(1) If the cancellation is not more than 30 days after the debtor receives the individual policy or certificate of insurance, any premium paid by the debtor; or

(2) If the cancellation is more than 30 days after the debtor receives the individual policy or certificate of insurance, any unearned premium paid by the debtor;

(f) A brief description of the coverage, including a description of the amount, term, extensions, limitations, perils and exclusions, the insured event, any waiting or elimination period, any deductible, any applicable waiver of premium, the person who would receive any benefits, and the premium or premium rate for the consumer credit insurance; and

(g) If the premium or insurance charge is financed, that it will be subject to finance charges at the rate applicable to the credit transaction.

2. The disclosures required pursuant to subsection 1:

(a) If made in connection with consumer credit insurance offered at the same time as the extension of credit or offered through direct mail advertisements, must be made in writing and presented to the customer in a clear and conspicuous manner; or

(b) If made in connection with consumer credit insurance offered after the extension of credit other than through direct mail advertisements, may be provided orally or electronically if written disclosures are provided not later than the earlier of:

(1) Ten days after the debtor elects to accept the coverage; or

(2) The date any other written material is provided by the creditor to the debtor.

Sec. 105. 1. All consumer credit insurance must be evidenced by an individual policy or a group certificate that is delivered to the debtor.

2. The individual policy or group certificate must, in addition to other requirements of law, include:

(a) The name and address of the home office of the insurer;

(b) The name of each debtor or, on a certificate of insurance, the identity by name or otherwise of each debtor;

(c) The amount of the premium or payment of the debtor stated separately for each type of coverage or as a package or, for open-end credit, the

*premium rate, basis of the calculation of premiums and balance to which the premium rate applies;*

*(d) A complete description of the coverage or coverages, including the amount of coverage and any exceptions, limitations and exclusions;*

*(e) A statement that all benefits must be paid to the creditor to reduce or extinguish the unpaid debt and that if the benefits exceed the unpaid debt, any excess benefit must be paid to the debtor; and*

*(f) If the scheduled term of the insurance is less than the scheduled term of the credit transaction, a statement indicating that fact set forth on the face of the individual policy or certificate of insurance in not less than 10-point bold type.*

3. *The insurer shall deliver the individual policy or group certificate to the debtor upon acceptance of insurance by the insurer and not more than 30 days after the debtor elects to purchase the insurance. An individual policy or group certificate related to open-end credit or consumer credit insurance that is requested by the debtor after the date of the credit transaction to which it is related shall be deemed to have been delivered at the time the debtor elected to purchase insurance if the delivery is made not more than 30 days after the date on which the insurer accepts the insurance.*

Sec. 106. 1. *If the individual policy or group certificate is not delivered to the debtor at the time the debt is incurred or at such other time as the debtor purchases consumer credit insurance, a copy of the application or a notice of proposed insurance, signed by the debtor, must be delivered to the debtor. The application or notice of proposed insurance must include:*

*(a) The name and address of the home office of the insurer;*

*(b) The name of each debtor;*

*(c) The premium or amount of payment by the debtor for the insurance;*

*(d) The amount, term and a brief description of the coverage; and*

*(e) A statement that upon acceptance by the insurer, the insurance will become effective as described in section 102 of this act.*

2. *The application or notice of insurance provided pursuant to subsection 1 must:*

*(a) Refer exclusively to consumer credit insurance; and*

*(b) Be separate from the loan, sale or other credit statement, instrument or agreement unless the information required pursuant to subsection 1 is prominently set forth in the statement, instrument or agreement.*

3. *The application or notice of insurance provided pursuant to subsection 1 may be used to meet the requirements of sections 104 and 105 of this act if it includes the information required by those sections.*

Sec. 107. 1. *If a named insurer does not accept the insurance and another insurer accepts the insurance, the insurer shall provide an individual policy or group certificate that includes the name and address of the home office of the insurer who accepted the insurance and the amount of the premium to be charged. If the premium is less than the premium paid by the*

debtor, the insurer shall provide a refund of the excess premium not more than 30 days after the date it was paid by the debtor.

2. If a named insurer does not accept the insurance and no other insurer accepts the insurance, a person who received any premium payment related to the insurance shall refund the payment not more than 30 days after the date it was paid by the debtor.

Sec. 108. 1. All policies, certificates of insurance, applications for insurance, enrollment forms, endorsements and riders delivered or issued for delivery in this State and the schedules of premium rates related thereto must be filed with the Commissioner.

2. An item filed with the Commissioner pursuant to subsection 1 may not be issued or used until 60 days after it is filed with the Commissioner or until the written prior approval of the Commissioner is obtained.

3. The Commissioner shall, not more than 60 days after an item is submitted to him pursuant to subsection 1, disapprove the item if the benefits are not reasonable in relation to the premium charged or if the item contains provisions that are unjust, unfair, inequitable, misleading or deceptive or encourage misrepresentation of the coverage or are contrary to any provision of the Code or any regulation adopted pursuant to the Code. If the Commissioner does not disapprove an item filed pursuant to subsection 1 in accordance with this subsection, the item shall be deemed to be approved.

4. If the Commissioner notifies an insurer that an item is disapproved pursuant to subsection 3, the insurer shall not use the item. The notice must include the reason for the disapproval and state that a hearing will be granted not less than 30 days after the insurer submits a written request for a hearing to the Commissioner, unless postponed by mutual consent or by order of the Commissioner.

5. The Commissioner may hold a hearing to withdraw approval of an item submitted pursuant to subsection 1 not less than 20 days after providing a written notice of the hearing to the insurer. The written notice must include one of the reasons described in subsection 3 for the proposed withdrawal of approval of the item. An insurer shall not use an item if approval of the item is withdrawn pursuant to this subsection.

Sec. 109. If an insurer revises its schedule of premium rates, it shall file the revised schedule with the Commissioner pursuant to section 108 of this act. An insurer shall not issue consumer credit insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner.

Sec. 110. Each individual policy or group certificate must provide for a refund if the insurance is terminated before the scheduled termination date of the insurance. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of termination of the insurance. The Commissioner shall establish by regulation a minimum refund. A refund that is less than the minimum refund established by the Commissioner is not required to be refunded. The formula

*used to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used.*

Sec. 111. *If a creditor requires a debtor to make a payment for consumer credit insurance and an individual policy or group certificate is not issued, the creditor shall immediately notify the debtor in writing and make an appropriate credit to the account of the debtor or issue a refund.*

Sec. 112. *The amount charged to a debtor for any consumer credit insurance must not exceed the amount of the premiums charged by the insurer as determined at the time that the charge was made to the debtor.*

Sec. 113. *Except as otherwise prohibited by law, any duty imposed on an insurer pursuant to this chapter may be carried out by a creditor who is acting as an agent of the insurer.*

Sec. 114. *The Commissioner:*

1. *Shall, by regulation, establish reasonable rates as described in this chapter; and*

2. *May adopt any other regulations to carry out the provisions of this chapter.*

Sec. 115. NRS 690A.010 is hereby amended to read as follows:

690A.010 Any consumer credit insurance issued in connection with loans or other credit transactions for personal, family or household use is subject to the provisions of this chapter ~~unless the insurance is issued~~ except:

1. Insurance written in connection with a ~~loan or other~~ credit transaction ~~of more than 15 years' duration or the issuance of the insurance is~~ that is:

(a) Secured by a first mortgage or deed of trust; and

(b) Made to finance the purchase of real property or the construction of a dwelling thereon, or to refinance a prior credit transaction made for that purpose;

2. Insurance that is sold as an isolated transaction on the part of the insurer and not related to an agreement or a plan for insuring debtors of the creditor ~~to~~;

3. Insurance for which no identifiable charge is made to the debtor; or

4. Insurance on accounts receivable.

Sec. 116. NRS 690A.011 is hereby amended to read as follows:

690A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~690A.012 to 690A.028,~~ 690A.015 to 690A.018, inclusive, and sections 92 to 99, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 117. NRS 690A.015 is hereby amended to read as follows:

690A.015 "Credit insurance" or "consumer credit insurance" means ~~credit~~ any or all of the following:

1. Credit life insurance ~~credit disability insurance, involuntary~~;

2. Credit accident and health insurance;

3. *Credit* unemployment insurance ~~{and any other similar form of insurance.}~~; or

4. *Any other insurance defined in this chapter.*

Sec. 118. NRS 690A.016 is hereby amended to read as follows:

690A.016 “Credit life insurance” means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction ~~{,}~~ *to provide for satisfaction of a debt, in whole or in part, upon the death of an insured debtor.*

Sec. 119. NRS 690A.050 is hereby amended to read as follows:

690A.050 1. Except as otherwise provided in subsection 2, the total amount of periodic indemnity payable pursuant to a policy of credit ~~{disability}~~ *accident and health insurance or credit unemployment insurance* in the event of disability ~~{,}~~ *or unemployment*, as defined in the policy, ~~{or pursuant to a policy of involuntary unemployment insurance in the event of involuntary unemployment as defined in the policy.}~~ must not exceed the aggregate of the periodic scheduled unpaid installments of the ~~{indebtedness.}~~ *gross debt*, and the amount of each periodic indemnity payment must not exceed the original ~~{indebtedness}~~ *gross debt* divided by the number of periodic installments.

2. ~~{Credit disability insurance or involuntary.}~~ *For credit accident and health insurance or credit unemployment insurance {may be} written in connection with {a commitment for an educational credit transaction if the monthly indemnity does not exceed the amount that results when the total commitment is divided by the number of months in the term of the transaction.} an open-end credit agreement, the amount of insurance must not exceed the gross debt which would accrue on that amount using the periodic indemnity. Subject to any policy maximum, the periodic indemnity must not be less than the minimum repayment schedule of the creditor.*

Sec. 120. NRS 690A.120 is hereby amended to read as follows:

690A.120 All policies and certificates of *consumer* credit insurance may be delivered or issued for delivery in this State only by an insurer authorized to do an insurance business in this State, and may be issued only through holders of licenses or certificates of authority issued by the Commissioner.

Sec. 121. NRS 690A.130 is hereby amended to read as follows:

690A.130 1. All claims must be promptly reported to the insurer or its designated claim representative, and the insurer shall maintain adequate files on all reported claims. All claims must be settled as soon as ~~{possible}~~ *practicable* and in accordance with the terms of the insurance contract.

2. All claims must be paid ~~{either}~~ by draft drawn upon the insurer, *by electronic funds transfer* or by check of the insurer to the order of:

(a) The claimant to whom payment of the claim is due pursuant to the provisions of the policy; or

(b) Any other person designated by the claimant to whom payment is due.

3. ~~{No}~~ A plan or arrangement may *not* be used whereby ~~{any}~~ a person other than the insurer or its designated *claim* representative is authorized to



settle or adjust claims. The creditor may not be designated as the representative for the insurer in adjusting a claim, ~~but~~ *except that* a group policyholder may, by arrangement with the group insurer, draw drafts or checks in payment of claims due the group policyholder subject to the periodic audit of the insurer.

Sec. 122. NRS 690A.140 is hereby amended to read as follows:

690A.140 When any form of *consumer* credit insurance is required as additional security for any ~~[indebtedness]~~ *debt*, the debtor may furnish the required amount of insurance through existing policies of insurance owned or controlled by him or procure or furnish the required coverage through any insurer authorized to transact the business of insurance in this State.

Sec. 123. NRS 690A.280 is hereby amended to read as follows:

690A.280 In addition to any other penalty provided by law, any person who violates any provision of this chapter or a regulation adopted or a final order of the Commissioner issued pursuant to this chapter shall, after notice and hearing, pay a civil penalty:

1. In an amount not to exceed ~~[\$2,500;]~~ \$5,000; or
2. If the violation is willful, in an amount not to exceed \$10,000, and the Commissioner may, after notice and a hearing, revoke or suspend the license or certificate of authority of that person.”.

Amend sec. 43, page 29, line 14, by deleting: “44 to 62,” and inserting: “125 to 143,”.

Amend sec. 59, page 33, line 42, by deleting “*formed.*” and inserting “*domiciled.*”.

Amend sec. 63, page 34, line 43, by deleting: “44 to 53,” and inserting: “125 to 134,”.

Amend sec. 76, page 40, line 28, by deleting “55” and inserting “136”.

Amend sec. 77, page 42, line 7, by deleting “Ten” and inserting: “~~[Ten]~~ Twenty-five”.

Amend sec. 79, page 43, by deleting lines 25 through 27 and inserting: “mutual nonassessable ~~[legal reserve disability]~~ life or health insurers.”.

Amend sec. 83, page 45, line 7, by deleting “689B.190” and inserting: “689B.190, 690A.012, 690A.013, 690A.014, 690A.019, 690A.021, 690A.022, 690A.023, 690A.024, 690A.025, 690A.026, 690A.027, 690A.028, 690A.030, 690A.040, 690A.060, 690A.070, 690A.080, 690A.090, 690A.100, 690A.110, 690A.150, 690A.160, 690A.170, 690A.180, 690A.190, 690A.200, 690A.210, 690A.220, 690A.230, 690A.240, 690A.250, 690A.260, 690A.270”.

Amend sec. 84, page 45, by deleting lines 8 through 13 and inserting:

“Sec. 165. 1. This section and sections 1 to 16, inclusive, 62, 63, 65 to 69, inclusive, 71 to 74, inclusive, 77, 78, 79, 81, 82, 83, 87 to 90, inclusive, 124 to 159, inclusive, and 161 of this act become effective upon passage and approval.

2. Sections 64, 70, 76, 80, 84, 85, 86, 160, 162 and 164 of this act become effective on October 1, 2005.

3. Sections 17 to 61, inclusive, and 91 to 123, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are required to carry out the provisions of this act; and

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

4. Sections 74 and 162 of this act expire by limitation on the”.

Amend sec. 84, page 45, by deleting line 24 and inserting:

“5. Sections 75 and 163 of this act become effective on the date”.

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

“

#### LEADLINES OF REPEALED SECTIONS

689B.190 Renewal of converted policy: Request for information on sources of other benefits; grounds for refusal to renew; notice concerning cancellation of other coverage.

690A.012 “Compensation” defined.

690A.013 “Contingent compensation” defined.

690A.014 “Credit disability insurance” defined.

690A.019 “Gross coverage” defined.

690A.021 “Indebtedness” defined.

690A.022 “Involuntary unemployment insurance” defined.

690A.023 “Joint life insurance” defined.

690A.024 “Level term plan” defined.

690A.025 “Outstanding balance basis” defined.

690A.026 “Primary compensation” defined.

690A.027 “Producer” defined.

690A.028 “Single premium basis” defined.

690A.030 Limitations on form of issuance and type of insurance.

690A.040 Amounts of credit life insurance.

690A.060 Term.

690A.070 Policies and certificates of insurance: Contents; delivery.

690A.080 Forms, schedules and formulas: Filing; approval; regulations; withdrawal of approval.

690A.090 Premiums and refunds.

690A.100 Collection of premium or other charge.

690A.110 Premiums and gains not deemed interest.

690A.150 Maintenance of statistics regarding insurance and records regarding creditors.

690A.160 Use or continuation of compensating balances or accounts of special deposits prohibited.

690A.170 Insurer required to conduct audits and reviews; retention of results; payment of costs; Commissioner may order audit or review.

690A.180 Order issued by Commissioner for noncompliance with chapter.

690A.190 Excessive rates; approval of higher rate; filing of statistical experience for higher rate; restrictive provisions in policy.

690A.200 Rates: Credit life insurance.

690A.210 Rates: Credit disability insurance.

690A.220 Rates: Involuntary unemployment insurance.

690A.230 Restrictions based on age.

690A.240 Payment of compensation to producer.

690A.250 Formula for refund.

690A.260 Transfers to unauthorized insurer.

690A.270 Foreign insurers.

690B.060 Reports to Commissioner.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; providing for the regulation of discount health plans; providing the tax rate on premiums for risk retention groups; providing for the regulation of credit personal property insurance; decreasing certain fees for risk retention groups; authorizing an insurer to invest in bonds or notes secured by second liens upon real property under certain circumstances; setting forth the circumstances under which a producer of insurance may pay a commission for selling, soliciting, procuring or negotiating insurance in this State; authorizing the Nevada Insurance Guaranty Association to perform certain acts requested by the Commissioner of Insurance; providing that coverage under a conversion health benefit plan must be renewed by the carrier that issued it under certain circumstances; providing for the regulation of consumer credit insurance; providing for the establishment and regulation of sponsored captive insurers; providing for the establishment and regulation of branch captive insurers; providing penalties; 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. 360.

Bill read second time.

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

Amendment No. 530.

Amend the bill as a whole by deleting sections 1 through 49 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. NRS 644.024 is hereby amended to read as follows:

644.024 “Cosmetology” includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, demonstrator of cosmetics and

manicurist. *The term does not include the occupation of permanent cosmetics subject to the provisions of section 2 of this act.*

Sec. 2. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not practice permanent cosmetics in this State unless he is certified by the Society of Permanent Cosmetic Professionals or its successor, the American Academy of Micropigmentation or its successor, or an equivalent national certifying organization recognized by the health authority. Any person who violates the provisions of this subsection is guilty of a misdemeanor.*

2. *A person certified to practice permanent cosmetics in accordance with subsection 1 shall not use equipment that uses infrared or laser technology to perform permanent cosmetics unless he uses the equipment under the direction of a physician licensed pursuant to chapter 630 of NRS. A person who violates a provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

3. *A health authority may adopt ordinances or regulations, as appropriate, governing the practice of permanent cosmetics in its jurisdiction.*

4. *As used in this section, "permanent cosmetics" means cosmetic tattooing that includes applications of pigments to or under the skin of a human being to enhance the appearance of the eyes, eyebrows or lines of the eyes, or to simulate the natural appearance of the skin after surgery or scarring. The term includes, without limitation, micropigmentation, implantation of micropigments and dermagraphics.*

Sec. 3. Notwithstanding any amendatory provision of this act to the contrary, a person who engages in the practice of permanent cosmetics is not required to be certified as required by section 2 of this act before July 1, 2006.”

Amend the title of the bill to read as follows:

“AN ACT relating to permanent cosmetics; prohibiting a person from practicing permanent cosmetics unless he is certified by a certain organization; prohibiting the person from using equipment that uses infrared or laser technology under certain circumstances; authorizing a health authority to adopt ordinances or regulations governing the practice of permanent cosmetics in its jurisdiction; providing penalties; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for regulation of persons who practice permanent cosmetics. (BDR 43-925)”

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. 364.

Bill read second time.

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

Amendment No. 551.

Amend sec. 4, page 2, by deleting lines 27 and 28 and inserting:

“Sec. 4. *An insurer that makes payments of compensation to an injured employee for a permanent total disability shall provide to the injured employee a quarterly accounting in the form of a letter that sets forth with respect to the payments:*”.

Amend sec. 5, page 3, line 1, after “*demonstrates*” by inserting: “*by a preponderance of the evidence*”.

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

“AN ACT relating to industrial insurance; requiring an insurer that makes payments of compensation to an injured employee for a permanent total disability to provide a quarterly accounting to the injured employee that sets forth certain information; requiring an”.

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. 371.

Bill read second time.

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

Amendment No. 253.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 3 through 8 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. NRS 353.325 is hereby amended to read as follows:

353.325 1. Each state agency, within 10 days after receiving an audit report pertaining to that agency, including a management letter and the agency’s reply, shall submit one copy of the audit report to:

~~1.-(a) The Chief of the Budget Division of the Department of Administration~~

~~2.;~~

~~(b) The State Controller~~

~~3.;~~ and

~~(c) The Legislative Auditor.~~

2. *The audit report, including, without limitation, the opinion and findings of the auditor contained in the audit report, may be disseminated by or on behalf of the state agency for which the report was prepared by inclusion, without limitation, in or on:*

(a) *An official statement or other document prepared in connection with the offering of bonds or other securities;*

(b) *A filing made pursuant to the laws or regulations of this State;*

(c) *A filing made pursuant to a rule or regulation of the Securities and Exchange Commission of the United States; or*

(d) *A website maintained by a state agency on the Internet or its successor,*

*without the consent of the auditor who prepared the audit report. A provision of a contract entered into between an auditor and a state agency that is contrary to the provisions of this subsection is against the public policy of this State and is void and unenforceable.*

Sec. 2. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its financial statements. A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 6 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the Department of Taxation to any local government that submits an application for an extension to the Department. If the local government fails to provide for an audit in accordance with the provisions of this section, the Department of Taxation shall cause the audit to be made at the expense of the local government. All audits must be conducted by a certified public accountant or by a partnership or professional corporation that is registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must:

(a) Be concluded and the report submitted to the board of trustees as provided in subsection 6 not later than 4 months after the close of the fiscal year for which the audit is conducted.

(b) If the school district has more than 150,000 pupils enrolled, include an audit of the expenditure by the school district of public money used:

(1) To design, construct or purchase new buildings for schools or related facilities;

(2) To enlarge, remodel or renovate existing buildings for schools or related facilities; and

(3) To acquire sites for building schools or related facilities, or other real property for purposes related to schools.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated, and notification of the auditor or firm designated must be sent to the Department of Taxation not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards in the United States,

including findings on compliance with statutes and regulations and an expression of opinion on the financial statements. The Department of Taxation shall prescribe the form of the financial statements, and the chart of accounts must be as nearly as possible the same as the chart that is used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989;

(b) A comparison of the operations of the local government with the approved budget, including a statement from the auditor that indicates whether the governing body has taken action on the audit report for the prior year; and

(c) If the local government is subject to the provisions of NRS 244.186, a report showing that the local government is in compliance with the provisions of paragraphs (a) and (b) of subsection 1 of NRS 244.186.

5. Each local government shall provide to its auditor:

(a) A statement indicating whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

(1) An enterprise fund.

(2) An internal service fund.

(3) A fiduciary fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount.

(b) A list and description of any property conveyed to a nonprofit organization pursuant to NRS 244.287 or 268.058.

(c) If the local government is subject to the provisions of NRS 244.186, a declaration indicating that the local government is in compliance with the provisions of paragraph (c) of subsection 1 of NRS 244.186.

6. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The Department of Taxation; and

(d) In the case of a school district, the Department of Education.

7. *The report of the audit, including, without limitation, the opinion and findings of the auditor contained in the report of the audit, may be*

*disseminated by or on behalf of the local government for which the report was prepared by inclusion, without limitation, in or on:*

*(a) An official statement or other document prepared in connection with the offering of bonds or other securities;*

*(b) A filing made pursuant to the laws or regulations of this State;*

*(c) A filing made pursuant to a rule or regulation of the Securities and Exchange Commission of the United States; or*

*(d) A website maintained by a local government on the Internet or its successor,*

*without the consent of the auditor who prepared the report of the audit. A provision of a contract entered into between an auditor and a local government that is contrary to the provisions of this subsection is against the public policy of this State and is void and unenforceable.*

8. If an auditor finds evidence of fraud or dishonesty in the financial statements of a local government, the auditor shall report such evidence to the appropriate level of management in the local government.

~~{8.}~~9. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.”.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: “Exchange Commission ~~{and}~~ , has been approved by the State Board of Finance ~~{}~~ pursuant to subsection 4 and has entered into a contract with the State Treasurer relating to the purchase and investment of securities.”.

Amend sec. 2, page 3, by deleting line 10 and inserting: “local government or a qualified bank ~~{, as provided in subsection 2,}~~ or trust,”.

Amend sec. 2, page 3, line 19, before “to” by inserting “or trust”.

Amend sec. 2, page 3, lines 21 and 27, after “bank” by inserting “or trust”.

Amend sec. 2, page 3, line 30, after “bank” by inserting “or trust”.

Amend sec. 2, page 3, by deleting lines 36 through 41 and inserting:

“4. For the purposes of this section, a bank or trust is qualified to hold securities for a local government if the bank or trust is rated by a nationally recognized rating service as “AA” or its equivalent, or better.”.

Amend sec. 5, page 6, by deleting line 23 and inserting:

“(b) Ten percent of the next ~~[\$2,000]~~ \$10,000 of the excess”.

Amend sec. 6, page 6, by deleting line 40 and inserting:

“Sec. 8. 1. This section and sections 1 and 2 of this act become effective upon passage and approval.

2. Sections 3 to 7, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public financial administration; authorizing the dissemination of certain reports of audits of state agencies and local governments without the consent of the auditor; providing criteria for the



approval of investment advisers to make certain investments for local governments; authorizing certain banks and trusts to hold certain securities on behalf of local governments under certain circumstances; establishing requirements for agreements to locate, deliver, recover or assist in the recovery of certain property held in trust by a county treasurer; providing that a deed made to the county treasurer as trustee for the State and county is, except as against actual fraud, conclusive evidence of certain matters; increasing the payment to the county general fund from the proceeds of the sale of properties for delinquent taxes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning public financial administration. (BDR 31-605)”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 384.

Bill read second time.

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

Amendment No. 324.

Amend the bill as a whole by deleting sections 1 through 94 and adding new sections designated sections 1 through 84, following the enacting clause, to read as follows:

“Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 74, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Cashing” means providing currency or a negotiable instrument in exchange for a check.*

Sec. 4. 1. *“Check” means:*

*(a) A draft, other than a documentary draft, payable on demand and drawn on a bank; or*

*(b) A cashier’s check or teller’s check.*

2. *An instrument may be a check even though it is described on its face by another term, such as “money order.”*

Sec. 5. *“Check-cashing service” means any person engaged in the business of cashing checks for a fee, service charge or other consideration.*

Sec. 6. *“Commissioner” means the Commissioner of Financial Institutions.*

Sec. 7. “Customer” means any person who receives or attempts to receive check-cashing services, deferred deposit loan services, short-term loan services or title loan services from another person.

Sec. 8. 1. “Default” means the failure of a customer to:

(a) Make a scheduled payment on a loan on or before the due date for the payment under the terms of a lawful loan agreement and any grace period that complies with the provisions of section 23 of this act or under the terms of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of section 23 of this act; or

(b) Pay a loan in full on or before:

(1) The expiration of the initial loan period as set forth in a lawful loan agreement and any grace period that complies with the provisions of section 23 of this act; or

(2) The due date of any lawful extension or repayment plan relating to the loan and any grace period that complies with the provisions of section 23 of this act, provided that the due date of the extension or repayment plan is not later than 8 weeks after the expiration of the initial loan period.

2. A default occurs on the day immediately following the date of the customer’s failure to perform as described in subsection 1.

Sec. 9. “Deferred deposit loan” means a transaction in which, pursuant to a written agreement:

1. A customer tenders to another person:

(a) A personal check drawn upon the account of the customer; or

(b) Written authorization for an electronic transfer of money for a specified amount from the account of the customer; and

2. The other person:

(a) Provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; and

(b) Agrees, for a specified period, not to cash the check or execute the electronic transfer of money for the amount specified in the written authorization.

Sec. 10. “Deferred deposit loan service” means any person engaged in the business of making deferred deposit loans for a fee, service charge or other consideration.

Sec. 11. “Electronic transfer of money” means any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

Sec. 12. 1. “Extension” means any extension or rollover of a loan beyond the date on which the loan is required to be paid in full under the original terms of the loan agreement, regardless of the name given to the extension or rollover.

2. The term does not include a grace period.

Sec. 13. *“Grace period” means any period of deferment offered gratuitously by a licensee to a customer if the licensee complies with the provisions of section 23 of this act.*

Sec. 14. *“Licensee” means any person who has been issued one or more licenses to operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service pursuant to the provisions of this chapter.*

Sec. 15. *“Loan” means any deferred deposit loan, short-term loan or title loan, or any extension or repayment plan relating to such a loan, made at any location or through any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.*

Sec. 16. *“Motor vehicle” has the meaning ascribed to it by the Commissioner pursuant to section 28 of this act.*

Sec. 17. 1. *“Short-term loan” means a loan made to a customer pursuant to a loan agreement which, under its original terms:*

*(a) Charges fees or a rate of interest, or any combination thereof, that when calculated as an annualized percentage rate is more than 40 percent; and*

*(b) Requires the loan to be paid in full in less than 1 year.*

2. *The term does not include:*

*(a) A deferred deposit loan; or*

*(b) A title loan.*

Sec. 18. *“Short-term loan service” means any person engaged in the business of providing short-term loans for a fee, service charge or other consideration.*

Sec. 19. 1. *“Title loan” means a loan made to a customer who secures the loan with the title to a motor vehicle and who gives possession of the title to the person making the loan or to any agent, affiliate or subsidiary of the person.*

2. *The term does not include a loan which is secured by a lien or other security interest that attaches to a motor vehicle or appears on its title, including, without limitation, a loan to finance the purchase of the motor vehicle, if the person making the loan, or any agent, affiliate or subsidiary of the person, does not take possession of the title.*

Sec. 20. *“Title loan service” means any person engaged in the business of providing title loans for a fee, service charge or other consideration.*

Sec. 21. *“Title to a motor vehicle” or “title” means a certificate of title issued by the Department of Motor Vehicles that identifies the legal owner of a motor vehicle or any similar document issued pursuant to the laws of another jurisdiction.*

Sec. 22. *The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense, including, without limitation, calling a loan by any other name or using any agents,*

*affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter.*

*Sec. 23. The provisions of this chapter do not prohibit a licensee from offering a customer a grace period on the repayment of a loan, except that the licensee shall not charge the customer:*

- 1. Any fees for granting such a grace period; or*
- 2. Any fees or interest on the outstanding loan during such a grace period.*

*Sec. 24. 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to provide for, to the extent practicable, uniform regulation of the loans and transactions that are subject to the provisions of this chapter.*

*2. If there is a conflict between the provisions of this chapter and the provisions of any other general law regulating loans and similar transactions, the provisions of this chapter control.*

*Sec. 25. This chapter or any part thereof may be modified, amended or repealed by the Legislature so as to effect a cancellation or alteration of any license or right of a licensee under this chapter, provided that such cancellation or alteration shall not impair or affect the obligation of any preexisting lawful loan agreement between any licensee and any customer.*

*Sec. 26. Any loan lawfully made outside this State as permitted by the laws of the state in which the loan was made may be collected or otherwise enforced in this State in accordance with its terms.*

*Sec. 27. The provisions of this chapter do not apply to:*

*1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies or insurance companies.*

*2. A person who is primarily engaged in the retail sale of goods or services who:*

*(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than \$2; and*

*(b) Does not hold himself out as a check-cashing service.*

*3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.*

*4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.*

*5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.*

*6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.*

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

Sec. 28. 1. The Commissioner shall adopt by regulation a definition of the term "motor vehicle" as that term is used in the definition of "title loan" for the purposes of this chapter.

2. The Commissioner may establish by regulation the fees that a licensee who provides check-cashing services may impose for cashing checks.

3. The Commissioner shall adopt any other regulations as are necessary to carry out the provisions of this chapter.

Sec. 29. 1. A person, including, without limitation, a person licensed pursuant to chapter 675 of NRS, shall not operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service unless the person is licensed with the Commissioner pursuant to the provisions of this chapter.

2. A person must have a license regardless of the location or method that the person uses to operate such a service, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.

Sec. 30. 1. A licensee shall post in a conspicuous place in every location at which he conducts business under his license, a notice that states the fees he charges for providing check-cashing services, deferred deposit loan services, short-term loan services or title loan services.

2. If a licensee offers loans to customers at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, the licensee

*shall, as appropriate to the location or method for making the loan, post in a conspicuous place where customers will see it before they enter into a loan, or disclose in an open and obvious manner to customers before they enter into a loan, a notice that states:*

*(a) The types of loans the licensee offers and the fees he charges for making each type of loan; and*

*(b) A list of the states where the licensee is licensed or authorized to conduct business from outside this State with customers located in this State.*

*3. A licensee who provides check-cashing services shall give written notice to each customer of the fees he charges for cashing checks. The customer must sign the notice before the licensee provides the check-cashing service.*

*Sec. 31. 1. Before making any loan to a customer, a licensee shall provide to the customer a written loan agreement which may be kept by the customer and which must be written in:*

*(a) English, if the transaction is conducted in English; or*

*(b) Spanish, if the transaction is conducted in Spanish.*

*2. The loan agreement must include, without limitation, the following information:*

*(a) The name and address of the licensee and the customer;*

*(b) The date of the loan;*

*(c) The nature of the security for the loan, if any;*

*(d) The amount of the loan obligation, including, without limitation, an itemization of the interest, charges and fees the customer must pay if the licensee makes a loan to the customer;*

*(e) The description or schedule of payments on the loan;*

*(f) A disclosure of the right of the customer to rescind a loan pursuant to the provisions of this chapter;*

*(g) A disclosure of the right of the customer to pay his loan in full or in part with no additional charge pursuant to the provisions of this chapter;*

*(h) Disclosures required for a similar transaction by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq.; and*

*(i) Disclosures required under any other applicable state statute or regulation.*

*Sec. 32. 1. If a customer defaults on a loan, the licensee may collect the debt owed to the licensee only in a professional, fair and lawful manner. When collecting such a debt, the licensee must act in accordance with and must not violate sections 803 to 812, inclusive, of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692a to 1692j, inclusive, even if the licensee is not otherwise subject to the provisions of that Act.*

*2. If a licensee initiates a civil action against a customer to collect a debt, the court may award:*

*(a) Court costs;*

*(b) Costs of service of process, except that the costs must not exceed the amount of the fees charged by the sheriff or constable for service of process*

*in the county where the action was brought or, if the customer is not served in that county, in the county where the customer was served; and*

*(c) Reasonable attorney's fees. In determining the amount of the attorney's fees and whether they are reasonable, the court shall consider the complexity of the case, the amount of the debt and whether the licensee could have used less costly means to collect the debt.*

Sec. 33. 1. *If a customer is called to active duty in the military, a licensee shall:*

*(a) Defer for the duration of the active duty all collection activity against the customer and his property, including, without limitation, any community property in which the customer has an interest; and*

*(b) Honor the terms of any repayment plan between the licensee and customer, including, without limitation, any repayment plan negotiated through military counselors or third-party credit counselors.*

2. *When collecting any defaulted loan, a licensee shall not:*

*(a) Garnish any wages or salary paid to a customer for active service in the military; or*

*(b) Contact the military chain of command of a customer in an effort to collect the defaulted loan.*

3. *As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.*

Sec. 34. *A licensee shall not:*

1. *Make a loan that exceeds 25 percent of the expected gross monthly income of the customer during the term of the loan unless justified by particular circumstances. A licensee is not in violation of the provisions of this subsection if the customer presents evidence of his gross monthly income to the licensee and represents to the licensee in writing that the loan does not exceed 25 percent of the expected gross monthly income of the customer during the term of the loan.*

2. *Make more than one loan to the same customer at one time or before any outstanding balance is paid in full on an existing loan made by that licensee to the customer unless:*

*(a) The customer is seeking multiple loans that do not exceed the limit set forth in subsection 1;*

*(b) The licensee charges the same rate of interest for any additional loans as he charged for the initial loan;*

*(c) Except for the interest charged pursuant to paragraph (b), the licensee does not impose any other charge or fee to initiate any additional loans; and*

*(d) If the additional loans are deferred deposit loans and the customer provides one or more additional checks that are not paid upon presentment, the licensee does not charge any fees to the customer pursuant to section 45 of this act, except for the fees allowed pursuant to that section for the first check that is not paid upon presentment.*

Sec. 35. *A licensee shall not:*

1. *Accept:*

(a) *Collateral as security for a loan, except that a title to a motor vehicle may be accepted as security for a title loan.*

(b) *An assignment of wages, salary, commissions or other compensation for services, whether earned or to be earned, as security for a loan.*

(c) *A check as security for a short-term loan or title loan.*

(d) *More than one check or written authorization for the electronic transfer of money for each deferred deposit loan.*

(e) *A check or written authorization for the electronic transfer of money for any deferred deposit loan in an amount which exceeds the amount of total payments set forth in the disclosure statement required by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., that is provided to the customer.*

2. *Take any note or promise to pay which does not disclose the date and amount of the loan, a schedule or description of the payments to be made thereon and the rate or aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer. Compliance with the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., constitutes compliance with this subsection.*

3. *Take any instrument, including a check or written authorization for the electronic transfer of money, in which blanks are left to be filled in after the loan is made.*

4. *Make any transaction contingent on the purchase of insurance or any other goods or services or sell any insurance to the customer with the loan.*

5. *Fail to comply with a payment plan which is negotiated and agreed to by the licensee and customer.*

6. *Charge any fee to cash a check representing the proceeds of a loan made by the licensee or any agent, affiliate or subsidiary of the licensee.*

Sec. 36. *A licensee shall not:*

1. *Use or threaten to use the criminal process in this State or any other state, or any civil process not available to creditors generally, to collect on a loan made to a customer.*

2. *Commence a civil action before the expiration of the original term of a loan agreement or before the expiration of any repayment plan, extension or grace period negotiated and agreed to by the licensee and customer, unless otherwise authorized pursuant to this chapter.*

3. *Take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the customer in a judicial proceeding.*

4. *Include in any written agreement:*

(a) *A promise by the customer to hold the licensee harmless;*

(b) *A confession of judgment by the customer;*

(c) *An assignment or order for payment of wages or other compensation due the customer; or*

(d) *A waiver of any claim or defense arising out of the loan agreement or a waiver of any provision of this chapter. The provisions of this paragraph do not apply to the extent preempted by federal law.*



5. Engage in any deceptive trade practice, as defined in chapter 598 of NRS, including, without limitation, making a false representation.

6. Advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans.

7. Use or attempt to use any agent, affiliate or subsidiary to avoid the requirements or prohibitions of this chapter.

Sec. 37. A licensee who makes title loans shall not:

1. Make a title loan that exceeds the fair market value of the motor vehicle securing the title loan.

2. Make a title loan without regard to the ability of the customer seeking the title loan to repay the title loan, including the customer's current and expected income, obligations and employment.

3. Make a title loan without requiring the customer to sign an affidavit which states that:

(a) The customer has provided the licensee with true and correct information concerning the customer's income, obligations and employment; and

(b) The customer has the ability to repay the title loan.

Sec. 38. 1. Except where in conflict with the provisions of this chapter, the provisions of chapter 104 of NRS apply to any title loan between a licensee and a customer.

2. Except as otherwise provided in this section, if a customer defaults on a title loan, or on any extension or repayment plan relating to the title loan, the sole remedy of the licensee who made the title loan is to commence a legal action to seek repossession and sale of the motor vehicle which the customer used to secure the title loan. The licensee may not pursue the customer personally for:

(a) Payment of the loan, unless the licensee proves the customer prevented the repossession and sale of the motor vehicle by any means, including, without limitation, hiding the motor vehicle; or

(b) Any deficiency after repossession and sale of the motor vehicle which the customer used to secure the title loan, unless the licensee proves the customer damaged or otherwise committed or permitted waste on the motor vehicle. For the purposes of this paragraph, it shall not be deemed waste for the customer to continue to use the motor vehicle in the same manner it was used before he entered into the title loan or to make necessary repairs to the motor vehicle.

3. After repossession and sale of the motor vehicle securing the title loan, the licensee shall return to the customer any proceeds from the sale of the motor vehicle which exceed the amount owed on the title loan.

4. If a customer uses fraud to secure a title loan, the licensee may bring a civil action against the customer for any or all of the following relief:

(a) *The amount of the loan obligation, including, without limitation, the aggregate amount of the interest, charges and fees negotiated and agreed to by the licensee and customer;*

(b) *Reasonable attorney's fees and costs; and*

(c) *Any other legal or equitable relief that the court deems appropriate.*

5. As used in this section, "fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the customer with the intent to deprive the licensee of his rights or property or to otherwise injure the licensee. The term includes, without limitation, giving to a licensee as security for a title loan the title to a motor vehicle which does not belong to the customer.

Sec. 39. 1. A customer may rescind a loan on or before the close of business on the next day of business at the location where the loan was initiated. To rescind the loan, the customer must deliver to the licensee:

(a) *A sum of money equal to the face value of the loan, less any fee charged to the customer to initiate the loan: or*

(b) *The original check, if any, which the licensee gave to the customer pursuant to the loan. Upon receipt of the original check, the licensee shall refund any fee charged to the customer to initiate the loan.*

2. *If a customer rescinds a loan pursuant to this section, the licensee:*

(a) *Shall not charge the customer any fee for rescinding the loan; and*

(b) *Upon receipt of the sum of money or check pursuant to subsection 1, shall give to the customer a receipt showing the account paid in full and:*

(1) *If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or written authorization stamped "void";*

(2) *If the customer gave to the licensee a promissory note to initiate a short-term loan, a copy of the promissory note stamped "void" or the receipt stamped "paid in full"; or*

(3) *If the customer gave to the licensee a title to a motor vehicle to initiate the title loan, the title.*

Sec. 40. 1. A customer may pay a loan, or any extension thereof, in full at any time, without an additional charge or fee, before the date his final payment on the loan, or any extension thereof, is due.

2. *If a customer pays the loan in full, including all interest, charges and fees negotiated and agreed to by the licensee and customer, the licensee shall:*

(a) *Give to the customer:*

(1) *If the customer gave to the licensee a check or a written authorization for an electronic transfer of money to initiate a deferred deposit loan, the check or the written authorization stamped "void";*

(2) *If the customer gave to the licensee a promissory note to initiate a short-term loan, the promissory note stamped "void" or a receipt stamped "paid in full"; or*

(3) *If the customer gave to the licensee a title to a motor vehicle to initiate a title loan, the title; and*

(b) *Give to the customer a receipt with the following information:*

(1) *The name and address of the licensee;*

(2) *The identification number assigned to the loan agreement or other information that identifies the loan;*

(3) *The date of the payment;*

(4) *The amount paid;*

(5) *An itemization of interest, charges and fees;*

(6) *A statement that the loan is paid in full; and*

(7) *If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.*

Sec. 41. 1. *A customer may make a partial payment on a loan, or any extension thereof, at any time without an additional charge or fee.*

2. *If a customer makes such a partial payment, the licensee shall give to the customer a receipt with the following information:*

(a) *The name and address of the licensee;*

(b) *The identification number assigned to the loan agreement or other information that identifies the loan;*

(c) *The date of the payment;*

(d) *The amount paid;*

(e) *An itemization of interest, charges and fees;*

(f) *The balance due on the loan; and*

(g) *If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.*

Sec. 42. 1. *The licensee and customer may enter into a repayment plan if:*

(a) *The customer defaults on the original loan, or any extension thereof;*

*or*

(b) *Before such a default, the customer indicates that he is unable to pay the original loan in full pursuant to the terms set forth in the original loan agreement, or any extension thereof.*

2. *If the customer defaults on the original loan or any extension thereof, or indicates that he is unable to pay in full the original loan or any extension thereof, the licensee:*

(a) *Shall provide written notice in English, if the initial transaction was conducted in English, or in Spanish, if the initial transaction was conducted in Spanish, to the customer of his right to enter into a repayment plan; and*

(b) *Shall not commence any civil action to collect on the outstanding loan unless:*

(1) *Such a notice has been sent to the customer; and*

(2) *The customer fails to exercise his right to enter into a repayment plan within 15 days after receipt of the notice.*

3. If the licensee and customer enter into a repayment plan pursuant to this section, the customer may pay the remaining balance on the outstanding loan:

- (a) In four equal monthly installments; or
- (b) Under any other terms negotiated and agreed to by the licensee and customer that comply with the provisions of this section.

4. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall:

- (a) Provide to the customer a document which confirms that the customer has entered into a repayment plan and which states the date and terms of the repayment plan; and
- (b) If the repayment plan is for a deferred deposit loan, return to the customer the check or written authorization for an electronic transfer of money that the customer used to initiate the deferred deposit loan, with the check or written authorization stamped “void.”

5. If the licensee and customer enter into a repayment plan pursuant to this section, the licensee shall honor the terms of the repayment plan, and the licensee shall not:

- (a) Charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of entering into a repayment plan. Such an amount includes, without limitation:

- (1) Any interest, other than the interest charged pursuant to the original loan agreement, regardless of the name given to the interest; or

- (2) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee;

- (b) Accept any security or collateral from the customer to enter into the repayment plan;

- (c) Sell to the customer any insurance or require the customer to purchase insurance or any other goods or services to enter into the repayment plan;

- (d) Make any other loan to the customer, unless the customer is seeking multiple loans that do not exceed the limit set forth in subsection 1 of section 34 of this act; or

- (e) Commence a civil action against the customer during the term of the repayment plan.

6. Each time a customer makes a payment pursuant to a repayment plan, the licensee shall give to the customer a receipt with the following information:

- (a) The name and address of the licensee;
- (b) The identification number assigned to the loan agreement or other information that identifies the loan;
- (c) The date of the payment;
- (d) The amount paid;

(e) *The balance due on the loan or, when the customer makes the final payment, a statement that the loan is paid in full; and*

(f) *If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.*

Sec. 43. *If a customer agrees to establish or extend the period for the repayment, renewal, refinancing or consolidation of an outstanding loan by using the proceeds of a new loan to pay the balance of the outstanding loan, the licensee shall not establish or extend such a period beyond 8 weeks after the expiration of the initial loan period.*

Sec. 44. 1. *If a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer:*

(a) *The principal amount of the loan.*

(b) *The interest accrued before the expiration of the initial loan period at the rate of interest set forth in the disclosure statement required by the federal Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., that is provided to the customer. If there is an extension or repayment plan relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 8 weeks after the expiration of the initial loan period.*

(c) *The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to paragraph (b), whichever is later, at a rate of interest not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 12 weeks. After that period, the licensee shall not charge or collect any interest on the loan.*

(d) *Any fees allowed pursuant to section 45 of this act for a check that is not paid upon presentment because the account of the customer contains insufficient funds or has been closed.*

2. *Except for the interest and fees permitted pursuant to subsection 1, the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such an amount includes, without limitation:*

(a) *Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or*

(b) *Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.*

Sec. 45. 1. *A licensee may collect a fee of not more than \$25 if a check is not paid upon presentment because the account of the customer contains insufficient funds or has been closed.*

2. *If the account of the customer contains insufficient funds, the licensee may collect only two fees of \$25 each regardless of the number of times the check is presented for payment.*

3. *If the account of the customer has been closed, the licensee may collect only one fee of \$25 regardless of the number of times the check is presented for payment.*

4. *A customer is not liable for damages pursuant to NRS 41.620 or to criminal prosecution for a violation of chapter 205 of NRS unless the customer acted with criminal intent.*

Sec. 46. *In addition to any other provision in this chapter, each time a customer makes a payment to a licensee, the licensee shall give to the customer a receipt with the following information:*

1. *The name and address of the licensee;*
2. *The identification number assigned to the loan agreement or other information that identifies the loan;*
3. *The date of the payment;*
4. *The amount paid;*
5. *The balance due on the loan or, when the customer makes a final payment, a statement that the loan is paid in full; and*
6. *If more than one loan made by the licensee to the customer was outstanding at the time the payment was made, a statement indicating to which loan the payment was applied.*

Sec. 47. 1. *A person shall not act as an agent for or assist a licensee in the making of a loan unless the licensee complies with all applicable federal and state laws, regulations and guidelines.*

2. *The provisions of this section do not apply to the agent or assistant to a state or federally chartered bank, thrift company, savings and loan association or industrial loan company if the state or federally chartered bank, thrift company, savings and loan association or industrial loan company:*

- (a) *Initially advances the loan proceeds to the customer; and*
- (b) *Does not sell, assign or transfer a preponderant economic interest in the loan to the agent or assistant or an affiliate or subsidiary of the state or federally chartered bank, thrift company, savings and loan association or industrial loan company, unless selling, assigning or transferring a preponderant economic interest is expressly permitted by the primary regulator of the state or federally chartered bank, thrift company, savings and loan association or industrial loan company.*

3. *If a licensee acts as an agent for or assists a state or federally chartered bank, thrift company, savings and loan association or industrial loan company in the making of a loan and the licensee can show that the standards set forth in subsection 2 are satisfied, the licensee must comply with all other provisions in this chapter to the extent they are not preempted by other state or federal law.*

Sec. 48. 1. *An application for a license pursuant to the provisions of this chapter must be made in writing, under oath and on a form prescribed by the Commissioner. The application must include:*

*(a) If the applicant is a natural person, the name and address of the applicant.*

*(b) If the applicant is a business entity, the name and address of each:*

*(1) Partner;*

*(2) Officer;*

*(3) Director;*

*(4) Manager or member who acts in a managerial capacity; and*

*(5) Registered agent,  
of the business entity.*

*(c) Such other information, as the Commissioner determines necessary, concerning the financial responsibility, background, experience and activities of the applicant and its:*

*(1) Partners;*

*(2) Officers;*

*(3) Directors; and*

*(4) Managers or members who act in a managerial capacity.*

*(d) The address of each location at which the applicant proposes to do business, including, without limitation, each location where the applicant will operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.*

*(e) If the applicant is or intends to be licensed to provide more than one type of service pursuant to the provisions of this chapter, a statement of that intent and which services he provides or intends to provide.*

2. *Each application for a license must be accompanied by:*

*(a) A nonrefundable application fee;*

*(b) Such additional expenses incurred in the process of investigation as the Commissioner deems necessary; and*

*(c) A fee of not less than \$100 or more than \$500, prorated on the basis of the licensing year.*

*All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.*

3. *The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.*

Sec. 49. 1. *Except as otherwise provided in section 50 of this act, each application for a license pursuant to the provisions of this chapter must be accompanied by a surety bond payable to the State of Nevada in the amount of \$50,000 for the use and benefit of any customer receiving the services of the licensee.*

2. *The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must*

*secure the faithful performance of the obligations of the licensee respecting the provision of the services.*

3. *A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against him by any creditor or claimant arising out of business regulated by this chapter give notice thereof to the Commissioner by certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.*

4. *Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the licensee shall furnish:*

*(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or*

*(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.*

5. *The liability of the surety on the bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.*

6. *The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after:*

*(a) The death of the licensee or the dissolution or liquidation of his business; or*

*(b) The termination of the bond,  
whichever event occurs first.*

7. *A licensee or his surety shall not cancel or alter a bond except after notice to the Commissioner by certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the expiration of the 30-day period designated in subsection 6.*

Sec. 50. 1. *In lieu of any surety bond, or any portion of the principal sum thereof as required pursuant to the provisions of this chapter, a licensee may deposit with the State Treasurer or with any bank, credit union or trust company authorized to do business in this State as the licensee may select, with the approval of the Commissioner:*

*(a) Interest-bearing stocks;*

*(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or*

*(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State or guaranteed by this State,*



*in an aggregate amount of, based upon principal amount or market value, whichever is lower, of not less than the amount of the required surety bond or portion thereof.*

*2. The securities must be held to secure the same obligation as would the surety bond, but the depositor may receive any interest or dividends and, with the approval of the Commissioner, substitute other suitable securities for those deposited.*

*Sec. 51. 1. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:*

*(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or*

*(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.*

*The person must be allowed to choose between the provisions of paragraph (a) or (b) in complying with the provisions of this subsection.*

*2. This section applies, without limitation, to any office or other place of business located outside this State from which the applicant will conduct business in this State at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.*

*Sec. 52. 1. Upon the filing of the application and the payment of the fees required pursuant to section 48 of this act, the Commissioner shall investigate the facts concerning the application and the requirements provided for in section 54 of this act.*

*2. The Commissioner may hold a hearing on the application at a time not less than 30 days after the date the application was filed or not more than 60 days after that date. The hearing must be held in the Office of the Commissioner or such other place as he may designate. Notice in writing of the hearing must be sent to the applicant and to any licensee to which a notice of the application has been given and to such other persons as the Commissioner may see fit, at least 10 days before the date set for the hearing.*

*3. The Commissioner shall make his order granting or denying the application within 10 days after the date of the closing of the hearing, unless the period is extended by written agreement between the applicant and the Commissioner.*

Sec. 53. *If the Commissioner finds that any applicant does not possess the requirements specified in this chapter, he shall:*

1. *Enter an order denying the application and notify the applicant of the denial.*
2. *Within 10 days after the entry of such an order, file his findings and a summary of the evidence supporting those findings and deliver a copy thereof to the applicant.*

Sec. 54. 1. *The Commissioner shall enter an order granting an application if he finds that the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently.*

2. *If the Commissioner grants an application, the Commissioner shall:*

- (a) *File his findings of fact together with the transcript of any hearing held pursuant to the provisions of this chapter; and*
- (b) *Issue to the licensee a license in such form and size as is prescribed by the Commissioner for each location at which the licensee proposes to do business.*

3. *Each licensee shall prominently display his license at the location where he does business. The Commissioner may issue additional licenses to the same licensee for each branch location at which the licensee is authorized to operate under the license, including, without limitation, each branch location where the licensee is authorized to operate at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means. Nothing in this subsection requires a license for any place of business devoted to accounting, recordkeeping or administrative purposes only.*

4. *Each license shall:*

- (a) *State the address at which the business is to be conducted; and*
- (b) *State fully:*
  - (1) *The name and address of the licensee;*
  - (2) *If the licensee is a copartnership or association, the names of its members; and*
  - (3) *If the licensee is a corporation, the date and place of its incorporation.*

5. *A license is not transferable or assignable.*

Sec. 55. 1. *A license issued pursuant to the provisions of this chapter expires annually on the anniversary of the issuance of the license. A licensee must renew his license on or before the date on which the license expires by paying:*

- (a) *A renewal fee; and*
- (b) *An additional fee for each branch location at which the licensee is authorized to operate under the license.*

2. A licensee who fails to renew his license within the time required by this section is not licensed pursuant to the provisions of this chapter.

3. The Commissioner may reinstate an expired license upon receipt of the renewal fee and a fee for reinstatement.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

Sec. 56. 1. A licensee shall immediately notify the Commissioner of any change of control of the licensee.

2. A person who acquires stock, partnership or member interests resulting in a change of control of the licensee shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements for obtaining a license pursuant to the provisions of this chapter will be satisfied after the change of control. If the Commissioner determines that those requirements will not be satisfied, he may deny the application and forbid the applicant from participating in the business of the licensee.

3. As used in this section, "change of control" means:

(a) A transfer of voting stock, partnership or member interests which results in giving a person, directly or indirectly, the power to direct the management and policy of a licensee; or

(b) A transfer of at least 25 percent of the outstanding voting stock, partnership or member interests of the licensee.

Sec. 57. A licensee shall not conduct the business of making loans under any name, at any place or by any method, including, without limitation, at a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means, except as permitted in the license or branch license issued to the licensee.

Sec. 58. 1. Except as otherwise provided in this section, a licensee may not conduct the business of making loans within any office, suite, room or place of business in which any other lending business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans in the same office or place of business as:

(a) A mortgage broker if:

(1) The licensee and the mortgage broker:

(I) Maintain separate accounts, books and records;

(II) Are subsidiaries of the same parent corporation; and

(III) Maintain separate licenses; and

(2) The mortgage broker is licensed by this State pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

(b) A mortgage banker if:

(1) *The licensee and the mortgage banker:*

- (I) *Maintain separate accounts, books and records;*
- (II) *Are subsidiaries of the same parent corporation; and*
- (III) *Maintain separate licenses; and*

(2) *The mortgage banker is licensed by this State pursuant to chapter 645E of NRS and, if the mortgage banker is also licensed as a mortgage broker pursuant to chapter 645B of NRS, does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.*

3. *If a pawnbroker is licensed to operate a check-cashing service, deferred deposit loan service, short-term loan service or title loan service, the pawnbroker may operate that service at the same office or place of business from which he conducts business as a pawnbroker pursuant to chapter 646 of NRS.*

Sec. 59. 1. *A licensee who wishes to change the address of an office or other place of business for which he has a license pursuant to the provisions of this chapter must, at least 10 days before changing the address, give written notice of the proposed change to the Commissioner.*

2. *Upon receipt of the proposed change of address pursuant to subsection 1, the Commissioner shall provide written approval of the change and the date of the approval.*

3. *If a licensee fails to provide notice as required pursuant to subsection 1, the Commissioner may impose a fine in an amount not to exceed \$500.*

4. *This section applies, without limitation, to any office or other place of business at which the licensee intends to operate a kiosk, through the Internet, through any telephone, facsimile machine or other telecommunication device or through any other machine, network, system, device or means.*

Sec. 60. 1. *Each licensee shall keep and use in his business such books and accounting records as are in accord with generally accepted accounting practices.*

2. *Each licensee shall maintain a separate record or ledger card for the account of each customer and shall set forth separately the amount of cash advance and the total amount of interest and charges, but such a record may set forth precomputed declining balances based on the scheduled payments, without a separation of principal and charges.*

3. *Each licensee shall preserve all such books and accounting records for at least 2 years after making the final entry therein.*

4. *Each licensee who operates outside this State an office or other place of business that is licensed pursuant to provisions of this chapter shall:*

(a) *Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or*

(b) *Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any*

*investigation or examination made at the office or place of business located outside this State.*

*The licensee must be allowed to choose between the provisions of paragraph (a) or (b) in complying with this subsection.*

*5. As used in this section, "amount of cash advance" means the amount of cash or its equivalent actually received by a customer or paid out at his direction or in his behalf.*

*Sec. 61. 1. Except as otherwise provided in subsection 3, an officer or employee of the Division of Financial Institutions of the Department of Business and Industry shall not:*

- (a) Be directly or indirectly interested in or act on behalf of any licensee;*
- (b) Receive, directly or indirectly, any payment from any licensee;*
- (c) Be indebted to any licensee;*
- (d) Engage in the negotiation of loans for others with any licensee; or*
- (e) Obtain credit or services from a licensee conditioned upon a fraudulent practice or undue or unfair preference over other customers.*

*2. An employee of the Division of Financial Institutions in the unclassified service of the State shall not obtain new extensions of credit from a licensee while in office.*

*3. Any officer or employee of the Division of Financial Institutions may be indebted to a licensee on the same terms as are available to the public generally.*

*4. If an officer or employee of the Division of Financial Institutions has a service, a preferred consideration, an interest or a relationship prohibited by this section at the time of his appointment or employment, or obtains it during his employment, he shall terminate it within 120 days after the date of his appointment or employment or the discovery of the prohibited act.*

*Sec. 62. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

- (a) Any licensee;*
- (b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; and*
- (c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

*2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.*

*3. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan,*

*short-term loan or title loan is presumed to be engaged in the business of making loans.*

*Sec. 63. 1. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any check-cashing service or loan service regulated pursuant to the provisions of this chapter; or*

*(b) The subject matter of any audit, examination, investigation or hearing.*

*2. The Commissioner may require the production of books, accounts, papers and records for any audit, examination, investigation or hearing.*

*Sec. 64. At least once each year, the Commissioner or his authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, accounts, papers and records of the licensee so far as they pertain to the business for which he is licensed pursuant to the provisions of this chapter.*

*Sec. 65. 1. The Commissioner shall charge and collect from each licensee a fee of \$40 per hour for any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.*

*2. The Commissioner shall bill each licensee upon the completion of the activity for the fee established pursuant to subsection 1. The licensee shall pay the fee within 30 days after the date the bill is received. Except as otherwise provided in this subsection, any payment received after the date due must include a penalty of 10 percent of the fee plus an additional 1 percent of the fee for each month, or portion of a month, that the fee is not paid. The Commissioner may waive the penalty for good cause.*

*3. The failure of a licensee to pay the fee required pursuant to subsection 1 as provided in this section constitutes grounds for revocation of the license of the licensee.*

*Sec. 66. If the Commissioner finds that probable cause for revocation of any license exists and that enforcement of the provisions of this chapter requires immediate suspension of a license pending investigation, he may, upon 5 days' written notice and a hearing, enter an order suspending a license for a period not exceeding 20 days, pending a hearing upon the revocation.*

*Sec. 67. 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.*

*2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.*

3. *In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.*

Sec. 68. 1. *If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.*

2. *At the conclusion of a hearing, the Commissioner shall:*

(a) *Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.*

(b) *Impose upon the licensee a fine of \$500 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.*

(c) *If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his investigative costs and attorney's fees.*

3. *The grounds for revocation or suspension of a license are that:*

(a) *The licensee has failed to pay the annual license fee;*

(b) *The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;*

(c) *The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;*

(d) *Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or*

(e) *The licensee:*

(1) *Failed to open an office for the conduct of the business authorized by his license within 180 days after the date his license was issued; or*

(2) *Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.*

4. *Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.*

5. *An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.*

Sec. 69. *A licensee may surrender any license issued pursuant to the provisions of this chapter by delivering it to the Commissioner with written notice of its surrender, but a surrender does not affect his civil or criminal liability for acts committed prior thereto.*

Sec. 70. *A revocation, suspension, expiration or surrender of any license does not impair or affect the obligation of any preexisting lawful loan agreement between the licensee and any customer. Such a loan agreement and all lawful charges thereon may be collected by the licensee, its successors or assigns.*

Sec. 71. 1. *Annually, on or before April 15, each licensee shall file with the Commissioner a report of operations of the licensed business for the preceding calendar year.*

2. *The licensee shall make the report under oath and on a form prescribed by the Commissioner.*

3. *If any person or affiliated group holds more than one license in this State, it may file a composite annual report.*

Sec. 72. 1. *A court of this State may exercise jurisdiction over a party to a civil action arising under the provisions of this chapter on any basis not inconsistent with the Constitution of the State of Nevada or the Constitution of the United States.*

2. *Personal service of summons upon a party outside this State is sufficient to confer upon a court of this State jurisdiction over the party so served if the service is made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a person of like kind within this State.*

3. *In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.*

4. *This section provides an additional manner of serving process and does not invalidate any other service.*

Sec. 73. 1. *Except as otherwise provided in this section, if a licensee willfully:*

(a) *Enters into a loan agreement for an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto;*

(b) *Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of this chapter or any regulation adopted pursuant thereto; or*

(c) *Commits any other act or omission that violates the provisions of this chapter or any regulation adopted pursuant thereto,*

*the loan is void and the licensee is not entitled to collect, receive or retain any principal, interest or other charges or fees with respect to the loan.*

2. *The provisions of this section do not apply if:*



(a) A licensee shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error of computation, notwithstanding the maintenance of procedures reasonably adapted to avoid that error; and

(b) Within 60 days after discovering the error, the licensee notifies the customer of the error and makes whatever adjustments in the account are necessary to correct the error.

Sec. 74. In addition to any other remedy or penalty, if a licensee violates any provision of section 29, 31 to 47, inclusive, 49, 50, 57 or 58 of this act or any regulation adopted pursuant thereto, the customer may bring a civil action against the licensee for any or all of the following relief:

1. Actual and consequential damages;
2. An additional amount, as statutory damages, which is equal to \$1,000 for each violation;
3. Punitive damages, which are subject to the provisions of NRS 42.005;
4. Reasonable attorney's fees and costs; and
5. Any other legal or equitable relief that the court deems appropriate.

Sec. 75. NRS 598D.130 is hereby amended to read as follows:

598D.130 A mortgage, deed of trust or other instrument that encumbers home property as security for repayment of a home loan must expressly indicate in writing in a size equal to at least 14-point bold type on the front page of the mortgage, deed of trust or other instrument that the home loan is a home loan as defined in NRS 598D.040 ~~+~~ and is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32.

Sec. 76. NRS 232.545 is hereby amended to read as follows:

232.545 1. An Investigative Account for Financial Institutions is hereby created in the State General Fund. The Account consists of money which is:

(a) Received by the Department of Business and Industry in connection with the licensing of financial institutions and the investigation of persons associated with those institutions; and

(b) Required by law to be placed therein.

2. The Director of the Department of Business and Industry or his designee may authorize expenditures from the Investigative Account to pay the expenses incurred:

(a) In investigating applications for licensing of financial institutions and in investigating persons associated with those institutions;

(b) In conducting special investigations relating to financial institutions and persons associated with those institutions; and

(c) In connection with mergers, consolidations, conversions, receiverships and liquidations of financial institutions.

3. As used in this section, “financial institution” means an institution for which licensing or registration is required by the provisions of titles 55 and 56 ~~[and chapters 604 and 649]~~ of NRS ~~[-]~~, *chapter 649 of NRS and sections 2 to 74, inclusive, of this act.*

Sec. 77. NRS 363A.050 is hereby amended to read as follows:

363A.050 1. Except as otherwise provided in subsection 2, “financial institution” means:

(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of *title 55 or 56 of NRS or chapter 645B, 645E or 649 of NRS or [title 55 or 56 of NRS,] sections 2 to 74, inclusive, of this act*, or a similar institution chartered or licensed pursuant to federal law and doing business in this State;

(b) Any person primarily engaged in:

(1) The purchase, sale and brokerage of securities;

(2) Originating, underwriting and distributing issues of securities;

(3) Buying and selling commodity contracts on either a spot or future basis for the person’s own account or for the account of others, if the person is a member or is associated with a member of a recognized commodity exchange;

(4) Furnishing space and other facilities to members for the purpose of buying, selling or otherwise trading in stocks, stock options, bonds or commodity contracts;

(5) Furnishing investment information and advice to others concerning securities on a contract or fee basis;

(6) Furnishing services to holders of or brokers or dealers in securities or commodities;

(7) Holding or owning the securities of banks for the sole purpose of exercising some degree of control over the activities of the banks whose securities the person holds;

(8) Holding or owning securities of companies other than banks, for the sole purpose of exercising some degree of control over the activities of the companies whose securities the person holds;

(9) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain a provision requiring redemption by the company upon request of the holder of the security;

(10) Issuing shares, other than unit investment trusts and face-amount certificate companies, whose shares contain no provision requiring redemption by the company upon request by the holder of the security;

(11) Issuing unit investment trusts or face-amount certificates;

(12) The management of the money of trusts and foundations organized for religious, educational, charitable or nonprofit research purposes;

(13) The management of the money of trusts and foundations organized for purposes other than religious, educational, charitable or nonprofit research;

(14) Investing in oil and gas royalties or leases, or fractional interests therein;

(15) Owning or leasing franchises, patents and copyrights which the person in turn licenses others to use;

(16) Closed-end investments in real estate or related mortgage assets operating in such a manner as to meet the requirements of the Real Estate Investment Trust Act of 1960, as amended;

(17) Investing; or

(18) Any combination of the activities described in this paragraph, who is doing business in this State;

(c) Any other person conducting loan or credit card processing activities in this State; and

(d) Any other bank, bank holding company, national bank, savings association, federal savings bank, trust company, credit union, building and loan association, investment company, registered broker or dealer in securities or commodities, finance company, dealer in commercial paper or other business entity engaged in the business of lending money, providing credit, securitizing receivables or fleet leasing, or any related business entity, doing business in this State.

2. The term does not include a credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

Sec. 78. NRS 645B.0119 is hereby amended to read as follows:

645B.0119 "Financial services license or registration" means any license or registration issued in this State or any other state, district or territory of the United States that authorizes the person who holds the license or registration to engage in any business or activity described in the provisions of this chapter, *title 55 or 56 of NRS or chapter [604,] 645, 645A, 645C, 645E or 649 of NRS or [title 55 or 56 of NRS,] sections 2 to 74, inclusive, of this act.*

Sec. 79. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit *loan* service that is supervised pursuant to ~~chapter 604 of NRS;~~ *sections 2 to 74, inclusive, of this act;*

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company that is supervised pursuant to chapter 669 of NRS;

(e) Development corporation that is supervised pursuant to chapter 670 of NRS;

(f) Corporation for economic revitalization and diversification that is supervised pursuant to chapter 670A of NRS;

(g) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits that is supervised pursuant to chapter 671 of NRS;

(h) Savings and loan association that is supervised pursuant to chapter 673 of NRS;

(i) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(j) Person engaged in the business of debt adjusting that is supervised pursuant to chapter 676 of NRS;

(k) Thrift company that is supervised pursuant to chapter 677 of NRS; and

(l) Credit union that is supervised pursuant to chapter 678 of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 80. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. A person doing business under the authority of any law of this State or of the United States relating to banks, savings banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, mortgage bankers, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. *A person licensed to do business pursuant to sections 2 to 74, inclusive, of this act.*

Sec. 81. NRS 675.060 is hereby amended to read as follows:

675.060 1. No person may engage in the business of lending in this State without first having obtained a license from the Commissioner *pursuant to this chapter* for each office or other place of business at which the person engages in such business ~~to~~, *except that if a person intends to engage in the business of lending in this State as a deferred deposit loan service, short-term loan service or title loan service, as those terms are defined in sections 2 to 74, inclusive, of this act, the person must obtain a license from the Commissioner pursuant to sections 2 to 74, inclusive, of this act before the person may engage in any such business.*

2. For the purpose of this section, a person engages in the business of lending in this State if he:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

Sec. 82. NRS 604.010, 604.020, 604.030, 604.040, 604.050, 604.060, 604.070, 604.080, 604.090, 604.100, 604.110, 604.120, 604.130, 604.140, 604.150, 604.160, 604.162, 604.164, 604.166, 604.170, 604.180 and 604.190 are hereby repealed.

Sec. 83. 1. If a person:

(a) On July 1, 2005, holds a valid certificate of registration or license that was issued by the Commissioner of Financial Institutions pursuant to chapter 604 or 675 of NRS before July 1, 2005; and

(b) Operates a check-cashing service, deferred deposit loan service, short-term loan service or title loan service, as those terms are defined in the provisions of sections 2 to 74, inclusive, of this act,

the person's certificate of registration or license shall be deemed to be a license issued by the Commissioner of Financial Institutions pursuant to the provisions of sections 2 to 74, inclusive, of this act until the date on which

the person would have been required to renew his certificate of registration or license pursuant to chapter 604 or 675 of NRS.

2. A person described in subsection 1 shall:

(a) On and after July 1, 2005, comply with all provisions of sections 2 to 74, inclusive, of this act relating to transactions with customers, including, without limitation, all provisions relating to loans, extensions, repayment plans, interest, fees, charges and collections; and

(b) On and after October 1, 2005, comply with all other provisions of sections 2 to 74, inclusive, of this act, except that the person does not have to renew his certificate of registration or license until the date on which the person would have been required to renew his certificate of registration or license pursuant to chapter 604 or 675 of NRS.

Sec. 84. This act becomes effective on July 1, 2005.”.

Amend the title of the bill, fourth line, by deleting “payday” and inserting “certain short-term”.

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. 443.

Bill read second time.

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

Amendment No. 470.

Amend the bill as a whole by renumbering sections 1 through 12 as sections 2 through 13 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. The Charter of the City of Carlin, being Chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new article to be designated Article X, immediately following Article IX, to read as follows:

#### ARTICLE X

##### TRANSITIONAL PROVISIONS

*Sec. 10.010 Continuation of certain officers.*

1. *The two members of the City Council elected at the general municipal election held on the Tuesday after the first Monday in June 2001, shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 1 of section 5.010.*

2. *The Mayor and two members of the City Council elected at the general municipal election held on the Tuesday after the first Monday in June 2003, shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.”.*

Amend section 1, page 2, line 4, by deleting “December” and inserting “January”.

Amend sec. 2, page 2, by deleting lines 22 through 26 and inserting: *“provided in section 10.010.”*

4. ~~{The Mayor and Councilmen first holding office under this Charter shall each receive a monthly salary of \$35 during the terms for which they were elected, selected or appointed. Thereafter, subject}~~ Subject to the provisions of subsection 5 of section”.

Amend sec. 3, page 2, line 33, by deleting “June” and inserting “~~{~~June”.

Amend sec. 3, page 2, by deleting line 34 and inserting: “~~1973,}~~ November 2006, and at each successive interval of 4 years thereafter,”.

Amend sec. 3, page 2, line 35, by deleting “2005,”.

Amend sec. 3, page 2, line 38, by deleting “qualified ~~{-}~~” and inserting “qualified.”.

Amend sec. 3, page 2, by deleting line 39.

Amend sec. 3, page 2, line 40, by deleting “June” and inserting “~~{~~June”.

Amend sec. 3, page 2, by deleting line 41 and inserting: “~~1975,}~~ November 2008, and at each successive interval of 4 years thereafter,”.

Amend sec. 3, page 2, line 42, by deleting “2007,”.

Amend sec. 3, pages 2 and 3, by deleting line 44 on page 2 and lines 1 through 20 on page 3, and inserting: “and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.”.

Amend sec. 4, page 3, line 43, by deleting “December” and inserting “January”.

Amend sec. 6, page 4, by deleting line 37 and inserting “5.010.”.

Amend sec. 9, page 6, line 33, by deleting “December” and inserting “January”.

Amend sec. 10, page 7, by deleting line 7 and inserting: *“provided in section 10.010.”*.

Amend sec. 11, page 7, line 14, by deleting “June” and inserting “~~{~~June”.

Amend sec. 11, page 7, by deleting line 15 and inserting: “~~1975,}~~ November 2008, and at each successive interval of 4 years thereafter,”.

Amend sec. 11, page 7, line 16, by deleting “2007,”.

Amend sec. 11, page 7, lines 18 and 19, by deleting: “~~{for a period of 4 years and}~~” and inserting: “for a period of 4 years and”.

Amend sec. 11, page 7, by deleting line 20 and inserting “qualified.”.

Amend sec. 11, page 7, line 21, by deleting “June” and inserting “~~{~~June”.

Amend sec. 11, page 7, by deleting line 22 and inserting: “~~1977,}~~ November 2010, and at each successive interval of 4 years thereafter,”.

Amend sec. 11, page 7, line 23, by deleting “2005,”.

Amend sec. 11, page 7, line 26, by deleting “qualified ~~{-}~~” and inserting “qualified.”.

Amend sec. 11, page 7, by deleting lines 27 through 45.

Amend sec. 12, page 8, line 23, by deleting “December” and inserting “January”.

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

“Sec. 14. Section 10.010 of the Charter of the City of Wells, being Chapter 431, Statutes of Nevada 1973, at page 626, is hereby amended to read as follows:

Sec. 10.010 Continuation of certain officers.

1. The *Mayor and the Councilman* elected ~~{at large to a 4 year term}~~ at the general municipal election held ~~{June 3, 1969,}~~ *on the Tuesday after the first Monday in June 2003* shall continue in office ~~{as a Councilman}~~ until the election, and qualification thereafter, of ~~{his successor at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successor shall serve a 4 year term until the election, and qualification thereafter, in turn, of his successor}~~ *their successors* pursuant to subsection ~~{2}~~ *1* of section 5.010.

2. The ~~{two}~~ *three* Councilmen elected ~~{at large for 2 year terms each}~~ at the general municipal election held ~~{June 8, 1971,}~~ *on the Tuesday after the first Monday in June 2001* shall continue in office ~~{as Councilmen}~~ until the election, and qualification thereafter, of their successors ~~{at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successors shall each serve a 4 year term until the election, and qualification thereafter, in turn, of their successors}~~ pursuant to subsection 2 of section 5.010.

~~{3. The Councilman elected at large to a 4 year term at the general municipal election held June 8, 1971, shall continue in office as a Councilman until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.~~

~~4. The Mayor, elected to a 4 year term at the general municipal election held June 8, 1971, shall continue in the office of Mayor until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.}”.~~

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 454.

Bill read second time.

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

Amendment No. 542.

Amend sec. 6, page 2, by deleting lines 24 and 25 and inserting:  
“*limitation, regulations that set forth:*

(a) *Standards for the provision of quality care by providers of supported living arrangement services;*



*(b) The requirements for the issuance and renewal of a certificate to provide supported living arrangement services; and*

*(c) The rights of consumers of supported living arrangement services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing such a complaint.”.*

Amend sec. 8, page 2, line 40, by deleting “*premises, facilities,*”.

Amend sec. 8, page 3, line 5, by deleting “*premises, facilities,*”.

Amend sec. 18, page 5, line 32, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend sec. 19, page 5, line 45, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend sec. 20, page 6, line 11, by deleting “*services.*” and inserting: “*services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services.*”.

Amend the title of the bill, tenth line, by deleting: “*providing a penalty;*”.

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. 484.

Bill read second time.

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

Amendment No. 463.

Amend the bill as a whole by deleting sections 1 through 13, renumbering sections 14 through 21 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 40, inclusive, of this act.”.

Amend sec. 14, page 6, line 1, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 14, page 6, line 3, by deleting: “*15 to 25,*” and inserting “*3 to 15,*”.

Amend sec. 16, page 6, by deleting lines 9 through 11 and inserting:

“Sec. 4. “*Board*” means the Public Employment Relations Board created pursuant to NRS 288.080.”.

Amend sec. 17, page 6, line 15, by deleting “*collective bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 17, page 6, line 16, by deleting “*bargaining.*” and inserting: “*discussions of workplace relations.*”.

Amend sec. 18, page 6, line 17, by deleting ““*Collective bargaining*”” and inserting: ““*Discussions of workplace relations*””.

Amend sec. 18, page 6, lines 19 and 21, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 18, page 6, by deleting line 22 and inserting “*this chapter.*”.

Amend sec. 19, page 6, line 27, after “*Nevada;*” by inserting “*or*”.

Amend sec. 19, page 6, line 30, by deleting “*State; or*” and inserting “*State.*”.

Amend sec. 19, page 6, by deleting lines 31 through 36.

Amend sec. 20, page 7, line 15, after “*has*” by inserting “*the*”.

Amend sec. 20, page 7, line 16, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 20, page 7, line 18, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend the bill as a whole by renumbering sections 22 through 25 as sections 11 through 14 and adding a new section designated sec. 10, following sec. 21, to read as follows:

“Sec. 10. “*Grievance*” means an act, omission or occurrence which an employee or the exclusive representative feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, without limitation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.”.

Amend the bill as a whole by renumbering sec. 26 as sec. 16 and adding a new section designated sec. 15, following sec. 25, to read as follows:

“Sec. 15. “*Workplace relations unit*” means a collection of employees that the Board has established as a workplace relations unit pursuant to section 25 of this act.”.

Amend sec. 26, page 8, by deleting line 21 and inserting: “*State and its employees; and*

(b) *Increase the efficiency of State*”.

Amend the bill as a whole by renumbering sections 27 through 44 as sections 20 through 37 and adding new sections designated sections 17 through 19, following sec. 26, to read as follows:

“Sec. 17. 1. *The Board may make rules governing:*

(a) *Proceedings before it;*

(b) *Procedures for fact-finding;*

(c) *The recognition of exclusive representatives;*

(d) *The determination of workplace relations units; and*

(e) *Such other rules as are necessary for the Board to carry out its duties pursuant to this chapter.*

2. *The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the*

*Executive Department, an employee or an exclusive representative. The Board shall conduct a hearing within 90 days after it decides to hear a complaint. The Board, after a hearing, if it finds that the complaint is well taken, may order any person to refrain from the action complained of or to restore to the party aggrieved any benefit of which he has been deprived by that action. The Board shall issue its decision within 120 days after the hearing on the complaint is completed.*

3. *Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.*

4. *The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.*

5. *The Board may decide without a hearing a contested matter:*

*(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or*

*(b) Upon agreement of all the parties.*

6. *The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.*

Sec. 18. 1. *For the purpose of hearing and deciding appeals or complaints, the Board may issue subpoenas requiring the attendance of witnesses before it, together with all books, memoranda, papers and other documents relative to the matters under investigation, administer oaths and take testimony thereunder.*

2. *The district court in and for the county in which any hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Board.*

3. *In the case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, the Board may report to the district court in and for the county in which the hearing is pending by petition, setting forth:*

*(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;*

*(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and*

*(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing,*

*and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.*

4. *The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the*

court in such order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Board. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Board, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

Sec. 19. Every hearing and determination of an appeal or complaint by the Board is a contested case subject to the provisions of law which govern the administrative decision and judicial review of such cases.”.

Amend sec. 27, page 8, line 35, by deleting “collective bargaining,” and inserting: “discussions of workplace relations,”.

Amend sec. 27, page 8, line 36, by deleting “bargaining” and inserting: “discussions of workplace relations”.

Amend sec. 27, page 8, line 39, by deleting: “collective bargaining and supplemental bargaining” and inserting: “discussions of workplace relations and supplemental discussions of workplace relations”.

Amend sec. 27, page 8, by deleting line 43 and inserting:

“2. Discussions of workplace relations and supplemental discussions of workplace relations entail”.

Amend sec. 27, page 9, line 1, by deleting “bargain” and inserting: “discuss workplace relations”.

Amend sec. 28, page 9, line 9, by deleting: “Each collective bargaining” and inserting:

“1. Each workplace relations”.

Amend sec. 28, page 9, by deleting lines 11 through 13 and inserting:

“(a) A procedure to resolve grievances which culminates in final and binding arbitration; and”.

Amend sec. 28, page 9, line 14, by deleting “2.” and inserting “(b)”.

Amend sec. 28, page 9, lines 16 and 19, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 28, page 9, between lines 19 and 20, by inserting:

“2. Except as otherwise provided in subsection 3, the procedure to resolve grievances required in an agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances related to the administration of the agreement.

3. An employee in a workplace relations unit may pursue a grievance related to any disciplinary action taken against him by his employer through the procedure:

(a) Provided in the agreement pursuant to paragraph (a) of subsection 1;  
or

(b) Any procedure available to him pursuant to the provisions of chapter 284 of NRS,

*but once the employee has properly filed his grievance pursuant to paragraph (a) or (b), he may not proceed to file his grievance in the alternative manner.*

4. *In the event of a conflict between a provision of an agreement between the Executive Department and an exclusive representative and:*

*(a) Any regulation adopted by the Executive Department, the provisions of the agreement prevail unless the provisions of the agreement are outside of the lawful scope of discussions of workplace relations.*

*(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.”.*

Amend sec. 29, page 9, line 22, by deleting “*collective bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 29, page 9, line 23, by deleting “*bargain*” and inserting: “*discuss workplace relations*”.

Amend sec. 29, page 9, lines 27 and 28, by deleting: “*sections 14 to 48, inclusive, of this act.*” and inserting “*this chapter.*”.

Amend sec. 29, page 9, by deleting line 38 and inserting: “*this chapter; or*”.

Amend sec. 29, page 10, line 4, by deleting: “*collective bargaining or otherwise fail to bargain*” and inserting: “*discussions of workplace relations or otherwise fail to discuss workplace relations*”.

Amend sec. 29, page 10, lines 8 and 9, by deleting: “*sections 14 to 48, inclusive, of this act.*” and inserting “*this chapter.*”.

Amend sec. 30, page 10, line 14, by deleting “29” and inserting “22”.

Amend sec. 30, page 10, by deleting line 33 and inserting:

“(2) *The rules established by the Board pursuant to section 17 of this act.*”.

Amend sec. 31, page 11, line 6, by deleting “30” and inserting “23”.

Amend sec. 31, page 11, by deleting line 14 and inserting:

“(b) *The rules established by the Board pursuant to section 17 of this act.*”.

Amend sec. 32, page 11, line 30, by deleting “*by regulation,*” and inserting: “*in accordance with the rules established pursuant to section 17 of this act,*”.

Amend sec. 32, page 11, lines 31, 32, 33 and 34, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 32, page 12, line 10, before “*peace*” by inserting: “*and category II*”.

Amend sec. 32, page 12, by deleting line 11.

Amend sec. 32, page 12, line 12, by deleting “(h)” and inserting “(g)”.

Amend sec. 32, page 12, by deleting lines 13 through 15.

Amend sec. 32, page 12, line 16, by deleting “(j)” and inserting “(h)”.

Amend sec. 32, page 12, line 17, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 32, page 12, line 18, by deleting “(k)” and inserting “(i)”.

Amend sec. 32, page 12, between lines 20 and 21, by inserting:

*“(j) Employees of the State Department of Conservation and Natural Resources who:*

*(1) Perform emergency fire suppression; or*

*(2) Provide direct support to the employees described in subparagraph (1).”*

Amend sec. 32, page 12, line 21, by deleting “by regulation,” and inserting: “in accordance with the rules established pursuant to section 17 of this act,”.

Amend sec. 32, page 12, lines 22, 23, 25, 26 and 31, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 33, page 12, line 39, by deleting “I.”.

Amend sec. 33, page 12, lines 40, 43 and 45, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 33, page 13, by deleting lines 1 through 26.

Amend sec. 34, page 13, lines 28 and 29, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 13, by deleting line 30 and inserting “if:”.

Amend sec. 34, page 13, lines 34 and 36, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, pages 13 and 14, by deleting lines 39 through 44 on page 13 and lines 1 through 11 on page 14, and inserting: “exclusive representative of a workplace relations unit pursuant to subsection 1 or section 26 of this act, the Board shall order an election if:

*(a) Either:”*.

Amend sec. 34, page 14, line 12, by deleting “(I)” and inserting “(I)”.

Amend sec. 34, page 14, line 15, by deleting: “30 percent but not more than”.

Amend sec. 34, page 14, line 16, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 14, by deleting line 17 and inserting:

*“(2) A group of employees within the workplace relations unit”*.

Amend sec. 34, page 14, line 20, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 34, page 14, line 21, after “representation;” by inserting “and”.

Amend sec. 34, page 14, by deleting lines 22 through 24 and inserting:

*“(b) If applicable, the request filed pursuant to paragraph (a) is filed not more than 270 days or not less than 225 days before the date on which the current workplace relations agreement in effect for the workplace relations unit expires; and”*.

Amend sec. 34, page 14, line 25, by deleting “(3)” and inserting “(c)”.

Amend sec. 34, page 14, line 26, by deleting “bargaining” and inserting “workplace relations”.

Amend sec. 35, page 14, by deleting line 29 and inserting: “*workplace relations unit pursuant to section 27 of this act, the Board*”.

Amend sec. 35, page 14, line 33, by deleting “34” and inserting “27”.

Amend sec. 35, page 14, line 35, by deleting: “*bargaining unit pursuant to section 33 or 34*” and inserting: “*workplace relations unit pursuant to section 27*”.

Amend sec. 35, page 14, line 38, by deleting “*regulations adopted*” and inserting “*rules established*”.

Amend sec. 35, page 14, line 42, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 35, page 15, lines 6 and 11, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 36, page 15, line 13, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend sec. 37, page 15, line 30, by deleting: “*bargaining unit that it represents;*” and inserting: “*workplace relations unit that it represents; and*”.

Amend sec. 37, page 15, by deleting lines 31 through 35 and inserting:

“(b) *In good faith and on behalf of each workplace relations unit that it*”.

Amend sec. 37, page 15, line 36, by deleting “*negotiate*” and inserting: “*engage in discussions of workplace relations*”.

Amend sec. 37, page 15, line 38, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 15, by deleting line 41 and inserting: “*discussions of workplace relations pursuant to section 38 of this act.*”.

Amend sec. 37, page 15, line 42, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 16, line 7, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 37, page 16, line 8, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 38, page 16, line 10, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 38, page 16, line 11, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 38, page 16, lines 14 and 16, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 39, page 16, line 17, by deleting: “*In each even-numbered year, the*” and inserting “*The*”.

Amend sec. 39, page 16, by deleting lines 19 through 31 and inserting: “*negotiations concerning a workplace relations agreement within 60 days after one party notifies the other party of the desire to negotiate.*”.

Amend sec. 40, page 16, by deleting lines 32 through 41 and inserting:

“Sec. 33. 1. *If the parties do not reach a workplace relations agreement within 120 days after the date on which the parties began negotiations or any later date which is set by agreement of the parties, either*

*party may request a mediator from the Federal Mediation and Conciliation Service.”.*

Amend sec. 40, page 16, line 44, by deleting: “*on or before August 15*” and inserting: “*within 30 days after his appointment*”.

Amend sec. 40, page 17, by deleting lines 1 and 2.

Amend sec. 41, page 17, line 4, by deleting “*collective*”.

Amend sec. 41, page 17, by deleting line 5 and inserting: “*workplace relations agreement through mediation within 30 days after the appointment of the mediator*”.

Amend sec. 41, page 17, line 11, by deleting: “*in that year*”.

Amend sec. 41, page 17, line 13, by deleting “*Board*” and inserting: “*Federal Mediation and Conciliation Service*”.

Amend sec. 41, page 17, line 16, by deleting “*exclusive*”.

Amend sec. 41, page 17, by deleting line 17 and inserting: “*party who will strike the first name must be determined by a coin toss.*”.

Amend sec. 41, page 17, lines 18 and 19, by deleting: “*on or before September 15*” and inserting: “*within 60 days after his selection*”.

Amend sec. 41, page 17, lines 22 and 23, by deleting “*regulations adopted*” and inserting “*rules established*”.

Amend sec. 41, page 17, line 27, by deleting “*NRS 288.120,*” and inserting: “*section 18 of this act,*”.

Amend sec. 41, page 17, lines 28 and 29, by deleting “*NRS 288.120*” and inserting: “*section 18 of this act*”.

Amend sec. 42, page 17, line 33, by deleting “*41*” and inserting “*34*”.

Amend sec. 42, page 18, line 2, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 42, page 18, by deleting lines 7 through 11 and inserting:

“(b) Consider, without limitation, such other factors as are normally or traditionally used as part of discussions of workplace relations, mediation, arbitration or other”.

Amend sec. 42, page 18, lines 15 and 16, by deleting: “*on or before April 15*” and inserting: “*within 45 days after the conclusion of the arbitration proceedings*”.

Amend sec. 42, page 18, line 18, by deleting “*sections 43*” and inserting “*section 36*”.

Amend sec. 43, page 18, lines 23 and 29, by deleting “*42*” and inserting “*35*”.

Amend sec. 44, page 18, line 42, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 44, page 18, line 43, by deleting “*law*” and inserting “*statute*”.

Amend sec. 44, page 18, line 44, by deleting “*provision:*” and inserting: “*provision becomes effective pursuant to the provisions of the workplace relations agreement.*”.

Amend sec. 44, page 19, by deleting lines 1 through 16 and inserting:



*“2. If a provision of the workplace relations agreement requires an amendment to existing statute by the Legislature to be given effect, the provision becomes effective, if at all, on the date on which the necessary amendment to existing statute becomes effective.”.*

Amend the bill as a whole by deleting sec. 45 and renumbering sections 46 through 48 as sections 38 through 40.

Amend sec. 46, page 19, line 35, by deleting “if”.

Amend sec. 46, page 19, by deleting lines 36 through 38 and inserting “*the Executive*”.

Amend sec. 46, page 19, line 39, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 19, line 40, by deleting “*bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 46, page 19, line 43, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, pages 19 and 20, by deleting line 44 on page 19 and lines 1 through 5 on page 20, and inserting: “*employment are not included in any provision of the workplace relations agreement then in effect between the Executive Department and the workplace relations unit.*”.

Amend sec. 46, page 20, line 7, by deleting “*bargaining*” and inserting: “*discussions of workplace relations*”.

Amend sec. 46, page 20, lines 8, 10, 12 and 14, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 17, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 19 and 20, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 21, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 22, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 23, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 24, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 25 and 26, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, line 27, by deleting “*bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, lines 28 and 29, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend sec. 46, page 20, by deleting lines 31 through 35 and inserting: “*may, during discussions of workplace relations conducted pursuant to this chapter, negotiate and include in a workplace relations agreement any terms*

*and conditions of employment that would otherwise be within the scope of supplemental workplace relations conducted pursuant to this section.”.*

Amend sec. 47, page 20, lines 38 and 39, by deleting: “*sections 14 to 48, inclusive, of this act.*” and inserting “*this chapter.*”.

Amend sec. 47, page 20, lines 41 and 42, by deleting: “*sections 14 to 48, inclusive, of this act,*” and inserting “*this chapter,*”.

Amend sec. 47, page 21, lines 2 and 3, by deleting: “*sections 14 to 48, inclusive, of this act*” and inserting “*this chapter*”.

Amend sec. 48, page 21, lines 5 and 6, by deleting “*collective bargaining*” and inserting “*workplace relations*”.

Amend the bill as a whole by deleting sec. 49, renumbering sec. 50 as sec. 43 and adding new sections designated sections 41 and 42, following sec. 48, to read as follows:

“Sec. 41. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (b), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) ~~[Employee]~~ Except as otherwise provided in section 31 of this act, employee organizations and labor organizations.

(b) Shall, upon receipt of information from the Public Employees’ Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the executive department.

Sec. 42. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. *To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms or conditions of employment that are properly within the scope of and subject to the provisions of a workplace relations agreement or a supplemental workplace relations agreement that is enforceable pursuant to the provisions of sections 2 to 40, inclusive, of this act. As used in this subsection, "terms and conditions of employment" has the meaning ascribed to it in section 14 of this act."*

Amend the bill as a whole by deleting sec. 51 and renumbering sec. 52 as sec. 44.

Amend the bill as a whole by deleting sections 53 through 84, renumbering sec. 85 as sec. 46 and adding a new section designated sec. 45, following sec. 52, to read as follows:

"Sec. 45. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board.

2. In preparing the supplements to the Nevada Administrative Code, change any reference to the Local Government Employee-Management Relations Board to refer to the Public Employment Relations Board."

Amend the bill as a whole by deleting the leadlines of repealed sections.

Amend the title of the bill to read as follows:

"AN ACT relating to state employees; authorizing discussions of workplace relations for certain state employees; changing the name of the Local Government Employee-Management Relations Board to the Public Employment Relations Board; expanding the duties of the Board to include discussions of workplace relations for certain state employees; providing for workplace relations units of state employees and for their representatives;

establishing procedures for discussing workplace relations and for making, revising and amending workplace relations agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.”. Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes discussions of workplace relations for certain state employees. (BDR 23-1300)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 497.

Bill read second time.

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

Amendment No. 487.

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

Amend sec. 3, page 2, by deleting lines 6 through 11 and inserting:

“Sec. 3. *The subject of each petition for initiative must be accurately indicated in the title.*”.

Amend sec. 4, page 2, by deleting lines 12 through 17 and inserting:

“Sec. 4. *The subject of each petition for referendum must be accurately indicated in the title.*”.

Amend sec. 9, page 4, line 18, by deleting “fifteen” and inserting “forty-five”.

Amend sec. 12, page 6, lines 2 and 3, by deleting:

“~~In a county whose population is 40,000 or more, for~~ For” and inserting: “In a county whose population is 40,000 or more, for”.

Amend sec. 12, page 7, by deleting lines 11 through 13 and inserting:

“6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee,~~ in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.”.

Amend sec. 12, page 7, lines 37 and 38, by deleting the brackets and strike-through.

Amend sec. 12, page 8, lines 27 through 32, by deleting the brackets and strike-through.

Amend sec. 16, page 11, line 12, by deleting “fifteen” and inserting “forty-five”.

Amend sec. 19, page 12, lines 42 and 43, by deleting:

~~“[In a city whose population is 10,000 or more, for] For”~~ and inserting: “In a city whose population is 10,000 or more, for”.

Amend sec. 19, page 14, by deleting lines 4 through 6 and inserting:

“6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~[appoint the committee]~~, *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*”.

Amend sec. 19, page 14, line 30, by deleting the brackets and strike-through.

Amend sec. 19, page 15, lines 23 through 28, by deleting the brackets and strike-through.

Amend the title of the bill, third and fourth lines, by deleting: “providing that a petition for initiative or referendum must embrace only one subject;” and inserting: “providing that the subject of a petition for initiative or referendum must be accurately indicated in the title;”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 501.

Bill read second time.

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

Amendment No. 556.

Amend section 1, page 2, line 2, by deleting: “to 5, inclusive,” and inserting “and 3”.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 13 as sections 4 through 10.

Amend sec. 7, page 4, line 7, after “form” by inserting: “or in a format”.

Amend sec. 7, page 4, line 9, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 8, page 4, line 35, after “form” by inserting: “or in a format”.

Amend sec. 8, page 4, line 38, before “statement;” by inserting: “statement or a copy of the audited financial”.

Amend sec. 8, page 5, line 22, after “form” by inserting: “or in a format”.

Amend sec. 8, page 5, line 25, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 10, page 7, line 34, after “*form*” by inserting: “*or in a format*”.

Amend sec. 10, page 7, line 37, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 10, page 7, between lines 39 and 40, by inserting:

“ *In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.*”.

Amend sec. 11, page 8, line 26, after “*form*” by inserting: “*or in a format*”.

Amend sec. 11, page 8, line 29, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 11, page 8, between lines 31 and 32, by inserting:

“ *In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.*”.

Amend sec. 12, page 9, by deleting lines 38 through 40 and inserting: “~~than \$20,000.~~ *\$50,000.*”.

Amend sec. 12, page 10, by deleting line 16 and inserting:

“10. *An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate of 10 percent per annum must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State.*

11. *All fines and interest collected pursuant to this section must be*”.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 21 as sections 11 through 17.

Amend sec. 15, page 11, line 30, after “*form*” by inserting: “*or in a format*”.

Amend sec. 15, page 11, line 33, before “*statement;*” by inserting: “*statement or a copy of the audited financial*”.

Amend sec. 15, page 11, between lines 38 and 39, by inserting:

“ *In addition to any other requirements set forth in this section, the Board may require an applicant or licensee to provide a financial statement that is prepared by an independent certified public accountant.*”.

Amend sec. 16, page 12, by deleting lines 22 through 24 and inserting: “~~[nor] and not more than \$10,000 for each violation.~~ *\$50,000.*”.

Amend sec. 18, page 14, line 10, by deleting “5” and inserting “3”.

Amend sec. 19, page 14, line 21, by deleting “5” and inserting “3”.

Amend sec. 21, page 15, line 1, by deleting “10,” and inserting “7,”.

Amend sec. 21, page 15, line 2, by deleting: “12 to 20,” and inserting: “9 to 16,”.

Amend sec. 21, page 15, line 4, by deleting “10” and inserting “7”.

Amend sec. 21, page 15, line 15, by deleting “11” and inserting “8”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the State Contractors’ Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of administrative fines the Board may impose for certain violations; requiring the payment of interest on certain administrative fines; providing penalties; 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. 508.

Bill read second time.

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

Amendment No. 256.

Amend section 1, page 2, line 2, by deleting “5,” and inserting “6.”.

Amend sec. 5, page 4, line 4, by deleting: “*category D felony*,” and inserting “*gross misdemeanor*,”.

Amend sec. 5, page 4, line 5, by deleting “193.130.” and inserting “193.140.”.

Amend sec. 5, page 4, line 7, by deleting: “*category D felony*” and inserting “*gross misdemeanor*”.

Amend sec. 5, page 4, line 8, by deleting “193.190.” and inserting “193.140.”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 7 through 10 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. 1. *Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication in one of the following forms to verify that the signature of a notarial officer on a document is genuine and that the notarial officer holds the indicated office:*

(a) *If the document is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961; or*

(b) *If the document is intended for use in the United States or a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.*

2. *The Secretary of State shall not issue an authentication pursuant to subsection 1 if:*

(a) *The document has not been notarized in accordance with the provisions of this chapter; or*

(b) *The Secretary of State has information that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose.”.*

Amend sec. 6, page 4, line 11, by deleting “5,” and inserting “6,”.

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

“Sec. 11. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, *and section 6 of this act* may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 12. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; or
- (c) A person authorized by the law of that jurisdiction to perform notarial acts.

2. ~~{An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.~~

~~3.} A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.~~

~~{4.} 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.~~

~~{5.} 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.~~

~~{6.} 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a~~



source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.”.

Amend sec. 12, page 7, by deleting lines 35 through 38 and inserting:

“Sec. 13. 1. This section and sections 5 to 8, inclusive, 11 and 12 of this act become effective on October 1, 2005.

2. Sections 2, 3, 4, 9 and 10 of this act become effective on October 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to notaries public; requiring certain persons who apply for appointments or reappointments as notaries public to complete a course of study approved, endorsed or provided by the Secretary of State; authorizing the Secretary of State to approve or endorse a course of study under certain circumstances; requiring the Secretary of State to charge a fee to determine whether to approve or endorse a course of study; prohibiting a notary public from notarizing the signature of certain persons; revising the provisions governing the issuance of an authentication by the Secretary of State; authorizing the Secretary of State to request that the Attorney General bring an action to enjoin a person who unlawfully represents himself as a notary public; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 540.

Bill read second time.

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

Amendment No. 555.

Amend section 1, pages 1 and 2, by deleting line 15 on page 1 and lines 1 through 5 on page 2, and inserting:

“~~training and~~ certification of *mobile and tower* crane operators.

2. *The regulations must:*

(a) *Require the certification of all operators of:*

(1) *Tower cranes; and*

(2) *Mobile cranes having a usable boom length of 25 feet or greater or a maximum machine rated capacity of 15,000 pounds or greater; and*

(b) *Require an applicant for certification as a crane operator pursuant to this section to hold a certificate that:*

(1) *Complies with the standards of the American Society of Mechanical Engineers set forth in B30.3, B30.4 or B30.5 as adopted by regulation of the Division; and*

(2) *Is issued by an organization whose program of certification for crane operators is accredited by the National Commission for Certifying Agencies or its equivalent as determined by the Division.*

3. *The provisions of this section do not apply to the operator of an electric or utility line truck as defined by regulations adopted by the Division.”.*

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

“Sec. 2. 1. Any regulations governing the certification of crane operators that are in effect on January 1, 2007, become void on that date.

2. As soon as practicable after January 1, 2007, the Legislative Counsel shall remove from the Nevada Administrative Code all regulations that are void pursuant to subsection 1.”.

Amend sec. 2, page 2, line 7, by deleting: “July 1, 2006,” and inserting: “January 1, 2007,”.

Amend the title of the bill to read as follows:

“AN ACT relating to cranes; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations relating to certification as a crane operator; 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.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 193, 496 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bills Nos. 185, 500, 530, 538, 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. 419, 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 were referred Assembly Bill No. 128; Assembly Joint Resolution No. 11, 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 Bills Nos. 42, 43, 369, 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*

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 42, 43, 128, 185, 193, 369, 419, 496, 500, 530, 538; Assembly Joint Resolution No. 11 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that upon return from the printer Assembly Bill No. 183 be placed on the Chief Clerk's desk.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 42.

Bill read second time.

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

Amendment No. 429.

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

"Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

*If a person or governmental entity has a legally enforceable obligation to provide care or treatment to a child pursuant to subsection 1 of NRS 432B.560 or to provide any supervision, custody, maintenance, support or other service otherwise ordered by the court to a child who the court determines is in need of protection and the person or governmental entity fails to provide such care, treatment or service, the court may issue an order to join the person or governmental entity as a party in any proceeding concerning the protection of the child to enforce the legal obligation if, before issuing the order, the court:*

*1. Provides notice and an opportunity to be heard to the person or governmental entity; and*

*2. Determines that the child is eligible for such care, treatment or service.*

Sec. 2. NRS 432B.440 is hereby amended to read as follows:

432B.440 The agency which provides child welfare services shall assist the court during all stages of any proceeding in accordance with NRS 432B.410 to 432B.590, inclusive ~~[-]~~, and section 1 of this act."

Amend the title of the bill, fourth line, after "siblings;" by inserting:

“authorizing a court to join a person or governmental entity who fails to provide certain legally required care, treatment or services to a child who is in need of protection as a party in a proceeding concerning the protection of the child to enforce such legal duties under certain circumstances;”.

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. 43.

Bill read second time.

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

Amendment No. 507.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting:

*“(e) Receive medical care, including dental, vision and mental health services, paid for with money of the State of Nevada, the Federal Government or a local government.”.*

Amend section 1, page 2, by deleting lines 14 and 15.

Amend section 1, page 2, line 16, by deleting “(h)” and inserting “(f)”.

Amend section 1, page 2, line 19, after “officer;” by inserting “and”.

Amend section 1, page 2, by deleting lines 20 through 22 and inserting:

*“(2) Contact and visit his siblings.*

*A provider of foster care may impose reasonable restrictions as to the time, place and manner in which the contact may occur pursuant to this paragraph.”.*

Amend section 1, page 2, line 23, by deleting “(i)” and inserting “(g)”.

Amend section 1, page 2, by deleting lines 24 through 27 and inserting:  
*“which provides child welfare services concerning his care.*

*(h) Attend religious services of his choice.”.*

Amend section 1, page 2, line 28, by deleting “(k)” and inserting “(i)”.

Amend section 1, page 2, by deleting line 32 and inserting:

*“(j) Not be locked in any room, building or premises of a foster home.”.*

Amend section 1, page 2, line 33, by deleting “(m)” and inserting “(k)”.

Amend section 1, page 2, line 34, by deleting “(n)” and inserting “(l)”.

Amend section 1, page 2, line 36, after “child.” by inserting: *“A provider of foster care may impose reasonable restrictions as to the time, place and manner in which a child may participate in such activities.”.*

Amend section 1, page 2, line 37, by deleting “(o)” and inserting “(m)”.

Amend section 1, page 2, by deleting lines 39 through 41.

Amend section 1, page 3, line 1, by deleting “(q)” and inserting “(n)”.

Amend section 1, page 3, line 2, by deleting “qualified.” and inserting:  
*“qualified that is offered by an agency which provides child welfare services, the State of Nevada or any contractor or agent of the agency which provides child welfare services or of the State of Nevada.”.*

Amend section 1, page 3, line 3, by deleting “(r)” and inserting “(o)”.

Amend section 1, page 3, by deleting lines 5 through 22 and inserting:

*“(p) Be informed of any plan adopted for his permanent placement pursuant to NRS 432B.553 and of any changes made to the plan, if the child is over 12 years of age.*

*(q) Receive information concerning his placement and be informed of any changes concerning his placement.*

*(r) Have fair and equal access to services, placement and care.”.*

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. 128.

Bill read second time.

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

Amendment No. 596.

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

“Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall, to the extent feasible, provide information on its website or other Internet site concerning property taxes, including, without limitation:*

*(a) A description of the assessment process;*

*(b) An explanation of the manner in which property taxes are calculated;*

*(c) The rates of taxes imposed by various taxing entities; and*

*(d) The revenues generated by those taxes.*

2. *The information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public. The Department shall coordinate with each county in this State to disseminate information concerning property taxes and revenue including, without limitation, by providing links from the website or other Internet site maintained pursuant to subsection 1 to similar websites or other Internet sites maintained by counties in this State.*

3. *Each county assessor and county treasurer shall, to the extent feasible, provide on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor or treasurer, information that is similar to the information provided by the Department pursuant to subsection 1. The information must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.*

4. *The Department and each county shall update and upgrade the websites or other Internet sites maintained pursuant to this section to the extent necessary to improve the quantity, quality and accessibility of the information provided to the public on the Internet.*”.

Amend section 1, page 3, lines 11 and 12, by deleting: “~~its~~” :

(a) *The*” and inserting “~~its~~ *the*”.

Amend section 1, page 3, by deleting lines 14 through 18.

Amend section 1, page 3, line 30, by deleting “*a person*” and inserting: “*the owner of the property*”.

Amend section 1, page 3, by deleting line 32 and inserting: “*valuation on a website or other Internet site, if any, that is operated or*”.

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

“Sec. 3. NRS 361.4545 is hereby amended to read as follows:

361.4545 1. On or before May 5 of each year or within 5 days after receiving the projections of revenue from the Department, whichever is later, the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;

(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

(f) *An explanation of each component tax that forms part of the total rate of tax levied upon property in the county. The explanation must identify:*

(1) *The statutory authority pursuant to which each component tax is levied; and*

(2) *If the component tax was approved by the voters:*

(I) *The year in which the tax was first collected; and*

(II) *The year in which the authority to collect the tax expires, if any.*

The notice must be displayed in the format used for news and must be printed *in not less than 10-point type* on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than ~~{8-point}~~ 10-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than ~~{8-point}~~ 10-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each \$100 of assessed valuation by which the highest combined tax rate for property in the county exceeds \$3.64 on each \$100 of assessed valuation.

These notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.”.

Amend sec. 2, page 4, by deleting lines 5 through 13 and inserting:

“(b) A statement explaining how to obtain the information set forth in the notices published by the ex officio tax receiver pursuant to NRS 361.4545.”.

Amend sec. 2, page 4, line 26, by deleting “a person” and inserting: “the property owner”.

Amend sec. 2, page 4, by deleting line 28 and inserting: “individual tax notice on a website or other Internet site, if any, that is”.

Amend the title of the bill to read as follows:

“AN ACT relating to taxation; requiring the Department of Taxation and county assessors and treasurers to provide certain information concerning property taxes on the Internet; requiring a county assessor to include certain information in a notice of assessed valuation; requiring the ex officio tax receiver of a county to include certain information in an individual tax bill or individual tax notice; requiring the ex officio tax receiver of a county to include certain tax information in a certain published notice; and providing other matters properly relating thereto.”.

Assemblywoman Weber moved the adoption of the amendment.

Remarks by Assemblywoman Weber.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 185.

Bill read second time.

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

Amendment No. 471.

Amend section 1, page 2, by deleting line 2 and inserting: “thereto a new section to read as follows:

1. Each petition for initiative must:

(a) *Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and*

(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*

2. *For the purposes of paragraph (a) of subsection 1, a petition for initiative embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative.”.*

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting: “registered voters for their signatures ~~[-]~~, a copy of the petition for initiative, including the description required pursuant to section 2 of this act, must be placed on file with the”.

Amend sec. 4, page 2, line 27, by deleting “State; and” and inserting “State.”.

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

Amend sec. 4, page 3, line 3, by deleting “filed” and inserting: “placed on file”.

Amend sec. 4, page 3, line 4, by deleting “State:” and inserting: “State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative may have any anticipated financial effect on the State or local governments if the initiative is approved by the voters. If the Fiscal Analysis Division determines that the initiative may have an anticipated financial effect on the State or local governments if the initiative is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.”.

Amend sec. 4, page 3, by deleting lines 5 through 10.

Amend sec. 4, page 3, line 11, by deleting “5” and inserting “10”.

Amend sec. 4, page 3, line 13, by deleting “shall:” and inserting: “shall post a copy of the petition, including the description required pursuant to section 1 of this act and any fiscal note prepared pursuant to subsection 2 on his Internet website.”.

Amend sec. 4, page 3, by deleting lines 14 through 34.

Amend sec. 5, page 3, by deleting lines 36 through 38 and inserting:

“295.061. 1. *The description of the effect of the initiative required pursuant to section 1 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the*



*complaint is filed and shall give priority to such a complaint over all criminal proceedings.*

2. The legal sufficiency of a petition ~~filed pursuant to NRS 295.015 to 295.061, inclusive,~~ *for initiative or referendum* may be challenged by filing a complaint in ~~district court~~ *the First Judicial District Court* not”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing petitions for initiative and referendum. (BDR 24-711)”.

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. 193.

Bill read second time.

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

Amendment No. 566.

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. The Legislature hereby finds and declares that the provisions of this act shall not be construed as impairing or otherwise affecting the right of a person to bring an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive.

Sec. 2. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. An officer of a court when acting within the scope of his office.

3. Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

4. An owner of property who is building or improving a residential structure on the property for his own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

5. An owner of a complex containing not more than four condominiums, townhouses, apartments or cooperative units, the managing officer of the owner or an employee of the managing officer, who performs work to repair or maintain that property the value of which is less than \$500, including labor and materials, unless:

- (a) A building permit is required to perform the work;
- (b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;
- (c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;
- (d) The work is performed as a part of a larger project:
  - (1) The value of which is \$500 or more; or
  - (2) For which contracts of less than \$500 have been awarded to evade the provisions of this chapter; or
- (e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his use or occupancy and not intended for sale or lease.

10. *An owner of a planned unit development who enters into a contract with a general contractor for the installation of an infrastructure project for a planned unit development, and who does not build residential units within the planned unit development. As used in this subsection:*

(a) *“Infrastructure project” includes, without limitation, a utility, sewer, road, recreation area, landscape, park, common area or other project within or related to a planned unit development.*

(b) *“Planned unit development” has the meaning ascribed to it in NRS 278A.065.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; providing that certain owners of planned unit developments are not subject to provisions regulating contractors; 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. 369.

Bill read second time.

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

Amendment No. 540.

Amend sec. 3, pages 1 and 2, by deleting lines 8 and 9 on page 1 and lines 1 through 6 on page 2, and inserting:

“Sec. 3. *“Facility” has the meaning ascribed to it in NRS 433.461.”.*

Amend sec. 5, page 2, line 18, by deleting *“limitation, any”* and inserting: *“limitation:*

(a) *Any”.*

Amend sec. 5, page 2, line 19, by deleting: *“2 and any”* and inserting: *“2;*

(b) *Any”.*

Amend sec. 5, page 2, line 21, by deleting *“child.”* and inserting: *“child; and*

(c) *Any suggestions of licensed clinical social workers or other professionals who have interacted with the child and have information concerning the appropriate environment for the child.”.*

Amend sec. 5, page 2, line 32, by deleting: *“is available to”* and inserting *“would”.*

Amend sec. 5, page 2, between lines 33 and 34, by inserting:

*“3. An agency which provides child welfare services shall not place a child who is in the custody of the agency in a facility, other than under an emergency admission, unless the agency has petitioned a court for the involuntary court-ordered admission of the child to a facility.”.*

Amend sec. 6, page 2, line 34, before *“Not”* by inserting *“1.”.*

Amend sec. 6, page 2, line 39, by deleting *“obtaining”* and inserting: *“requesting the court to authorize”.*

Amend sec. 6, page 2, line 44, by deleting *“services. The”* and inserting: *“services.*

2. *If the court authorizes a second examination of the child, the”.*

Amend sec. 6, page 3, line 1, by deleting “1.” and inserting “(a)”.

Amend sec. 6, page 3, line 5, by deleting “2.” and inserting “(b)”.

Amend sec. 8, page 3, by deleting lines 34 and 35 and inserting: “*Child and Family Services or any facility may petition to renew the*”.

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. 419.

Bill read second time.

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

Amendment No. 453.

Amend sec. 2, page 2, line 41, by deleting “*campaign*,” and inserting: “*campaign and the preparation of statements of financial disclosure required pursuant to NRS 281.559 or 281.561 and reports of campaign contributions and expenditures required pursuant to chapter 294A of NRS*,”.

Amend sec. 2, page 3, line 23, by deleting “*campaign*,” and inserting: “*campaign and the preparation of statements of financial disclosure required pursuant to NRS 281.559 or 281.561 and reports of campaign contributions and expenditures required pursuant to chapter 294A of NRS*,”.

Amend sec. 2, page 4, by deleting lines 3 through 9 and inserting:

“11. A public officer or employee who is a member of a public body shall not attend a meeting of that public body where action is taken in violation of any provision of chapter 241 of NRS if the public officer or employee knows or should have known that the meeting is in violation thereof.

12. As used in this section, “activity relating to a political campaign” means any activity designed to affect the outcome of any primary, general or special election or question on the ballot.”.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. NRS 281.611 is hereby amended to read as follows:

281.611 As used in NRS 281.611 to 281.671, inclusive, and section 1 of this act, unless the context otherwise requires:

1. “Improper governmental action” means any action taken by a state officer or employee or local governmental officer or employee in the performance of his official duties, whether or not the action is within the scope of his employment, which is:

- (a) In violation of any state law or regulation;
- (b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;
- (c) An abuse of authority;
- (d) Of substantial and specific danger to the public health or safety; or

(e) A gross waste of public money.

2. "Local government" means a county in this State, an incorporated city in this State and Carson City.

3. "Local governmental employee" means any person who performs public duties under the direction and control of a local governmental officer for compensation paid by or through a local government.

4. "Local governmental officer" means a person elected or appointed to a position with a local government that involves the exercise of a local governmental power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of local governmental policy;

(b) The expenditure of money of a local government; and

(c) The enforcement of laws and regulations of the State or a local government.

5. "Reprisal or retaliatory action" includes:

(a) The denial of adequate personnel to perform duties;

(b) Frequent replacement of members of the staff;

(c) Frequent and undesirable changes in the location of an office;

(d) The refusal to assign meaningful work;

(e) The issuance of letters of reprimand or evaluations of poor performance;

(f) A demotion;

(g) A reduction in pay;

(h) The denial of a promotion;

(i) A suspension;

(j) A dismissal;

(k) A transfer;

(l) Frequent changes in working hours or workdays; or

(m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee,

if such action is taken, in whole or in part, because the state officer or employee or local governmental officer or employee disclosed information concerning improper governmental action.

6. "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.

7. "State officer" means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;

(b) The expenditure of state money; and

(c) The enforcement of laws and regulations of the State.”.

Amend sec. 4, page 6, line 25, after “4.” by inserting: “*The issuance of an order against a person for taking reprisal or retaliatory action pursuant to subsection 2 constitutes grounds for disciplinary action against the person.* 5.”.

Amend sec. 5, page 7, line 2, by deleting “and” and inserting “~~and~~”.

Amend sec. 5, page 7, line 6, by deleting “action.” and inserting: “action ~~and~~; and

(d) *Provide that the issuance of an order against a person for taking reprisal or retaliatory action pursuant to paragraph (c) constitutes grounds for disciplinary action against that person.*”.

Amend the bill as a whole by deleting sections 7 through 9, renumbering section 10 as section 11 and adding new sections designated sections 8 through 10, following sec. 6, to read as follows:

“Sec. 8. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. The Attorney General shall ~~investigate~~ :

(a) *Investigate and prosecute any violation of this chapter ~~and~~; and*

(b) *Report to the Commission on Ethics each member of a public body that is convicted of a violation of subsection 1.*

Sec. 9. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

*Unless a greater penalty is provided by specific statute, any violation of this chapter is a misdemeanor.*

Sec. 10. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, *and in addition to any other penalty imposed by law*, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of

not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”.

Amend the title of the bill to read as follows:

“AN ACT relating to government; revising the provisions concerning the disclosure of improper governmental action; prohibiting public officers and employees from using governmental time, property, equipment or other facility for activities relating to political campaigns and for the preparation of statements of financial disclosure and campaign contribution and expenditure reports; making attendance by a member of a public body at a meeting of the public body that violates the Open Meeting Law an ethics violation in certain circumstances; increasing the civil penalties for willful violations of the ethics provisions; providing civil penalties for repeated violations of the Open Meeting Law; making certain violations of campaign practices misdemeanors; providing a penalty; 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 third reading.

Assembly Bill No. 496.

Bill read second time.

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

Amendment No. 616.

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

*“Sec. 2. The Board shall, by regulation, establish a procedure pursuant to which a person who holds a license issued by a local governmental entity to practice massage therapy, or who is taking any action required to become licensed to practice massage therapy, may also obtain a license pursuant to this chapter as a cosmetologist or aesthetician. To the greatest extent practicable, the procedure must be designed to streamline and reduce the duplication of requirements for the person to obtain the license.”.*

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sections 6 and 7 as sections 4 and 5.

Amend the bill as a whole by deleting sections 8 and 9 and renumbering sections 10 and 11 as sections 6 and 7.

Amend sec. 11, page 6, by deleting lines 43 and 44 and inserting:

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

Amend sec. 11, page 7, line 1, by deleting: “6, 7, 8 and 10” and inserting: “4, 5 and 6”.

Amend sec. 11, page 7, by deleting lines 12 through 22.

Amend the title of the bill to read as follows:

*“AN ACT relating to cosmetology; requiring the State Board of Cosmetology to establish a procedure designed to streamline and reduce the duplication of requirements for certain persons to obtain a license as a cosmetologist or aesthetician; providing for the issuance of a license to practice cosmetology on a temporary basis under certain circumstances; authorizing the Board to set certain fees by regulation; 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. 500.

Bill read second time.

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

Amendment No. 485.

Amend sec. 3, pages 2 and 3, by deleting lines 7 through 41 on page 2 and line 1 on page 3, and inserting:

*“Sec. 3. 1. The permanent and temporary polling places for early voting by personal appearance”.*



Amend sec. 3, page 3, line 5, by deleting “*appearance;*” and inserting: “*appearance, including, without limitation, that the hours and days during which the permanent and temporary polling places for early voting are open provide equitable access to all registered voters to a polling place for early voting;*”.

Amend sec. 3, page 3, line 6, by deleting: “*a polling place*” and inserting: “*permanent and temporary polling places*”.

Amend sec. 3, page 3, line 8, by deleting “7.” and inserting “2.”.

Amend sec. 3, page 3, by deleting lines 9 through 17 and inserting:

“2. *The county clerk shall:*

(a) *Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and*

(b) *At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.*”.

Amend sec. 4, page 3, line 19, by deleting “all”.

Amend sec. 4, page 3, line 21, by deleting “*including,*” and inserting: “*which may include,*”.

Amend sec. 4, page 3, by deleting lines 24 through 30.

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

Amend sec. 4, page 3, by deleting lines 33 and 34 and inserting:

“(c) *All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.*”.

Amend sec. 5, page 3, line 40, by deleting “all”.

Amend sec. 5, page 3, line 41, by deleting “*including,*” and inserting: “*which may include,*”.

Amend sec. 5, page 4, by deleting lines 1 through 5.

Amend sec. 5, page 4, line 6, by deleting “(d)” and inserting “(b)”.

Amend sec. 5, page 4, line 9, after “*ballot;*” by inserting “*and*”.

Amend sec. 5, page 4, line 10, by deleting “(e)” and inserting “(c)”.

Amend sec. 5, page 4, by deleting line 11 and inserting “*NRS 293.388.*”.

Amend sec. 5, page 4, by deleting lines 12 and 13.

Amend sec. 6, page 7, line 5, after “agency” by inserting:

“, *except for a card evidencing registration to vote that is distributed by a county clerk,*”.

Amend sec. 6, page 7, lines 8 and 11, by deleting “agency” and inserting: “agency, *except for a card evidencing registration to vote that is distributed by a county clerk,*”.

Amend sec. 7, page 8, by deleting lines 18 through 21 and inserting:

“2. ~~[No]~~ *Except as otherwise provided in subsection 3, no words designating the party affiliation of a candidate for nonpartisan offices may be printed upon the ballot.*

3. *Notwithstanding that a political party may not nominate a candidate for a nonpartisan office, a word or symbol designating the party affiliation of a candidate for a nonpartisan office, except for a candidate for a judicial office, must be printed upon the ballot if the nonpartisan office may only be voted upon by:*

- (a) *The voters in a county whose population is 400,000 or more; or*
- (b) *The voters in a city located in a county whose population is 400,000 or more.”.*

Amend sec. 7, page 8, line 22, by deleting “3.” and inserting “4.”.

Amend the bill as a whole by deleting sec. 11 and renumbering sec. 12 as sec. 11.

Amend sec. 12, page 10, by deleting lines 2 through 10 and inserting:

“293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance *in the county at the locations* ~~[designated]~~ *selected by him [throughout the county.] pursuant to section 3 of this act.”.*

Amend the bill as a whole by deleting sections 13 through 15, renumbering sections 16 through 26 as sections 13 through 23 and adding a new section designated sec. 12, following sec. 12, to read as follows:

“Sec. 12. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk’s office ~~[ ]~~ *pursuant to section 3 of this act.*

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.”.

Amend sec. 22, pages 15 and 16, by deleting lines 16 through 45 on page 15 and lines 1 through 9 on page 16, and inserting:

“Sec. 19. 1. *The permanent and temporary polling places for early voting by personal appearance”.*

Amend sec. 22, page 16, line 13, by deleting “*appearance;*” and inserting: “*appearance, including, without limitation, that the hours and days during which the permanent and temporary polling places for early voting are open provide equitable access to all registered voters to a polling place for early voting;*”.

Amend sec. 22, page 16, line 14, by deleting: “*a polling place*” and inserting: “*permanent and temporary polling places*”.

Amend sec. 22, page 16, line 16, by deleting “7.” and inserting “2.”.

Amend sec. 22, page 16, by deleting lines 17 through 25 and inserting:

“2. *The county clerk shall:*

(a) *Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance; and*

(b) *At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.”.*

Amend sec. 23, page 16, line 28, by deleting “all”.

Amend sec. 23, page 16, line 29, by deleting “including,” and inserting: “which may include,”.

Amend sec. 23, page 16, by deleting lines 34 through 38.

Amend sec. 23, page 16, line 39, by deleting “(d)” and inserting “(b)”.

Amend sec. 23, page 16, line 42, after “ballot;” by inserting “and”.

Amend sec. 23, page 16, line 43, by deleting “(e)” and inserting “(c)”.

Amend sec. 23, page 16, by deleting line 44 and inserting: “pursuant to the provisions of NRS 293C.387.”.

Amend sec. 23, page 17, by deleting lines 1 and 2.

Amend sec. 24, page 18, line 27, after “agency” by inserting:

“, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 24, page 18, lines 30 and 33, by deleting “agency” and inserting: “agency, except for a card evidencing registration to vote that is distributed by a county clerk,”.

Amend sec. 26, page 20, by deleting lines 8 through 15 and inserting:

“293C.3564 1. The city clerk may establish permanent polling places for early voting by personal appearance *in the city at the locations [designated] selected by him [throughout the county.] pursuant to section 19 of this act.”.*

Amend the bill as a whole by deleting sections 27 through 29, renumbering sections 30 through 33 as sections 25 through 28 and adding a new section designated sec. 24, following sec. 26, to read as follows:

“Sec. 24. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting ~~[pursuant to section 19 of this act.~~

2. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the

property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.”.

Amend sec. 30, page 22, line 16, by deleting: “31 to 35, inclusive,” and inserting: “26, 27 and 28”.

Amend sec. 32, page 23, line 2, by deleting “*except*” and inserting: “*including, without limitation,*”.

Amend sec. 33, page 23, line 10, by deleting “30” and inserting “45”.

Amend sec. 33, page 23, line 12, by deleting “30” and inserting “180”.

Amend the bill as a whole by deleting sections 34 and 35 and renumbering sec. 36 as sec. 29.

Amend sec. 36, page 25, line 1, by deleting “31” and inserting “26”.

Amend the bill as a whole by renumbering sections 37 through 64 as sections 33 through 60 and adding new sections designated sections 30 through 32, following sec. 36, to read as follows:

“Sec. 30. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 31. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of

the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 32. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of \$100 that he incurs and each amount in excess of \$100 that he disposes of pursuant to NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of

State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each of the campaign expenses in excess of \$100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of \$100 that he incurs on the form designed and provided by the Secretary of State pursuant NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, ~~except~~ *including, without limitation*, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.”.

Amend sec. 37, page 25, lines 7 and 17, by deleting “32” and inserting “27”.

Amend sec. 38, page 25, lines 23 and 39, by deleting “32” and inserting “27”.

Amend sec. 38, page 26, line 12, by deleting “32” and inserting “27”.

Amend sec. 39, page 26, lines 40 and 43, by deleting “32” and inserting “27”.



Amend sec. 40, page 27, line 17, by deleting “32” and inserting “27”.

Amend sec. 41, page 27, lines 36 and 42, by deleting “32” and inserting “27”.

Amend sec. 42, page 28, line 7, by deleting “32” and inserting “27”.

Amend sec. 43, page 28, line 42, by deleting “32” and inserting “27”.

Amend sec. 43, page 29, line 7, by deleting “32” and inserting “27”.

Amend sec. 45, page 30, line 41, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 46, pages 30 and 31, by deleting lines 42 through 45 on page 30 and lines 1 and 2 on page 31, and inserting:

“Sec. 42. 1. *“Officer of a publicly funded entity” means a person who:*

(a) *Serves as an officer of a governing body of a corporation or any other entity that receives money directly from the State or a local government; and*  
(b) *Receives compensation other than a per diem allowance and travel expenses for serving as such an officer.*

2. *The term does not include a person who is a public officer.”.*

Amend sec. 47, page 31, line 3, by deleting: “chief administrative officer of” and inserting: “officer of a publicly funded entity,”.

Amend sec. 47, page 31, by deleting lines 4 and 5.

Amend sec. 47, page 31, lines 8 and 9, by deleting: “chief administrative officer of a district.” and inserting: “officer of a publicly funded entity.”.

Amend sec. 47, page 31, line 11, by deleting: “chief administrative officer of the district,” and inserting: “officer of the publicly funded entity,”.

Amend sec. 47, page 31, lines 12 and 13, by deleting: “chief administrative officer of the district.” and inserting: “officer of the publicly funded entity.”.

Amend sec. 47, page 31, lines 15 and 16, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, line 19, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, lines 22 and 23, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, line 29, by deleting: “chief administrative officers of a district” and inserting: “officers of a publicly funded entity”.

Amend sec. 47, page 31, lines 34 and 37, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 31, lines 41 and 42, by deleting: “chief administrative officers of a district” and inserting: “officers of a publicly funded entity”.

Amend sec. 47, page 31, line 43, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, line 1, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, lines 3 and 4, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 47, page 32, lines 6 and 7, by deleting: “chief administrative officer of a district” and inserting: “officer of a publicly funded entity”.

Amend sec. 48, page 32, lines 19 and 20, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 49, page 32, line 24, by deleting: “46 and 47” and inserting: “42 and 43”.

Amend sec. 49, page 32, line 26, by deleting “46” and inserting “42”.

Amend sec. 52, page 35, line 6, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 35, lines 32 and 33, by deleting: “*chief administrative officer of a district*” and inserting: “*fficer of a publicly funded entity*”.

Amend sec. 52, page 35, lines 38 and 39, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 35, line 45, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 2, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, lines 7 and 8, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 11, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 13, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, lines 29 and 30, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 36, line 44, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 37, lines 3 and 4, by deleting: “*chief administrative officer of a district*,” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 37, lines 6 and 7, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 52, page 37, lines 9 and 10, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 53, page 37, line 14, by deleting “47” and inserting “43”.

Amend sec. 54, page 37, lines 22 and 23, by deleting: “*chief administrative officer of a district*” and inserting: “*officer of a publicly funded entity*”.

Amend sec. 54, page 37, line 29, by deleting: “*chief administrative officers of districts*” and inserting: “*officers of the publicly funded entities*”.

Amend sec. 55, page 38, lines 6, 14, 24, 29, 33, 37 and 40, by deleting “47” and inserting “43”.

Amend the bill as a whole by deleting sec. 65 and the text of repealed sections and renumbering sec. 66 as sec. 61.

Amend the title of the bill to read as follows:

“AN ACT relating to public office; revising various provisions relating to polling places; requiring the Secretary of State to maintain certain information on a website on the Internet; requiring that if a county clerk or city clerk maintains a website on the Internet, the county clerk or city clerk

shall maintain certain information on the website; revising provisions relating to proof of residence for a person filing a declaration of candidacy; revising the provisions relating to provisional ballots; revising the provisions relating to public lists of registered voters; revising the provisions relating to a person convicted of a felony and the right to vote; revising the provisions relating to the filing of campaign finance reports; revising the provisions relating to filing a statement of financial disclosure; requiring an officer of a publicly funded entity to file a statement of financial disclosure; revising the provisions governing requests for bill drafts made by Legislators; providing a civil penalty; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

The following amendment was proposed by Assemblywoman Giunchigliani:

Amendment No. 570.

Amend sec. 44, page 29, line 41, by deleting “5” and inserting “[5] 10”.

Amend sec. 44, page 29, line 42, by deleting:

“on or before September 1 preceding” and inserting:

“~~on or before September 1 preceding~~ before”.

Amend sec. 44, pages 29 and 30, by deleting lines 43 and 44 on page 29 and lines 1 and 2 on page 30, and inserting:

“a regular session of the Legislature . ~~{and not more than 5 legislative measures submitted to the} The Legislative Counsel {after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.}~~ shall establish a schedule of dates for an incumbent Assemblyman to submit to the Legislative Counsel requests for the drafting of legislative measures.”.

Amend sec. 44, page 30, by deleting lines 4 through 9 and inserting:

“~~{10} 20 legislative measures submitted to the Legislative Counsel {on or before September 1 preceding} before the commencement of a regular session of the Legislature . {and not more than 10 legislative measures submitted to the} The Legislative Counsel {after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.}~~ shall establish a schedule of dates for an incumbent Senator to submit to the Legislative Counsel requests for the drafting of legislative measures.”.

Amend sec. 44, page 30, by deleting lines 12 and 13 and inserting:

“Counsel ~~{on or before December 15 preceding} before the commencement of a regular session of the Legislature. The Legislative Counsel shall establish a schedule of dates for a newly elected Assemblyman to submit to the Legislative Counsel requests for the drafting of legislative measures.”.~~

Amend sec. 44, page 30, by deleting lines 16 and 17 and inserting:

“Counsel ~~{on or before December 15 preceding} before the commencement of a regular session of the Legislature. The Legislative Counsel shall~~

*establish a schedule of dates for a newly elected Senator to submit to the Legislative Counsel requests for the drafting of legislative measures.”.*

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 530.

Bill read second time.

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

Amendment No. 484.

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

“Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

*Each public officer who is required to file a statement of financial disclosure pursuant to NRS 281.541, 281.559 or 281.561 shall, within 6 months after his initial election or appointment to his office, attend a course on ethics in government that is taught or approved by the Commission.*

Sec. 2. NRS 281.411 is hereby amended to read as follows:

281.411 NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, may be cited as the Nevada Ethics in Government Law.

Sec. 3. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 281.541 is hereby amended to read as follows:

281.541 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and

(2) Upon review, approved by the Commission.

2. *A code of ethical standards established by a specialized or local ethics committee of a county or an incorporated city pursuant to subsection 1 may include, without limitation, a provision that prohibits any former public officer of the county or city, as the case may be, from lobbying the governing body of the city or county for a limited period of time after the public officer leaves office. As used in this subsection, "lobbying" means communicating with a member of the board of county commissioners, the governing body of a city or an employee of the county or city on behalf of another person to seek to influence action by the board of county commissioners or the governing body of the city, for consideration or under circumstances in which consideration would ordinarily be paid for such communication.*

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

~~{3-}~~ 4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

- (a) The public officer or employee acts in contravention of the opinion; or
- (b) The requester discloses the content of the opinion."

Amend sec. 5, page 7, line 33, by deleting "chapter;" and inserting: "chapter ~~{-}~~ *except section 1 of this act;*".

Amend sec. 5, page 7, line 35, by deleting "chapter;" and inserting: "chapter ~~{-}~~ *except section 1 of this act;*".

Amend sec. 5, page 7, line 37, by deleting "chapter." and inserting: "chapter ~~{-}~~ *except section 1 of this act.*".

Amend sec. 5, page 8, by deleting lines 30 through 41 and inserting:

"6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee ~~{-~~

~~(a) Relied~~ *satisfies all of the following requirements:*

(a) *He relied* in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) ~~{Was}~~ *He was* unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) ~~{Took}~~ *He took* action that was not contrary to a prior published opinion issued by the Commission."

Amend sec. 5, page 8, line 42, by deleting “7.” and inserting “7.”.

Amend sec. 5, page 9, line 3, by deleting “[8.] 7.” and inserting “8.”.

Amend sec. 5, page 9, line 8, after “chapter” by inserting: “, *except section 1 of this act*,”.

Amend sec. 5, page 9, line 12, by deleting “[9.] 8.” and inserting “9.”.

Amend sec. 5, page 9, line 15, by deleting “[10.] 9.” and inserting “10.”.

Amend sec. 5, page 9, line 16, after “chapter” by inserting: “, *except section 1 of this act*,”.

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

“Sec. 6. The provisions of section 1 of this act do not apply to any public officer elected or appointed to his office before July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to ethics in government; requiring certain public officers to attend a course on ethics in government; clarifying the circumstances under which a violation of the ethical provisions may be found not to be willful; authorizing a specialized or local ethics committee of a county or an incorporated city to prohibit certain former public officers from lobbying; 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. 538.

Bill read second time.

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

Amendment No. 469.

Amend sec. 4, page 4, by deleting lines 2 through 4 and inserting: “its counties or incorporated cities and which involves ~~the exercise of a public power, trust or duty. As used in this section, “the exercise of a public power, trust or duty” means:~~ two or more of the following:”.

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 through 18 as sections 7 through 17.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “utility; revising the date”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time.

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

Amendment No. 382.

Amend the resolution, page 3, by deleting lines 9 through 19 and inserting:

*“11. The annual property tax upon a residence owned and occupied by a senior citizen who has paid property taxes in this State during each of the previous 10 years must be limited to an amount that does not exceed the lesser of:*

*(a) The tax upon the assessed value of the property in the year in which the person:*

*(1) Reaches the age of retirement, as defined by the Legislature; or*

*(2) Has paid property taxes in this State for each of the previous 10 years,*  
*whichever is later; or*

*(b) The tax that would otherwise apply to the property for the current year.”.*

Amend the title of the bill to read as follows:

“ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to effect a limitation on property taxes for senior citizens.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Proposes to amend Nevada Constitution to effect limitation on property taxes for senior citizens. (BDR C-1184)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Resolution 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 1:25 p.m.

#### ASSEMBLY IN SESSION

At 1:44 p.m.

Mr. Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 165, 275, 334, 385, 425, 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. 342, 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*

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 165, 275, 334, 342, 385, 425 just reported out of committee be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 165.

Bill read second time.

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

Amendment No. 617.

Amend section 1, page 2, line 10, after “applicant” by inserting: “*or his authorized representative*”.

Amend section 1, page 2, line 11, after “applicant” by inserting: “*or his authorized representative*”.

Amend section 1, page 2, line 13, after “warranted.” by inserting: “*If the commission grants a continuance pursuant to this subsection for good cause shown, the person on whose behalf the continuance was granted must make a good faith effort to resolve the issues concerning which the continuance was requested.*”.

Amend section 1, page 2, line 14, by deleting: “*If an applicant requests*” and inserting: “*An applicant or his authorized representative may request*”.

Amend section 1, page 2, line 15, by deleting: “*another person and*” and inserting: “*an officer or employee of a city or county, a member of the commission or any owner of property that may be directly affected by the matter. If*”.

Amend section 1, page 2, by deleting lines 19 through 21 and inserting:

“5. As used in this section:

(a) “Applicant” means the person who owns the property to which the application pending before the commission pertains.

(b) “Good cause” includes, without limitation:

(1) *The desire by the applicant or his authorized representative to.*”.

Amend section 1, page 2, line 22, by deleting “(I)” and inserting “(I)”.

Amend section 1, page 2, line 24, by deleting “(2)” and inserting “(II)”.

Amend section 1, page 2, line 26, by deleting “(3)” and inserting “(III)”.

Amend section 1, page 2, line 27, by deleting “(b)” and inserting “(2)”.

Amend section 1, page 2, line 28, by deleting “applicant.” and inserting: “*applicant or his authorized representative.*”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.



Assembly Bill No. 275.

Bill read second time.

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

Amendment No. 458.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 17 and the text of the repealed section, following the enacting clause, to read as follows:

“Section 3. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board, consisting of ~~the Director of the Department of Administration and six~~ :

(a) *The Governor, the Lieutenant Governor and the State Treasurer, who serve ex officio; and*

(b) *Two members appointed by the Governor,*  
is hereby created within the Department of Administration.

2. At least one of the appointed members must have a comprehensive knowledge of the principles of ~~administration and at least one of the appointed members must have a working knowledge of the principles of~~ engineering or architecture.

3. *The Governor shall serve as Chairman of the Board, and the members of the Board shall elect annually a Vice Chairman.*

Sec. 2. NRS 341.030 is hereby amended to read as follows:

341.030 1. The *appointed* members of the Board ~~shall be appointed~~ serve for terms of 4 years.

2. The term of office of each *appointed* member ~~shall begin~~ of the Board begins on July 1 of the year of his appointment.

Sec. 3. NRS 341.041 is hereby amended to read as follows:

341.041 If an appointed member of the Board fails to attend three successive meetings of the Board, ~~the Board shall notify the Governor of that fact, in writing, within 5 days after the third successive meeting that the member fails to attend. Upon receipt of the notice,~~ the Governor may appoint a person to replace the member for the unexpired term of that member.

Sec. 4. NRS 341.100 is hereby amended to read as follows:

341.100 1. The ~~Board~~ Governor may appoint a Manager who serves at the pleasure of the ~~Board and the~~ Governor. The ~~Board or the~~ Governor may remove the Manager for inefficiency, neglect of duty, malfeasance or for other just cause.

2. The Manager, with the approval of the ~~Board,~~ Governor, may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services. In addition, the Manager may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

3. The Manager and his deputies are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Manager and each

deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

4. The Manager and his deputy for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of principles of administration and a working knowledge of principles of engineering or architecture as determined by the Board.

5. The Manager shall:

- (a) Serve as the Secretary of the Board.
- (b) Manage the daily affairs of the Board.
- (c) Represent the Board before the Legislature.
- (d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.
- (e) Make recommendations to the Board for the selection of architects, engineers and contractors.
- (f) Make recommendations to the Board concerning the acceptance of completed projects.
- (g) Advise the Board and the Legislature, or the Interim Finance Committee if the Legislature is not in session, on a monthly basis of the progress of all public works projects which are a part of the approved capital improvement program.
- (h) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government.

Sec. 5. NRS 341.145 is hereby amended to read as follows:

341.145 ~~{The Board:}~~

1. *Except as otherwise provided in subsection 2, the Board:*

(a) Has final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

~~{2.}~~ (b) Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the Board shall apply for the rebate.

~~{3.}~~ (c) Shall solicit bids for and let all contracts for new construction or major repairs.

~~{4.}~~ (d) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

~~{(a)}~~ (1) The bid is less than the appropriation made by the Legislature for that building project; and

~~{(b)}~~ (2) The bid does not exceed the relevant budget item for that building project as established by the Board by more than 10 percent.

~~{5-}~~ (e) May reject any or all bids.

~~{6-}~~ (f) After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

~~{7-}~~ (g) Shall obtain approval from the Interim Finance Committee when the Legislature is not in regular or special session, or from the Legislature by concurrent resolution when the Legislature is in regular or special session, for any change in the scope of the design or construction of a project as that project was authorized by the Legislature. The Board shall adopt by regulation criteria for determining whether a change in the scope of the design or construction of a project requires such approval.

~~{8-}~~ (h) May authorize change orders, before or during construction:

~~{a-}~~ (1) In any amount, where the change represents a reduction in the total awarded contract price.

~~{b-}~~ (2) Except as otherwise provided in ~~{paragraph (e)-}~~ subparagraph (3), not to exceed in the aggregate 10 percent of the total awarded contract price, where the change represents an increase in that price.

~~{c-}~~ (3) In any amount, where the total awarded contract price is less than \$10,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

~~{9-}~~ (i) Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the Board a change order that has been authorized by the design professional. As used in this subsection, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

~~{10-}~~ (j) Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract or to codes adopted by the Board, and to file the notice of completion and certificate of occupancy for the building or structure.

2. *The Board shall not, in any manner, participate in the planning, design, contracting, construction, supervision, acceptance, approval, improvement, repair or inspection of or for a building, project or structure for a local government, unless 25 percent or more of the costs of the building, project or structure as a whole are paid from money appropriated by this State. As used in this subsection, "local government" has the meaning ascribed to it in NRS 338.010.*

Sec. 6. NRS 341.191 is hereby amended to read as follows:

341.191 1. The Board shall submit reports and make recommendations relative to its findings to the ~~{Governor and to the}~~ Legislature. The Board shall particularly recommend to the ~~{Governor and to the}~~ Legislature the priority of construction of any and all buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The Board shall submit before October 1 of each even-numbered year its recommendations for projects for capital improvements in the next biennium.

Sec. 7. NRS 341.211 is hereby amended to read as follows:

341.211 The Board shall:

1. Cooperate with other departments and agencies of the State in their planning efforts.

2. ~~[Advise]~~ *Except as otherwise provided in NRS 341.145, advise* and cooperate with municipal, county and other local planning commissions within the State to promote coordination between the State and the local plans and developments.

3. Cooperate with the Nevada Arts Council and the Buildings and Grounds Division of the Department of Administration to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 8. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county ~~[ ]~~, *except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 13 of this act.*

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[ ]~~ *or the University and Community College System of Nevada .* ~~[or any school district.]~~

Sec. 9. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city ~~[ ]~~, *except for the construction, maintenance and safety of buildings, structures and property of a school district that has established a building department pursuant to section 13 of this act.*

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada ~~[ ]~~ *or the University and Community College System of Nevada .* ~~[or any school district.]~~

Sec. 10. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada ~~{ }~~ or the University and Community College System of Nevada, ~~{or any school district.}~~ except that such entities may contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada ~~{ }~~ or the University and Community College System of Nevada. ~~{or any school district.}~~

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes to permit the use of straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure and the use of solar energy for the heating of a structure, to the extent the local climate allows.

5. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 11. NRS 278.585 is hereby amended to read as follows:

278.585 ~~{A.}~~ *Except as otherwise provided in section 13 of this act, all persons and political subdivisions shall comply with the appropriate city or county building code.*

Sec. 12. NRS 387.3335 is hereby amended to read as follows:

387.3335 1. The board of trustees of a school district may apply to the Director of the Department of Administration for a grant of money from the Fund created pursuant to NRS 387.333 on a form provided by the Director of the Department of Administration. The application must be accompanied by proof that the following emergency conditions exist within the school district:

(a) The assessed valuation of the taxable property in the county in which the school district is located is declining and all other resources available to the school district for financing capital improvements are diminishing;

(b) The combined ad valorem tax rate of the county is at the limit imposed by NRS 361.453; and

(c) At least:

(1) One building that is located on the grounds of a school within the school district has been condemned;

(2) One of the facilities that is located on the grounds of a school within the school district is unsuitable for use as a result of:

(I) Structural defects;

(II) Barriers to accessibility; or

(III) Hazards to life, health or safety, including, without limitation, environmental hazards and the operation of the facility in an unsafe manner; or

(3) One of the facilities that is located on the grounds of a school within the school district is in such a condition that the cost of renovating the facility would exceed 40 percent of the cost of constructing a new facility.

2. *Except as otherwise provided in subsection 3:*

(a) Upon receipt of an application submitted pursuant to subsection 1, the Director of the Department of Administration shall forward the application to the:

~~{(a)}~~ (I) Department of Taxation to determine whether ~~for not~~:

~~{(1)}~~:

(I) The application satisfies the showing of proof required pursuant to paragraphs (a) and (b) of subsection 1; and

~~{(2)}~~ (II) The board of county commissioners in the county in which the school district is located has imposed a tax of more than one-eighth of 1 percent pursuant to NRS 377B.100;

~~{(b)}~~ (2) State Public Works Board to determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and

~~{(c)}~~ (3) Department of Education for informational purposes.

~~{3.}~~ (b) The Department of Taxation and the State Public Works Board shall submit written statements of their determinations pursuant to ~~{subsection 2}~~ paragraph (a) regarding an application to the Director of the Department of Administration. Upon receipt of such statements, the Director shall submit the application accompanied by the written statements from the Department of Taxation and State Public Works Board to the State Board of Examiners for approval.

3. *If the provisions of NRS 341.145 prohibit the participation of the State Public Works Board:*

(a) *The application otherwise required to be forwarded to the State Public Works Board pursuant to subparagraph (2) of paragraph (a) of subsection 2 must instead be forwarded to a registered architect or licensed professional engineer selected by the board of trustees of the school district that is applying for the grant;*

(b) *The registered architect or licensed professional engineer shall determine whether the application satisfies the showing of proof required pursuant to paragraph (c) of subsection 1; and*

*(c) The registered architect or licensed professional engineer shall submit to the Director of the Department of Administration a written statement of his determination pursuant to paragraph (b).*

*Upon receipt of such statement, the Director shall submit the application accompanied by the written statements from the Department of Taxation and the architect or engineer to the State Board of Examiners for approval.*

4. The Director of the Department of Administration shall make grants from the Fund created pursuant to NRS 387.333 based upon the need of each school district whose application is approved by the State Board of Examiners.

5. The Director of the Department of Administration shall adopt regulations that prescribe the annual deadline for submission of an application to the Director of the Department of Administration by a school district that desires to receive a grant of money from the Fund.

Sec. 13. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The board of trustees of a school district located in a county whose population is 400,000 or more may establish a building department for the school district.*

2. *If the board of trustees of such a school district establishes a building department:*

*(a) The board of trustees shall:*

*(1) Regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.*

*(2) Adopt any building, electrical, plumbing or safety code as necessary to carry out the provisions of this section.*

*(b) The building department shall, as described in subsection 4 of NRS 393.110, review plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings.*

*(c) The provisions of NRS 278.585 do not apply to the school district in its regulation of the buildings, facilities, structures and property of the school district.*

Sec. 14. NRS 393.110 is hereby amended to read as follows:

393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

2. Except as otherwise provided in ~~subsection 3:~~

~~(a) Unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~(b) Before letting any contract or contracts for any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities, the board of trustees of a school district shall submit plans, designs and specifications therefor to, and obtain the written approval of the plans, designs and specifications by, the State Public Works Board. The State Public Works Board shall review the plans, designs and specifications and make any recommendations as expeditiously as practicable. The State Public Works Board is authorized to charge and collect, and the board of trustees is authorized to pay, a reasonable fee for the payment of any costs incurred by the State Public Works Board in securing the approval of qualified architects or engineers of the plans, designs and specifications submitted by the board of trustees in compliance with the provisions of this paragraph.~~

~~The State Public Works Board]~~ *this section, the board of trustees of a school district shall, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, submit plans, designs and specifications to, and obtain written approval of the plans, designs and specifications from, the building department of the county or other local building department, as applicable, and all other local agencies or departments whose approval is necessary for the issuance of a permit. A permit for construction must be issued before the school district commences construction. The building department shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications and for conducting the inspections required by this subsection. If there is no county building department or other local building department in the county in which the school district is located, the board of trustees of the school district shall contract with a private entity or the building department of another local government to*



*obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted.*

*3. In conducting reviews pursuant to subsection 2, the applicable building department or private entity shall verify that all plans, designs and specifications that ~~{it reviews}~~ are reviewed pursuant to this section comply with ~~{all}~~ :*

*(a) The applicable requirements of the relevant codes adopted by this State;*

*(b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and*

*(c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations.*

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~{3.—The State Public Works Board may enter into an agreement with the appropriate building department of a county or city to review plans, designs and specifications of a school district pursuant to subsection 2. If the State Public Works Board enters into such an agreement, the board of trustees of the school district shall submit a copy of its plans, designs and specifications for any project to which subsection 2 applies to the building department before commencement of the project for the approval of the building department. The}~~

*4. The provisions of subsections 2 and 3 do not apply to a school district that has established a building department pursuant to section 13 of this act. If a school district has established a building department pursuant to section 13 of this act, that building department shall review the plans, designs and specifications ~~{and provide responsive comment as expeditiously as practicable}~~ for the erection of new school buildings and for the addition to or alteration of existing school buildings to verify that the plans, designs and specifications comply with ~~{all}~~ :*

*(a) The applicable requirements of the relevant codes adopted by this State; and*

*(b) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., inclusive, and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. ~~{The building department may charge and collect a reasonable fee from the board of trustees of the school district for the payment of any costs incurred by the building department in reviewing the plans, designs and specifications.}~~*

~~A permit for construction must not be issued without the approval of the building department pursuant to this subsection.]~~

The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

~~[4.]5.~~ No contract for any of the purposes specified in subsection 1 made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.

Sec. 15. NRS 341.060 is hereby repealed.

Sec. 16. 1. As soon as practicable after July 1, 2005, the Governor shall:

(a) Determine which, if any, of the terms of the appointed members of the State Public Works Board ended on June 30, 2005; and

(b) Terminate the appointment of a sufficient number of the remaining appointed members of the Board so that the number of appointed members of the Board is reduced to two.

2. The remaining appointed members of the Board shall draw lots to determine which members' appointments will be terminated.

Sec. 17. This act becomes effective on July 1, 2005.

#### TEXT OF REPEALED SECTION

341.060 Organization; election of officers. Within a reasonable time after the appointment of the members of the Board, the Board shall meet upon the call of the Governor and shall organize and elect a chairman and vice chairman from among the members appointed pursuant to NRS 341.020.”.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; revising the composition of and certain internal procedures relating to the operations of the State Public Works Board; prohibiting the involvement of the Board in certain activities of local governments; authorizing certain larger school districts to establish building departments; authorizing such a building department to adopt its own building codes; removing the Board from the process of approving plans, designs and specifications for the construction and alteration of school buildings; removing the exemption for school districts from the requirement to pay fees for the issuance of building permits; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to State Public Works Board and relating to construction or renovation of public school buildings. (BDR 28-614)”.

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 334.

Bill read second time.

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

Amendment No. 455.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 4 through 7 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *Except as otherwise required by specific statute or federal law, a person shall not include and a governmental agency shall not require a person to include the social security number of a person on any document that is recorded, filed or otherwise submitted to the governmental agency.*

2. *A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.*

3. *A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain the social security number of any person. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required and any document which contains the social security number of a person.*

4. *On or before January 1, 2017, each governmental agency shall ensure that any social security number contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is maintained in a confidential manner or is obliterated or otherwise removed from the document. Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.*

5. *As used in this section, “governmental agency” mean an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.”.*

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

“Sec. 4. 1. *Except as otherwise provided in subsection 4, upon”.*

Amend sec. 2, page 3, by deleting lines 10 and 11 and inserting: “*and reasonable attorney’s fees, subject to any applicable limitations set forth in*

*NRS 41.0305 to 41.039, inclusive. An action described in this subsection must”.*

Amend sec. 4, page 4, line 7, by deleting “*subsection 4,*” and inserting: “*subsections 4 and 6,*”.

Amend sec. 4, page 5, line 10, after “5.” by inserting: “*In addition to the notification required pursuant to subsection 1, if a person doing business in this State determines that he must provide such notification to more than 1,000 persons as a result of the breach, the person doing business in this State must, without unreasonable delay, inform each consumer reporting agency, as defined in 15 U.S.C. § 1681a, in writing, of the timing, distribution and contents of that notification.*”

6. *The provisions of this section do not apply to any person doing business in this State that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et. seq., or any regulations adopted pursuant thereto.*

7.”.

Amend sec. 4, page 5, line 18, by deleting “6.” and inserting “8.”.

Amend sec. 5, page 5, by deleting line 28 and inserting:

“Sec. 7. This act becomes effective on January 1, 2007.”.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “in a confidential manner; prohibiting the inclusion of social security numbers in certain documents that are recorded, filed or otherwise submitted to a governmental agency; requiring a governmental agency or certain persons who do business in this State that own, license or maintain computerized data to notify”.

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. 342.

Bill read second time.

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

Amendment No. 544.

Amend section 1, page 2, by deleting line 5 and inserting: “the identity of a specific person or medical facility; and”.

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

“Sec. 2. NRS 439B.115 is hereby amended to read as follows:

439B.115 “Major hospital” means a hospital in this State which has ~~[200]~~ 100 or more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of ~~[200]~~ 100 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

“Sec. 4. NRS 449.485 is hereby amended to read as follows:

449.485 1. Each hospital in this State shall use for all patients discharged the form commonly referred to as the “UB-82,” or a different form prescribed by the Director with the approval of a majority of the hospitals licensed in this State, and shall include in the form all information required by the Department.

2. The Department shall by regulation:

(a) Specify the information required to be included in the form for each patient; and

(b) Require each hospital to provide specified information from the form to the Department.

3. Each insurance company or other payer shall accept the form as the bill for services provided by hospitals in this State.

4. Each hospital with *100 or more* ~~than 200~~ beds shall provide the information required pursuant to paragraph (b) of subsection 2 on magnetic tape or by other means specified by the Department, or shall provide copies of the forms and pay the costs of entering the information manually from the copies.”.

Amend sec. 3, pages 3 and 4, by deleting lines 11 through 44 on page 3 and lines 1 and 2 on page 4, and inserting:

~~“{Each such}~~

*2. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department a proposed ~~{operating}~~ capital improvement budget for the ~~{following}~~ upcoming fiscal year which includes, without limitation, any major service line that the institution plans to add, any major expansion of the existing facilities of the institution that is planned and any acquisition of a major piece of equipment that is planned, at least 30 days before the start of that fiscal year.*

~~{2-}~~ *3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital in this State shall file with the Department in a form and at intervals specified by the Director but at least annually:*

*(a) A description of the allocation of the net profits of the hospital that is compiled from the information submitted to the Department quarterly pursuant to the regulations of the Department during the immediately preceding fiscal year;*

*(b) The corporate home office allocation policy of the hospital, if any, and a report of the manner in which the hospital adheres to the policy; and*

*(c) The hospital’s plan for providing benefits to the community in which it is located, including, without limitation, the aspects of the plan that are specific to this State if the hospital is in a group of affiliated hospitals that operates a hospital in another state. The Director shall adopt regulations defining “benefits” for the purposes of this paragraph to include, without limitation, goods, services and resources provided by a hospital to a*

*community to address the specific needs and concerns of that community and the needs and concerns of uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive reimbursement.”.*

Amend sec. 3, page 4, between lines 18 and 19 by inserting:

*“7. The Director shall at least annually provide the information that the Department receives pursuant to subsections 1 and 2 to the Legislative Committee on Health Care.”.*

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

6.

Amend sec. 5, page 5, line 19, after “Governor” by inserting: “, the Legislative Committee on Health Care”.

Amend sec. 5, page 5, by deleting line 21 and inserting: “the preceding fiscal year. ~~[This report must include copies]~~”

2. *The report prepared pursuant to subsection 1 must include:*

(a) *Copies of all”.*

Amend sec. 5, pages 5 and 6, by deleting lines 25 through 44 on page 5 and lines 1 through 7 on page 6, and inserting: “necessary ~~[-]~~”;

(b) *A summary of the results of each audit of a hospital in this State that the Department required or performed during the previous year;*

(c) *An analysis of the trends in the costs, expenses and profits of hospitals in this State;*

(d) *An analysis of the corporate home office allocation policies of hospitals in this State; and*

(e) *An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner.*

3. *The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:*

(a) *A review of the plans for providing benefits to communities submitted by hospitals pursuant to paragraph (c) of subsection 3 of NRS 449.490;*

(b) *A review of the proposed capital improvement budgets submitted by hospitals pursuant to subsection 2 of NRS 449.490; and*

(c) *An assessment of the needs of communities in this State, including, without limitation, an assessment of the critical health care needs of each community, an assessment of the access to and affordability of services in each community and an examination of any disparities based upon factors such as race, gender or economic status in the provision of health care services in each community.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to health care; making various changes concerning the analysis and reporting of trends regarding sentinel events reported by certain medical facilities; expanding the classification of hospitals that are required to take certain actions to restrain the costs of health care; expanding the classification of hospitals that the Director of the Department of Human Resources is required to audit to ensure compliance with various provisions to restrain the costs of health care; expanding the classification of hospitals that are required to provide information to the Department in a specific form; making various changes concerning the reporting of financial information by certain medical facilities to the Department of Human Resources; making various changes concerning the reporting of information by the Department of Human Resources; requiring the Legislative Committee on Health Care to develop a plan concerning the provision of health care in this State; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning analysis, reporting and provision of health care services. (BDR 40-1163)”.

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. 385.

Bill read second time.

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

Amendment No. 452.

Amend the bill as a whole by deleting section 1 and adding:

“Section 1. (Deleted by amendment.)”.

Amend sec. 2, page 2, line 41, by deleting “278A” and inserting “278”.

Amend sec. 2, pages 2 and 3, by deleting lines 43 and 44 on page 2 and lines 1 through 15 on page 3, and inserting:

*“If a governing body establishes a committee or task force on sustainable energy, the committee or task force shall consider:*

*1. Standards for the efficient use of water;*

*2. Standards for the efficient use of energy, including, without limitation, the use”.*

Amend sec. 2, page 3, line 17, by deleting “(c)” and inserting “3.”.

Amend sec. 2, page 3, line 19, by deleting “(d)” and inserting “4.”.

Amend sec. 3, page 3, line 27, after “at” by inserting: “or meet the equivalent of”.

Amend sec. 3, page 3, by deleting lines 29 and 30 and inserting: “Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.”.

Amend sec. 3, page 3, line 33, after “at” by inserting: “*or meet the equivalent of*”.

Amend sec. 3, page 3, by deleting lines 35 and 36 and inserting: “*Design Green Building Rating System or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.*”.

Amend the bill as a whole by deleting sec. 4 and adding:

“Sec. 4. (Deleted by amendment.)”.

Amend sec. 5, page 4, line 8, by deleting “[identify]” and inserting “[identify the]”.

Amend sec. 5, page 4, by deleting lines 11 through 14 and inserting:

“(b) *Identify measures , including, without limitation, for* ~~the~~

~~(a)~~ *the:*

(1) *Conservation of water;*

(2) *Conservation of energy; and*

~~[(b)]~~ (3) *Use of types of energy which are alternatives to fossil*”.

Amend sec. 6, page 4, line 35, after “at” by inserting: “*or meet the equivalent of*”.

Amend sec. 6, page 4, by deleting lines 38 and 39 and inserting: “*or its equivalent, as adopted by the Director of the Office of Energy pursuant to section 11 of this act.*”.

2. *The partial abatement must be for a duration of not more than 10 years*”.

Amend sec. 6, page 4, line 42, after “3.” by inserting: “*The Commission on Economic Development shall establish by regulation the qualifications and methods to determine eligibility for the abatement.*

4.”.

Amend sec. 7, page 5, by deleting lines 15 through 17 and inserting:

“(d) *Products or materials used in the construction or remodel of a building if the building is certified or will, when complete, meet the requirements to be certified at or meet the equivalent of the silver level or*”.

Amend sec. 7, page 5, by deleting line 33 and inserting: “*adopted by the Director of the Office of Energy pursuant to section 11 of this act.*”.

Amend the bill as a whole by adding new sections designated sections 8.1 through 8.12, following sec. 8, to read as follows:

“Sec. 8.1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 8.2 to 8.12, inclusive, of this act.

Sec. 8.2. *As used in sections 8.2 to 8.12, inclusive, of this act, unless the context otherwise requires:*

1. “*Occupation*” means a specific discipline involved in a solar energy system project, including, without limitation, those tasks performed by an inspector, management planner, consultant, project designer, contractor, supervisor or worker engaged in a solar energy system project.

2. “*Solar energy system*” means a facility or energy system for the generation of electricity that uses photovoltaic cells and solar energy to generate electricity.



3. “Solar energy system project” means a project related to:

- (a) The installation of a solar energy system; or
- (b) The maintenance of a solar energy system.

4. “Worker” means any person actually engaged in work directly related to a solar energy system project in a capacity other than as an inspector, management planner, consultant, project designer, contractor or supervisor engaged in a solar energy system project.

Sec. 8.3. 1. The Division shall adopt regulations establishing standards and procedures for the certification of each occupation. The regulations must include, without limitation:

(a) Standards for:

- (1) Courses that provide initial training;
- (2) Courses that provide a review of the initial training;
- (3) Examinations;
- (4) Qualifications;
- (5) Certification;
- (6) Renewal of certification; and
- (7) Revocation of certification.

(b) A schedule of fees designed to recover revenue to defray the costs of carrying out the provisions of sections 8.2 to 8.12, inclusive, of this act. The Division may collect fees for applications for certification, the issuance, renewal and reinstatement of certification, examinations, the review and approval of training courses, job notifications and inspections, recordkeeping, and any other activity of the Division related to the provisions of sections 8.2 to 8.12, inclusive, of this act.

(c) Standards for solar energy system projects.

2. In adopting regulations pursuant to subsection 1, the Division shall consult with the State Apprenticeship Council.

3. The Division may adopt:

(a) Such regulations as are necessary to carry out the provisions of sections 8.2 to 8.12, inclusive, of this act; and

(b) Regulations to include within the definition of “occupation” any discipline deemed necessary, including, without limitation, that of instructor in any activity related to a solar energy system project.

Sec. 8.4. 1. A person shall not engage in a solar energy system project unless he holds a valid certificate issued by the Division.

2. The Division shall issue certificates to:

(a) Persons enrolled in courses that provide the initial training related to solar energy systems; and

(b) Qualified applicants in each occupation.

3. The Division shall not issue a certificate as a contractor for solar energy system projects solely on the basis of a person’s status as a licensee pursuant to chapter 624 of NRS.

4. Any person who engages in a solar energy system project without a certificate issued by the Division is guilty of a misdemeanor.

Sec. 8.5. *A person applying for a certificate in an occupation must:*

- 1. Submit an application on a form prescribed and furnished by the Division, accompanied by a fee prescribed by the Division;*
- 2. Successfully complete a course of training in activities related to a solar energy system project approved or administered by the Division for that occupation;*
- 3. Pass an examination approved or administered by the Division for that occupation;*
- 4. If he is a contractor, present proof satisfactory to the Division that he is insured to the extent determined necessary by the Administrator for the appropriate activities related to a solar energy system project under the requested certificate, for the effective period of the certificate; and*
- 5. Meet any additional requirements established by the Division.*

Sec. 8.6. *1. To renew a certificate in an occupation, a person must, on or before January 1 of each year:*

- (a) Apply to the Division for renewal;*
- (b) Pay the annual fee for renewal set by the Division; and*
- (c) Submit evidence satisfactory to the Division of his completion of the requirements for continuing education or training established by the Division, if any.*

*2. The Division may adopt regulations requiring continuing education or training of a person issued a certificate in any occupation and, as a prerequisite to the renewal of a certificate, require each person issued a certificate to comply with those requirements.*

Sec. 8.7. *1. In addition to the requirements of sections 8.5 and 8.6 of this act, an applicant for the issuance or renewal of a certificate in an occupation shall submit to the Division:*

*(a) The statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

*(b) The social security number of the applicant.*

*2. The Division shall include the statement required pursuant to subsection 1 in:*

*(a) The application or any other forms that must be submitted for the issuance or renewal of a certificate; or*

*(b) A separate form prescribed by the Division.*

*3. A certificate in an occupation may not be issued or renewed by the Division if the applicant:*

*(a) Fails to submit the statement required pursuant to subsection 1; or*

*(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8.8. 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate in an occupation, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued, unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant, or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 8.9. The Division or a person authorized by the Division shall inspect annually at least one solar energy system project conducted by each contractor issued a certificate. The contractor shall, upon request of the Division or a person authorized by the Division, allow the inspection of all property, activities and facilities of the project and all related documents and records.

Sec. 8.10. 1. If the Division finds that a person, other than a worker, has violated any of the provisions of sections 8.2 to 8.12, inclusive, of this act, or the standards or regulations adopted pursuant thereto, it may:

(a) Upon the first violation, impose upon the person an administrative fine of not more than \$1,500.

(b) Upon the second violation or a subsequent violation:

(1) Impose upon the person an administrative fine of not more than \$2,500; and

(2) If he is certified pursuant to sections 8.2 to 8.12, inclusive, of this act, suspend or revoke his certificate and require him to fulfill certain training or educational requirement to have his certificate reinstated.

2. Any penalty imposed pursuant to subsection 1 does not relieve the person from criminal prosecution for engaging in a solar energy system project without a certificate.

3. If the certificate of a contractor for solar energy system projects is suspended or revoked pursuant to subsection 1 and the owner of a building

or structure upon which the contractor is engaged in a project employs another certified contractor to complete the project, the original contractor may not bring an action against the owner of the building or structure for breach of contract or damages based on the employment of another contractor.

Sec. 8.11. 1. If the Division intends to suspend or revoke a person's certificate, it shall first notify him by certified mail. The notice must contain a statement of the Division's legal authority, jurisdiction and reasons for the proposed action.

2. A person is entitled to a hearing to contest the proposed suspension or revocation of his certificate. A request for such a hearing must be made pursuant to regulations adopted by the Division.

3. Upon receiving a request for a hearing to contest a proposed suspension or revocation, the Division shall hold a hearing within 10 days after the date of the receipt of the request.

Sec. 8.12. The Division may maintain in a court of competent jurisdiction a suit for an injunction against any person engaged in a solar energy system project in violation of the provisions of sections 8.2 to 8.12, inclusive, of this act, or the standards or regulations adopted pursuant thereto. An injunction:

1. May be issued without proof of actual damage sustained by any person.

2. Does not relieve the person from criminal liability for engaging in a solar energy system project without a certificate.”

Amend the bill as a whole by deleting sec. 10 and adding:

“Sec. 10. (Deleted by amendment.)”

Amend sec. 11, page 6, by deleting lines 36 and 37 and inserting:

“Sec. 11. 1. The Director, in cooperation with:

(a) Representatives of the building and development industry, shall”.

Amend sec. 11, page 6, by deleting line 40 and inserting:

“(b) The Manager appointed pursuant to NRS 341.100, shall adopt the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent.

2. Guidelines adopted pursuant to paragraph (a) of subsection 1 must include, without limitation,”.

Amend sec. 11, page 7, by deleting lines 6 through 10.

Amend sec. 13, page 7, line 20, after “Council,” by inserting: “and any amendments to the Code,”.

Amend sec. 13, page 7, line 30, by deleting “second” and inserting “third”.

Amend the bill as a whole by deleting sections 14 through 17 and adding new sections designated sections 14 through 17, following sec. 13, to read as follows:

“Sec. 14. NRS 701.350 is hereby amended to read as follows:

701.350 1. The Task Force for Renewable Energy and Energy Conservation is hereby created. The Task Force consists of ~~{40}~~ 11 members who are appointed as follows:

(a) Two members appointed by the Majority Leader of the Senate, one of whom represents the interests of the renewable energy industry in this State with respect to biomass and the other of whom represents the interests of the mining industry in this State.

(b) Two members appointed by the Speaker of the Assembly, one of whom represents the interests of the renewable energy industry in this State with respect to geothermal energy and the other of whom represents the interests of a nonprofit organization dedicated to the protection of the environment or to the conservation of energy or the efficient use of energy.

(c) One member appointed by the Minority Leader of the Senate to represent the interests of the renewable energy industry in this State with respect to solar energy.

(d) One member appointed by the Minority Leader of the Assembly to represent the interests of the public utilities in this State.

(e) Two members appointed by the Governor, one of whom represents the interests of the renewable energy industry in this State with respect to wind and the other of whom represents the interests of the gaming industry in this State.

(f) One member appointed by the Consumer's Advocate to represent the interests of the consumers in this State.

(g) One member appointed by the governing board of the State of Nevada AFL-CIO or, if the State of Nevada AFL-CIO ceases to exist, by its successor organization or, if there is no successor organization, by the Governor.

*(h) One member appointed by the Governor to represent the interests of energy conservation and the efficient use of energy in this State.*

2. A member of the Task Force:

(a) Must be a citizen of the United States and a resident of this State.

(b) Must have training, education, experience or knowledge concerning:

(1) The development or use of renewable energy;

(2) Financing, planning or constructing renewable energy generation projects;

(3) Measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(4) Weatherization;

(5) Building and energy codes and standards;

(6) Grants or incentives concerning energy;

(7) Public education or community relations; or

(8) Any other matter within the duties of the Task Force.

(c) Must not be an officer or employee of the Legislative or Judicial Department of State Government.

3. After the initial terms, the term of each member of the Task Force is 3 years. A vacancy on the Task Force must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member may be reappointed to the Task Force.

4. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Task Force and perform any work that is necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

Sec. 15. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this act.

Sec. 16. 1. *For the purpose of complying with a portfolio standard pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 1.5 kilowatt hours of electricity from a renewable energy system for each 1 kilowatt hour of actual electricity generated or acquired from a solar photovoltaic system if:*

(a) *Not less than 25 percent of the components in the system are manufactured in this State; and*

(b) *The employees of the owner of the renewable energy system are trained and certified pursuant to sections 8.2 to 8.12, inclusive, of this act.*

2. *The total amount of electricity deemed to have been generated or acquired pursuant to the provisions of this section must not exceed 50 megawatt hours.*

3. *The Commission shall adopt regulations to carry out the provisions of this section.*

Sec. 17. 1. *For the purpose of complying with a portfolio standard pursuant to NRS 704.7821, a provider shall be deemed to have generated or acquired 2.4 kilowatt hours of electricity from a renewable energy system for each 1 kilowatt hour of actual electricity generated or acquired from a solar photovoltaic system, if:*

(a) *The solar photovoltaic system is established in an enterprise zone in Nevada;*

(b) *The employees of the owner of the solar photovoltaic system are trained and certified pursuant to sections 8.2 to 8.12, inclusive, of this act; and*

(c) *The average price paid for electricity generated by the solar photovoltaic system is 75 percent of the average price paid for solar energy in this State.*

2. *The total amount of electricity deemed to have been generated or acquired pursuant to this section must not exceed 20 megawatt hours.*

3. *The Commission shall adopt regulations to carry out the provisions of this section.”.*

Amend sec. 18, page 12, line 26, by deleting “500” and inserting “150”.

Amend the bill as a whole by adding new sections designated sections 18.2 through 18.8, following sec. 18, to read as follows:

“Sec. 18.2. NRS 704.773 is hereby amended to read as follows:

704.773 1. ~~{A}~~ *Except as otherwise provided in subsection 2, a utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area.*

2. *A utility ~~{}~~ is not required to provide net metering to additional customer-generators operating within its service area if the combined total peak demand of all customer-generators served by the utility equals or exceeds 1 percent of the peak customer demand of the utility.*

3. *For net metering systems with a generating capacity of 30 kilowatts or less, a utility:*

(a) *Shall offer to make available to each of its customer-generators who has accepted its offer for net metering an energy meter that is capable of registering the flow of electricity in two directions.*

(b) *May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.*

(c) *Shall not charge a customer-generator any fee or charge that would increase the customer-generator’s minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.*

4. *For net metering systems with a generating capacity of more than 30 kilowatts, a utility:*

(a) *May require that a customer-generator install one or more meters capable of separately measuring the flow of electricity in both directions. All meters must provide time-of-use measurements of the flow of electricity and the customer-generator must take service on a time-of-use schedule. If the existing meter of the customer-generator is not a time-of-use meter or is not capable of measuring the total flow of electricity in both directions, the customer-generator is responsible for all expenses involved in purchasing and installing a time-of-use meter that is able to measure the total flow of electricity in both directions.*

(b) *Shall charge the customer-generator for the consumption of electricity from the utility at a price consistent with the tariffed rate that would be charged to the customer-generator if the customer-generator did not use a net metering system. The generation of electricity provided to the utility must result in a credit to the customer-generator and must be priced in accordance with the generation component that is established under the applicable rate structure to which the customer would be assigned if the customer did not use a net metering system. The customer-generator shall*

*pay all other fees and charges, including, without limitation, the customer, demand and facility charges that are charged to the other customers of the utility in the same rate class as the customer-generator.*

Sec. 18.4. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering ~~{may be either}~~ *must be a monthly period . for, with the written consent of the customer-generator, an annual period.*

2. The net energy measurement must be *measured in kilowatt hours and* calculated in the following manner:

(a) The utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility ~~{-}~~ *with such charges for energy due and payable with each monthly bill.*

(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for electricity provided to the other during the billing period; and

(2) The ~~{excess}~~ electricity which is fed back to the utility ~~{shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.}~~ *that exceeds the electricity supplied by the utility during the billing period must be carried forward and treated as a credit in the next billing period in addition to the kilowatt hours generated by the customer-generator. If the customer-generator is provided service by the utility pursuant to a rate schedule that employs a time-of-use period for billing purposes, the electricity carried forward must be applied to the same time-of-use period for the next billing period in which it is generated. If no comparable time-of-use period exists in the next billing period, the electricity carried forward must be evenly apportioned between the time-of-use periods in the next billing period. The excess electrical energy for each month is carried forward to the next month unless:*

*(I) The net metering system is no longer operating;*

*(II) The net metering system is no longer connected to the utility's electric system;*

*(III) The customer-generator ceases to take electric service from the utility at that location; or*

*(IV) The customer-generator assigns the net metering system to another party.*

Sec. 18.5. NRS 704.7801 is hereby amended to read as follows:



704.7801 As used in NRS 704.7801 to 704.7828, inclusive, *and sections 16 and 17 of this act*, unless the context otherwise requires, the words and terms defined in NRS 704.7805 to 704.7818, inclusive, have the meanings ascribed to them in those sections.

Sec. 18.6. NRS 704.7815 is hereby amended to read as follows:

704.7815 “Renewable energy system” means:

1. A facility or energy system that:

(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; and

(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:

(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or

(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.

2. A solar energy system that reduces the consumption of electricity ~~from natural gas or propane~~ or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.

Sec. 18.8. NRS 704.860 is hereby amended to read as follows:

704.860 “Utility facility” means:

1. Electric generating plants and their associated facilities, other than :

(a) *Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more.* ~~[As used in this subsection, “associated facilities” includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.]~~

(b) *Electric generating plants and their associated facilities that use or will use renewable energy or energy from a qualified energy recovery process as the primary source of energy to generate electricity and that have or will have a generating capacity of not more than 150 kilowatts, including, without limitation, a net metering system. As used in this paragraph:*

(1) “Net metering system” has the meaning ascribed to it in NRS 704.771.

(2) “Qualified energy recovery process” has the meaning ascribed to it in NRS 704.7809.

(3) “Renewable energy” has the meaning ascribed to it in NRS 704.7811.

2. Electric transmission lines and transmission substations that:

- (a) Are designed to operate at 200 kilovolts or more;
- (b) Are not required by local ordinance to be placed underground; and
- (c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

- (a) Any incorporated city; and
- (b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.”

Amend sec. 19, page 12, by deleting line 41 and inserting:

“3. This act expires by limitation on ~~June 30,~~ *December 31, 2005.*”.

Amend the bill as a whole by adding new sections, designated sections 19.2 through 19.8, following sec. 19, to read as follows:

“Sec. 19.2. Section 18 of Chapter 331, Statutes of Nevada 2003, at page 1869, is hereby amended to read as follows:

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. The Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

- (1) 100 kilowatts of capacity for schools;
- (2) 200 kilowatts of capacity for other public buildings; and
- (3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

- (1) An additional ~~{450}~~ 570 kilowatts of capacity for schools;
- (2) An additional ~~{450}~~ 570 kilowatts of capacity for other public buildings; and

(3) An additional ~~{600}~~ 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

- (1) An additional ~~{900}~~ 570 kilowatts of capacity for schools;
- (2) An additional ~~{900}~~ 570 kilowatts of capacity for other public buildings; and

(3) An additional ~~{1200}~~ 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

- (1) An additional 570 kilowatts of capacity for schools;

(2) *An additional 570 kilowatts of capacity for other public buildings;*  
*and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

(e) *For the program year beginning July 1, 2008:*

(1) *An additional 570 kilowatts of capacity for schools;*

(2) *An additional 570 kilowatts of capacity for other public buildings;*  
*and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

(f) *For the program year beginning July 1, 2009:*

(1) *An additional 570 kilowatts of capacity for schools;*

(2) *An additional 570 kilowatts of capacity for other public buildings;*  
*and*

(3) *An additional 760 kilowatts of capacity for private residences and small businesses.*

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

Sec. 19.4. Section 24 of Chapter 331, Statutes of Nevada 2003, at page 1871, is hereby amended to read as follows:

Sec. 24. The provisions of sections 4 to 21, inclusive, of this act expire by limitation on June 30, ~~{2007-}~~ 2010.

Sec. 19.6. 1. The Director of the Office of Energy shall review model commercial standards for appliances, including, without limitation, the appliance efficiency standards adopted by the California Energy Commission.

2. The Director shall prepare a report summarizing the review and submit the report by July 1, 2006, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and to the 74th Session of the Nevada Legislature. The report must be made available to the general public.

Sec. 19.8. There is hereby appropriated from the State General Fund to the Trust Fund for Renewable Energy and Energy Conservation, created pursuant to NRS 701.370, the sum of \$250,000.”.

Amend sec. 20, page 12, by deleting line 44 and inserting:

“2. Sections 1 to 18.8, inclusive, and sections 19.2 to 19.8, inclusive, of this act become effective:”.

Amend sec. 20, page 13, after line 4, by inserting:

“3. Sections 8.7 and 8.8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

1. Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

2. Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”.

Amend the title of the bill by deleting the eighth and ninth lines and inserting: “purchases; providing for the certification of persons engaged in solar energy system projects; making various changes concerning portfolio standards and net metering; making an appropriation; providing a penalty;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 425.

Bill read second time.

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

Amendment No. 621.

Amend section 1, page 2, line 2, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. *“Gaming enterprise district” has the meaning ascribed to it in NRS 463.0158.*”.

Amend the bill as a whole by deleting sections 2 through 5 and adding:

“Secs. 2-5. (Deleted by amendment.)”.

Amend sec. 6, page 2, by deleting lines 33 and 34 and inserting: *“incentives may be developed in cooperation with the regional transportation commission and other local governmental entities.”*.

Amend sec. 7, page 2, line 37, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 7, page 2, line 39, by deleting: “sections 2, 3 and 4” and inserting “section 1.5”.

Amend the bill as a whole by deleting sec. 8 and adding:

“Sec. 8. (Deleted by amendment.)”.

Amend sec. 9, page 3, line 44, by deleting “*high-rise buildings*” and inserting: “*buildings more than 30 feet in height*”.

Amend sec. 9, page 4, line 34, after “*facilities,*” by inserting: “*including, without limitation, buildings that are certified in accordance with the Leadership in Energy and Environmental Design Green Building System or its equivalent,*”.

Amend sec. 10, page 5, line 12, by deleting “*region.*” and inserting: “*region ~~+~~, and that the plan addresses, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities,*

*urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.”.*

Amend sec. 10, page 5, by deleting lines 24 through 32 and inserting: “*county to develop urban villages. If an urban village is developed, the urban village must:*

*(1) Designate the areas in which the construction of buildings more than 30 feet in height is authorized;*

*(2) Promote the utilization of transit services;*

*(3) Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and*

*(4) Discourage the expansion of infrastructure beyond the boundaries of the urban village.”.*

Amend sec. 11, page 6, by deleting lines 14 and 15 and inserting: “*incentives may be developed in cooperation with the regional transportation commission and other governmental entities.”.*

Amend sec. 12, page 7, by deleting lines 16 through 18.

Amend sec. 12, page 7, line 27, after “*facilities*” by inserting: “*, including, without limitation, schools,”.*

Amend sec. 13, page 8, line 21, after “*facilities*” by inserting: “*, including, without limitation, schools,”.*

Amend sec. 14, page 9, line 33, by deleting “*high-rise buildings*” and inserting: “*buildings more than 30 feet in height*”.

Amend sec. 15, page 10, by deleting lines 8 through 10.

Amend sec. 16, page 10, line 30, after “*facilities*” by inserting: “*, including, without limitation, schools,”.*

Amend sec. 16, page 10, by deleting line 33 and inserting: “*plan must* ~~*allow*~~ *:*

*(1) Address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height;*

*(2) Allow for a variety of uses* ~~*, describe*~~ *;*

*(3) Describe the transportation”.*

Amend sec. 16, page 10, line 35, by deleting: “*and must be*” and inserting: “*; and*” ~~*must be*~~

*(4) Be”.*

Amend sec. 16, page 11, by deleting lines 36 through 45 and inserting: “*located within the county and include in the plan urban villages for each incorporated city. If an urban village is established, the urban village must:*

*(a) Designate the areas in which the construction of buildings more than 30 feet in height is authorized;*

*(b) Promote the utilization of transit services;*

*(c) Prohibit the establishment of a gaming enterprise district in a residential area or within 2,500 feet of a school; and*

*(d) Discourage the expansion of infrastructure beyond the boundaries of the urban village.”.*

Amend the bill as a whole by deleting sec. 17 and adding:

“Sec. 17. (Deleted by amendment.)”.

Amend sec. 18, page 13, line 39, by deleting “may” and inserting:

“~~may~~”:

(1) *Must address, if applicable, shadowing, mixed-use development, transit-oriented development, master-planned communities, urban villages, gaming enterprise districts and the location of buildings more than 30 feet in height.*

(2) *May*”.

Amend sec. 18, pages 13 and 14, by deleting lines 43 through 45 on page 13 and lines 1 through 5 on page 14, and inserting:

“(g) Population plan. An estimate of the total population which”.

Amend sec. 18, page 14, line 8, by deleting “~~(h)~~ (i)” and inserting “(h)”.

Amend sec. 18, page 14, line 12, by deleting “~~(i)~~ (j)” and inserting “(i)”.

Amend sec. 18, page 14, line 16, by deleting “~~(j)~~ (k)” and inserting “(j)”.

Amend sec. 18, page 14, line 21, by deleting “~~(k)~~ (l)” and inserting “(k)”.

Amend sec. 18, page 14, line 24, by deleting “~~(l)~~ (m)” and inserting “(l)”.

Amend sec. 18, page 14, line 31, by deleting “~~(m)~~ (n)” and inserting “(m)”.

Amend sec. 18, page 14, line 34, by deleting “~~(n)~~ (o)” and inserting “(n)”.

Amend sec. 18, page 14, by deleting lines 37 through 41 and inserting:

“(o) Solid waste disposal plan. Showing general plans for the”.

Amend sec. 18, page 14, line 43, by deleting “~~(p)~~ (r)” and inserting “(p)”.

Amend sec. 18, page 15, line 4, by deleting “~~(q)~~ (s)” and inserting “(q)”.

Amend sec. 18, page 15, line 6, after “pedestrians,” by inserting “*satellite parking*”.

Amend sec. 18, page 15, line 8, by deleting “~~(r)~~ (t)” and inserting “(r)”.

Amend sec. 18, page 15, line 16, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, line 21, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, lines 24 and 25, by deleting: “2 to 6, inclusive,” and inserting: “1.5 and 6”.

Amend sec. 19, page 15, line 35, by deleting “*restricting*” and inserting “*studying*”.

Amend sec. 19, page 15, by deleting lines 37 and 38 and inserting:

“(d) *To ensure that the development is commensurate with the character, scale and architecture of existing buildings in the immediately surrounding area, including, without limitation, the functional and visual aspects of the building.*

(e) *To minimize the impact of shadows cast from buildings.*

(f) *To minimize the adverse impact of new structures, additional lot coverage, or the installation of machinery or equipment that emits heat, vapor, fumes or noise.*

(g) *To protect natural vegetation and soil by requiring that the removal of soil be minimized and that such soil be replaced or incorporated as part of the permanent landscape whenever possible.*

(h) *To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.*

(i) To provide for recreational needs.

~~[(d)]~~ (j) To protect life and property in areas subject to floods.”.

Amend sec. 19, page 15, line 40, by deleting “(f)” and inserting “(k)”.

Amend sec. 19, page 15, line 42, by deleting “(g)” and inserting “(l)”.

Amend sec. 19, page 16, line 1, by deleting “(h)” and inserting “(m)”.

Amend sec. 19, page 16, by deleting lines 4 through 8 and inserting:

~~[(h)]~~ (n) To take into account the immediate and long range financial”.

Amend sec. 19, page 16, line 12, by deleting “(k)” and inserting “(o)”.

Amend sec. 19, page 16, line 13, by deleting “(l)” and inserting “(p)”.

Amend sec. 19, page 16, line 16, by deleting “(m)” and inserting “(q)”.

Amend sec. 19, page 16, by deleting lines 19 through 25.

Amend sec. 20, page 17, line 23, by deleting “boundary” and inserting:

“boundary, including, without limitation, a gaming enterprise district.”.

Amend the bill as a whole by deleting sections 21 through 29 and adding:

“Secs. 21-29. (Deleted by amendment.)”.

Amend the title of the bill to read as follows:

“AN ACT relating to development; authorizing incentives for certain types of development; authorizing certain counties to develop urban villages in cooperation with incorporated cities within the county; requiring zoning regulations to protect certain resources and ensure smart growth; requiring applicants to hold a neighborhood meeting before applying for an amendment to a zoning regulation, restriction or boundary in certain circumstances; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 44:

YEAS—42.

NAYS—None.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 65:

YEAS—42.

NAYS—None.

Assembly Bill No. 65 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 83:

YEAS—42.

NAYS—None.

Assembly Bill No. 83 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblymen Gerhardt and Mabey.

Roll call on Assembly Bill No. 120:

YEAS—36.

NAYS—Angle, Carpenter, Christensen, Hardy, Mabey, Marvel—6.

Assembly Bill No. 120 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 2:07 p.m.

#### ASSEMBLY IN SESSION

At 4:09 p.m.

Mr. Speaker presiding.

Quorum present.



## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 189, 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 Government Affairs, to which was referred Assembly Bill No. 355, 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. 380, 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 Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 189, 226, 355, 380 just reported out of committee be placed on the Second Reading File.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 156:

YEAS—42.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 271:

YEAS—42.

NAYS—None.

Assembly Bill No. 271 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 337:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 337 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 340:

YEAS—42.

NAYS—None.

Assembly Bill No. 340 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 353:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 353 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Assembly Bill No. 365:

YEAS—42.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 392:

YEAS—42.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 397:

YEAS—40.

NAYS—Oceguera, Smith—2.

Assembly Bill No. 397 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:29 p.m.

#### ASSEMBLY IN SESSION

At 4:30 p.m.

Madam Speaker pro Tempore Speaker presiding.

Quorum present.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 189.

Bill read second time.

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

Amendment No. 454.

Amend sec. 6, page 6, line 25, by deleting “180” and inserting “[180] 300”.

Amend sec. 8, page 8, line 8, by deleting “[3.—If” and inserting “3. If”.

Amend sec. 8, page 8, by deleting lines 14 through 36 and inserting:

“~~4.~~ If the attempts at mediation or conciliation fail in a case involving an unlawful practice in employment or public accommodations, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and

(b) Order the person to:

(1) Cease and desist from the unlawful practice.

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, ~~but not limited to,~~ *without limitation*, rehiring, back pay for a period not to exceed 2 years after the date of the most recent unlawful practice, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission’s decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission’s decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

~~[5.—If the attempts at mediation or conciliation fail in a case”.~~

Amend sec. 8, page 9, by deleting lines 20 through 28 and inserting:

“~~6.~~ 4. *In addition to any other remedies or penalties provided in this section, the Commission may:*

(a) *Award to the complainant punitive damages of not more than \$25,000;*

(b) *Impose a civil penalty of not more than \$25,000 upon the person who committed the unlawful practice; and*

(c) *Recover from the person who committed the unlawful practice costs incurred by the Commission to hear and decide the matter.*

5. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission’s order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission’s findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. ~~[If the court upholds the~~

Amend sec. 8, page 9, by deleting lines 33 through 36 and inserting:

~~“7-”~~ 6. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.”.

Amend the bill as a whole by deleting sections 17 through 23 and renumbering sections 24 and 25 as sections 17 and 18.

Amend the title of the bill by deleting the sixth through ninth lines and inserting: “and providing other”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 226.

Bill read second time.

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

Amendment No. 546.

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

Amend sec. 3, page 3, line 30, by deleting “\$3” and inserting “[~~\$3~~] \$8”.

Amend sec. 3, page 3, line 34, by deleting:

*“except as otherwise provided in NRS 501.356,”.*

Amend sec. 3, page 3, by deleting lines 36 and 37 and inserting:

*“(a) Programs for the management and control of ~~[injuriously predatory]~~ the natural predators of wildlife;”.*

Amend sec. 3, page 3, by deleting lines 39 and 40 and inserting:

*~~“[nonpredatory game animals, sensitive wildlife species and related wildlife]~~ mule deer and its habitat;”.*

Amend sec. 3, page 3, line 42, by deleting “predatory wildlife,” and inserting: *“~~[predatory wildlife]~~ the natural predators of mule deer,”.*

Amend sec. 3, page 3, line 44, by deleting: “injuriously predatory wildlife;” and inserting: *“~~[injuriously predatory wildlife]~~ those predators;”.*

Amend sec. 3, page 4, line 2, by deleting “predatory wildlife.” and inserting: *“~~[predatory wildlife]~~ the natural predators of mule deer.”.*

Amend sec. 3, page 4, line 7, after “3.” by inserting: *“Sixty percent of the money collected pursuant to subsection 1 and any interest earned on that money must be used to carry out the provisions of paragraph (a) of subsection 1 and 40 percent of the money collected pursuant to subsection 1 and any interest earned on that money must be used to carry out the provisions of paragraphs (b), (c) and (d) of subsection 1.*

*4.”.*

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 2.

Amend sec. 5, page 4, line 15, by deleting: “July 1, 2005.” and inserting: “January 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; increasing the amount of the fee charged for processing an application for a game tag; revising the purposes for which the money collected from the fee must be used; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing fees for processing applications for game tags. (BDR 45-621)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355.

Bill read second time.

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

Amendment No. 624.

Amend the bill as a whole by deleting sections 1 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. Chapter 315 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The decision of a housing authority to terminate a person's housing assistance is a final decision for the purposes of judicial review. A person aggrieved by such a final decision of the housing authority is entitled to judicial review of the decision in the manner provided in NRS 233B.130 to 233B.150, inclusive, for the review of decisions of administrative agencies in contested cases.*

2. *If a person who seeks judicial review of a final decision of a housing authority pursuant to subsection 1 retains possession of the premises that are the subject of the petition for judicial review during the pendency of the action, the person shall pay rent to the landlord as provided in the underlying contract for possession of the premises. If the person fails to pay such rent, the landlord may initiate proceedings for eviction.*

3. *As used in this section:*

(a) *“Housing assistance” means any financial assistance that a person receives under the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f, and any regulations adopted pursuant thereto, or pursuant to any successor program.*

(b) *“Housing authority” means a housing authority created pursuant to this chapter and includes, without limitation, the Nevada Rural Housing Authority.*

(c) *“Landlord” has the meaning ascribed to it in NRS 315.021.*

(d) *“Premises” has the meaning ascribed to it in NRS 315.021.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to housing; providing for judicial review of decisions by housing authorities to terminate certain housing assistance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides right of judicial review for certain final decisions of housing authorities. (BDR 25-752)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 380.

Bill read second time.

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

Amendment No. 539.

Amend section 1, page 1, line 2, by deleting “10,” and inserting “12,”.

Amend sec. 3, page 1, line 6, by deleting “10,” and inserting “12,”.

Amend sec. 4, page 1, line 9, by deleting “officer” and inserting: “officer, a general manager”.

Amend sec. 5, page 2, by deleting lines 11 through 13 and inserting: “of health. The treasurer shall:

(a) Keep permanent accounts of all money received by, disbursed for and on behalf of the district board of health; and

(b) Administer the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.

Amend the bill as a whole by deleting sec. 6, renumbering sections 7 through 34 as sections 9 through 36 and adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

“Sec. 6. 1. The board of county commissioners shall create a health district fund in the county treasury.

2. The money in the fund may only be used to provide funding for the health district.

Sec. 7. 1. The district board of health shall prepare an annual operating budget for the health district. The district board of health shall submit the budget to the board of county commissioners before April 1 for funding for the following fiscal year. The budget must be adopted by the board of county commissioners as part of the annual county budget.

2. The board of county commissioners shall levy an ad valorem tax at a rate which must not exceed 3.25 cents on each \$100 of assessed valuation of all taxable property in the county for the support of the health district.

3. The proceeds of this tax must be deposited in the health district fund created by the board of county commissioners pursuant to section 6 of this act.

Sec. 8. 1. *The district board of health shall appoint a district health officer and a general manager for the district and establish the powers and duties of the district health officer and the general manager.*

2. *The district health officer must be appointed on the basis of his graduate education in public health, his training, his experience and his interest in public health and related programs. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board. The district health officer shall:*

- (a) Serve as the county health officer in the health district;*
- (b) Assist the district board of health in carrying out policies and programs related to public health in the health district; and*
- (c) Perform other functions and duties and exercise other powers as the district board of health may prescribe.*

3. *The general manager is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board. The general manager is responsible for the administration and operation of the health district and shall perform administrative functions and duties and exercise powers as the district board of health may prescribe.*

4. *The district board of health shall ensure that any clinical program of a district board of health which requires medical assessment is carried out under the direction of a physician.”.*

Amend sec. 10, page 4, by deleting lines 29 through 32 and inserting:

*“2. The district board of health may accept and disburse contributions from private sources, the State, the county, and the cities and towns within the jurisdiction of the board to match federal money for any project or program. All such contributions must be deposited with the county treasurer to the credit of the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.*

Amend sec. 12, page 5, line 43, by deleting “7” and inserting “9”.

Amend sec. 34, page 20, line 39, by deleting “24,” and inserting “26,”.

Amend sec. 34, page 20, line 40, by deleting: “26 to 33,” and inserting: “28 to 35,”.

Amend sec. 34, page 20, line 41, by deleting “24” and inserting “26”.

Amend sec. 34, page 21, line 3, by deleting “25” and inserting “27”.

Amend the title of the bill, third line, after “counties;” by inserting: “requiring the board of county commissioners of larger counties to levy certain taxes for the support of the health district;”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.



## MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved to rescind the action whereby Amendment No. 556 to Assembly Bill No. 501 was adopted.

Remarks by Assemblywoman Buckley.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 32 be taken from the Chief Clerk's desk and placed at the top of the top of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 32.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 613.

Amend section 1, page 2, line 9, by deleting "All" and inserting: "*Except as otherwise provided in NRS 571.160, all*".

Amend section 1, page 2, line 15, before "entity," by inserting "*nonpublic*".

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

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

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 320:

YEAS—42.

NAYS—None.

Assembly Bill No. 320 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblyman Perkins.

Potential conflict of interest declared by Assemblyman Perkins.

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

## ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I apologize for the lengthy floor statement, especially after I have already admonished everybody, but I think it is going to be important for our record.

Assembly Bill 418 authorizes and enables the Board of County Commissioners of Clark County to increase sales and use taxes for the purpose of employing and equipping additional police officers for the police departments in Boulder City, Henderson, Mesquite, and North Las Vegas, and for the Las Vegas Metropolitan Police Department. The findings and declarations of Assembly Bill 418 state the intent of the Legislature—that 80 percent of the additional police

officers shall be assigned to uniformed operations for patrol, and further, that certain community involvement programs must be developed. The bill provides that the first one-quarter-cent sales tax increase shall be imposed on July 1, 2005, through an ordinance adopted by the County commission. The second one-quarter cent sales tax increase may only be imposed with the consent of the Legislature and may not be imposed earlier than July 1, 2009.

Allocation of the increased sales tax revenues shall be based on the populations served by the participating police departments. Further, Assembly Bill 418 requires that the sales tax revenue generated shall be deposited in a special revenue fund. Before asking the Legislature to approve any change in the use of the sales tax revenues, the County Commission must first seek voter approval of the proposed change.

This, as many of you recall, was the advisory question that was on the ballot in November of last year in Clark County. It passed, albeit by a very tight margin. When you talk about the need for infrastructure, none of the rest matters if our citizens are not safe. The public recognized the need for more police officers in the fastest-growing city and valley in America by voting in favor of the question. There is no greater deterrent to crime than a police officer in a police car by our schools, in our neighborhoods, and by our businesses. As an example, this year Clark County is on a record-breaking pace for traffic fatalities. I know that more police officers on our streets and our highways would make a difference. Since 9/11, police have taken on the incredible burden of not just being the first responders, but oftentimes, the first identifiers of potential terrorist threats. While that new obligation is clearly paramount, we expect our investigative officers to continue to battle gang activity, drugs, and other organized crime activities.

I want to thank you, Madam Speaker pro Tempore, for tightening up the bill by taking the provision for bonding out and creating separate accounting. You and the chairman of Government Affairs were instrumental in that, and the language that says this will supplement and not supplant the current funding for law enforcement.

It allows the Clark County Commission, after working with their constituents, our constituents, the opportunity to do this. That body is closer to the people, as we are 400-and-some miles away from Clark County, and I am sure they will get an earful, in both directions, before they have the opportunity to levy this tax.

I am not an alarmist. I have never been. Those of you who know me understand that. I can tell you we have one of the lowest ratios of officers per 1,000 population in the entire western region. In my own jurisdiction, there is just barely more than 1 officer per 1,000 population and I think in the others, 1.3 or 1.6. per 1,000, while the national average in the western states is well above 2 officers per 1,000 population.

Lastly, Madam Speaker pro Tempore, I need to make the disclosure that I have been advised by legal counsel to disclose that I am the deputy chief of police and a law enforcement officer in Henderson, Nevada. Passage of this bill will authorize the Board of County Commissioners to increase the sales and use tax to employ and equip additional police officers for the Boulder City, Henderson, Las Vegas Metropolitan, Mesquite, and North Las Vegas Police Departments. I have also been advised that because the resulting benefit of this bill to the Henderson Police Department is not greater than that accruing to the Boulder City, Las Vegas Metropolitan, Mesquite, or North Las Vegas Police Departments, I am required to make this disclosure, but am not required to abstain from voting on the bill.

Thank you, Madam Speaker pro Tempore.

Roll call on Assembly Bill No. 418:

YEAS—35.

NAYS—Allen, Angle, Hardy, Hettrick, Mabey, Seale, Sibley—7.

Assembly Bill No. 418 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 546.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 546:

YEAS—42.

NAYS—None.

Assembly Bill No. 546 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 550:

YEAS—42.

NAYS—None.

Assembly Bill No. 550 having received a constitutional majority,  
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 553 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Joint Resolution No. 5:

YEAS—31.

NAYS—Allen, Angle, Christensen, Hardy, Holcomb, Mabey, Marvel, Parnell, Sherer, Sibley, Weber—11.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Madam Speaker pro Tempore requested the privilege of the Chair in order to make remarks.

Roll call on Assembly Joint Resolution No. 8:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 8 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 257, 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*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 275.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 369.

MARK STEVENS  
*Fiscal Analysis Division*

Assemblywoman Buckley moved that Assembly Bill No. 257 just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblywoman Leslie moved that upon return from the printer Assembly Bill No. 380 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Parks moved that upon return from the printer Assembly Bill No. 275 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that upon return from the printer Assembly Bill No. 530 be placed on the Chief Clerk's desk.

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 257.

Bill read second time.

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

Amendment No. 623.

Amend section 1, page 2, line 3, by deleting "A" and inserting: "*Except as otherwise provided in subsection 2, a*".

Amend section 1, page 2, line 10, after "2." by inserting: "*The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.*

3."

Amend section 1, page 2, line 14, by deleting "3." and inserting "4."

Amend section 1, page 2, by deleting line 17 and inserting: "*agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.*".

Amend the title of the bill, first line, after "institution" by inserting: "under certain circumstances".

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. 501.

Bill read second time.

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

Amendment No. 614.

Amend section 1, page 2, line 2, by deleting: "to 5, inclusive," and inserting "and 3".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 13 as sections 4 through 10.

Amend sec. 7, page 4, by deleting lines 6 through 10 and inserting:

“(a) A financial statement ~~{prepared}~~ that is:

(1) *Prepared* by a certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) A statement setting forth the number of building permits”.

Amend sec. 7, page 4, by deleting lines 15 through 19 and inserting:

“5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish his financial responsibility at any”.

Amend sec. 8, page 4, by deleting lines 34 through 39 and inserting:

“(a) A financial statement that is ~~{prepared}~~ :

(1) *Prepared* by an independent certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) Any other information required by the Board.”.

Amend sec. 8, page 5, by deleting lines 21 through 26 and inserting:

“(a) A financial statement that is ~~{prepared}~~ :

(1) *Prepared* by an independent certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) A statement setting forth the number of building permits”.

Amend sec. 8, page 6, by deleting lines 8 through 11.

Amend sec. 10, page 7, by deleting lines 33 through 38 and inserting:

“(a) A financial statement that is ~~{prepared}~~ :

(1) *Prepared* by an independent certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) If the licensee performs residential construction, such”.

Amend sec. 11, page 8, by deleting lines 25 through 30 and inserting:

“(a) A financial statement that is ~~{prepared}~~ :

(1) *Prepared* by an independent certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) If the licensee performs residential construction, such”.

Amend sec. 12, page 9, by deleting lines 38 through 40 and inserting:  
“than ~~[\$20,000.]~~ \$50,000.”.

Amend sec. 12, page 10, by deleting line 16 and inserting:

“10. An administrative fine imposed pursuant to this section, NRS 624.341 or 624.710 plus interest at a rate of 10 percent per annum must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State.

11. All fines *and interest* collected pursuant to this section must be”.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 21 as sections 11 through 17.

Amend sec. 15, page 11, by deleting lines 29 through 34 and inserting:

“(a) A financial statement that is ~~prepared~~ :

(1) *Prepared* by an independent certified public accountant; or

(2) *Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement;* and

(b) A statement setting forth the number of building permits”.

Amend sec. 16, page 12, by deleting lines 22 through 24 and inserting:

~~“not~~ and not more than ~~[\$10,000 for each violation.] \$50,000.”.~~

Amend sec. 18, page 14, line 10, by deleting “5” and inserting “3”.

Amend sec. 19, page 14, line 21, by deleting “5” and inserting “3”.

Amend sec. 21, page 15, line 1, by deleting “10,” and inserting “7,”.

Amend sec. 21, page 15, line 2, by deleting: “12 to 20,” and inserting: “9 to 16,”.

Amend sec. 21, page 15, line 4, by deleting “10” and inserting “7”.

Amend sec. 21, page 15, line 15, by deleting “11” and inserting “8”.

Amend the title of the bill to read as follows:

“AN ACT relating to contractors; prohibiting certain unfair business practices and other improper practices by contractors; extending the statute of limitations for certain misdemeanor offenses; revising provisions regarding certain financial statements submitted to the State Contractors’ Board; authorizing the Board to deny a license or take disciplinary action for certain criminal offenses committed in other jurisdictions; increasing the amount of administrative fines the Board may impose for certain violations; requiring the payment of interest on certain administrative fines; providing penalties; 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.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 499, 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*

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 20.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Wisniewski, Paul Jachimiak, Randy Chesterfield, Sharon Roddam, Michael Chesterfield, Nathon Carlson, Autumn Liedkie, Lauren Delameter, Vanessa Hillberg, Hannah Hawks, Claudia Agbor-Bessem, and Alexis Mees.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Midmore and Kate Andrews.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to E. Lavonne Lewis, Verlia Davis Hoggard, Sonya Horsford, Virginia Ingram, Bertha Pendleton, Billie Rayford, Edna States, Sandra Mack, Sharon Carson, Alma Crenshaw, Marsha Simms, and Teddy Ostankowski.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Jaffe.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Seevers and Leo Seevers.

On request of Assemblyman Sherer, the privilege of the floor of the Assembly Chamber for this day was extended to Woodrow W. McIntosh and Kimberly McIntosh.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Anielka Mankel and Dennis Mankel.

Assemblywoman Buckley moved that the Assembly adjourn until Tuesday, April 26, 2005, at 10:30 a.m. and that it do so in memory of former Assemblyman Robert Revert.

Motion carried.

Assembly adjourned at 5:30 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*