

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 26, 2005

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Deacon Bob Evans.

We give thanks, Lord, for all of our blessings. Please bless all of those who have gathered here today. Bless them and their families with good health, knowledge, happiness, and a caring spirit. Bless these legislators with the gift of leadership as they dedicate themselves daily to serve the people of the state of Nevada. We request all these blessings in Your name, Lord.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 186, 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 was referred Assembly Bill No. 455, 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. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 158, 233 and 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 480 and 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was re-referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 312, 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*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bills Nos. 142, 158, 233, 312, 455, 456, 480, 511, and 552, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 186, just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 530 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman McCleary moved that Assembly Bill No. 314 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 530.

Remarks by Assemblyman McCleary.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 31 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 528 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 314.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 69 be taken from its position on General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 260 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 183 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 553 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that the action whereby Amendment No. 566 to Assembly Bill No. 193 was adopted be rescinded.

Motion carried.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 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. 84, 111, 116, 221, 226, 238, 247, 254, 268, 269, 288, 326, 356, 358, 394, 426, 459.

MARY JO MONGELLI

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 84.

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

Motion carried.

Senate Bill No. 111.

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

Motion carried.

Senate Bill No. 116.

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

Motion carried.

Senate Bill No. 221.

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

Motion carried.

Senate Bill No. 226.

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

Motion carried.

Senate Bill No. 238.

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

Motion carried.

Senate Bill No. 247.

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

Motion carried.

Senate Bill No. 254.

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

Motion carried.

Senate Bill No. 268.

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

Motion carried.

Senate Bill No. 269.

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

Motion carried.

Senate Bill No. 288.

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

Motion carried.

Senate Bill No. 326.

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

Motion carried.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 356.

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

Motion carried.

Senate Bill No. 358.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 394.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 426.

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

Motion carried.

Senate Bill No. 459.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time.

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

Amendment No. 620.

Amend section 1, page 2, line 2, by deleting: “2, 3 and 4” and inserting: “2 to 5, inclusive.”.

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 5 as sections 4 through 6 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“Sec. 2. 1. *Except as otherwise provided in subsection 2, an election board serving registered voters at a precinct or polling place must have access to a list of all registered voters in the county in which the precinct or polling place is located who are eligible to vote in the election through any reasonable means, including, without limitation, access to such a list that is printed on paper, access to such a list on the Internet or access to such a list saved on a computer.*

2. *If an election board ceases to have access to the list required pursuant to subsection 1 after the election board has begun to conduct voting at a precinct or polling place, the election board shall:*

- (a) Continue to conduct voting at the precinct or polling place; and*
- (b) Make reasonable effort to regain access to the list.*

Sec. 3. 1. *The following offices must serve as a site at which a person may obtain an application to register to vote:*

- (a) The administrative office located at each public high school; and*
- (b) Each public library.*

2. *Each of the offices required to serve as such a site pursuant to subsection 1 shall:*

- (a) Post in a conspicuous place that applications to register to vote are available at the office; and*

(b) *Make available applications to register to vote which may be returned by mail.*”.

Amend sec. 4, page 2, line 38, before “*Not*” by inserting “*1.*”.

Amend sec. 4, page 2, line 39, by deleting “*publish*” and inserting: “*make available to the public*”.

Amend sec. 4, page 2, after line 41, by inserting:

“2. *If a county clerk maintains a website on the Internet for information related to elections, the website must contain the list required pursuant to subsection 1.*”.

Amend the bill as a whole by deleting sections 6 through 8 and renumbering sec. 9 as sec. 7.

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sections 12 and 13 as sections 8 and 9.

Amend the bill as a whole by deleting sections 14 and 15 and renumbering sections 16 through 23 as sections 10 through 17.

Amend sec. 21, pages 12 and 13, by deleting lines 34 through 44 on page 12 and lines 1 through 10 on page 13, and inserting: “election and extends through the Friday before election day, Sundays and holidays excepted.

2. The county clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) ~~[Require]~~ *If a permanent polling place for early voting is located in a county whose population is less than 100,000, require the permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.*

3. ~~[A]~~ *Except as otherwise provided in subsection 5, a permanent polling place for early voting in a county whose population is less than 100,000 must remain open:*

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the county clerk includes a Sunday *or holiday* that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

4. *Except as otherwise provided in subsection 5, a permanent polling place for early voting in a county whose population is 100,000 or more must remain open:*

(a) *On Monday through Saturday, from 8 a.m. until 8 p.m.*

(b) *If the county clerk includes a Sunday or holiday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.*

5. *If a permanent polling place for early voting is located in a building or structure that is owned by a person, the permanent polling place for early voting must remain open:*

(a) On Monday through Saturday, during the hours in which the building or structure is open to members of the public.

(b) If the county clerk includes a Sunday or holiday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.”.

Amend the bill as a whole by deleting sec. 24 and renumbering sec. 25 as sec. 18.

Amend sec. 25, page 14, line 27, by deleting “~~and~~” and inserting “and”.

Amend sec. 25, page 14, by deleting lines 28 and 29.

Amend sec. 25, page 14, line 30, by deleting “(g)” and inserting “(e)”.

Amend the bill as a whole by deleting sec. 26 and renumbering sec. 27 as sec. 19.

Amend the bill as a whole by deleting sections 28 through 31 and renumbering sections 32 through 40 as sections 20 through 28.

Amend the bill as a whole by deleting sec. 41 and renumbering sections 42 and 43 as sections 29 and 30.

Amend sec. 43, page 28, lines 7 and 8, by deleting:

“1 to 10, inclusive, 12, 14 to 32, inclusive, and 34 to 42,” and inserting: “1, 3 to 8, inclusive, 10 to 20, inclusive, and 22 to 29,”.

Amend sec. 43, page 28, line 10, by deleting: “12 and 32” and inserting: “8 and 20”.

Amend sec. 43, page 28, line 12, by deleting: “11, 13 and 33” and inserting: “2, 9 and 21”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; requiring an election board to have a copy of a list of all registered voters in the county who are eligible to vote in an election; providing that public high schools and public libraries must serve as a site at which a person may obtain an application to register to vote; revising the provisions relating to requesting and casting an absent ballot for an election; revising the provisions relating to powers of a chairman of an election board; revising the provisions relating to permanent polling places for early voting in person; providing that a district attorney has concurrent jurisdiction with the Secretary of State to enforce the provisions of title 24 of NRS; 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.

Senate Bill No. 496.

Bill read second time and ordered 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 11:34 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 142.

Bill read second time.

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

Amendment No. 445.

Amend the bill as a whole by deleting sections 6 and 7 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

“Sec. 6. 1. The following persons may request that personal information contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any peace officer or retired peace officer.

(c) The spouse or minor child of a person described in paragraph (a) or (b).

(d) The surviving spouse or minor child of a person described in paragraph (a) or (b) who was killed in the performance of his duties.

2. As used in this section, “peace officer” means:

(a) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(b) Any person:

(1) Who resides in this State;

(2) Whose primary duties are to enforce the law; and

(3) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

Sec. 7. If a person listed in section 6 of this act requests confidentiality, the confidential information of that person may only be disclosed as provided in section 8 or 10 of this act.”.

Amend sec. 14, page 6, line 24, by deleting: *“subsection 12, 13 or 14 of”.*

Amend sec. 16, pages 6 and 7, by deleting lines 43 through 45 on page 6 and line 1 on page 7, and inserting: *“number of a person listed in section 6 of this act, and the person who makes the disclosure”.*

Amend sec. 17, page 7, line 18, by deleting: *“subsection 12, 13 or 14 of”.*

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 179.

Amend section 1, page 2, by deleting line 5 and inserting: "*state agency that has been assigned or loaned by the state agency to an*".

Amend section 1, pages 2 and 3, by deleting lines 13 through 42 on page 2 and lines 1 through 6 on page 3, and inserting:

"3. *The head of a state agency, any state officer to whom the head of the state agency reports or the appointee or designee of either may authorize the access of a computer of the state agency without providing the notice of access otherwise required by subsections 1 and 2:*

(a) *If the access occurs during the course of:*

(1) *An internal investigation which is conducted within the state agency by the personnel of the state agency as authorized by law and any information concerning such access is kept in a file maintained by the state agency pertaining to the investigation; or*

(2) *An investigation which is conducted by a state or federal law enforcement agency.*

(b) *Except as otherwise provided in subsection 5, if the access occurs in the course of regular or routine maintenance conducted by an employee of the state agency whose duties include the regular or routine maintenance of the computers of the state agency and the state agency has adopted by regulation and implemented the procedure set forth in subsection 4.*

(c) *If a state agency has adopted by regulation the procedure set forth in subsection 4 and the access occurs after recording the information required pursuant to subsection 4.*

4. *A state agency may adopt by regulation a procedure to record access to computers of the state agency in a log maintained by the state agency for that purpose. If a state agency adopts such a procedure, the procedure must include, without limitation, a requirement for the recording of the following information concerning the access in the log:*

(a) *The date on which the access will occur and, if known, the time at which the access will occur on that date;*

(b) *As determined by the officer, appointee or designee who authorizes the access, a reasonable explanation of the exigent circumstances or other relevant considerations which justify accessing the computer without the knowledge of the officer, employee or contractor to whom the agency has assigned or loaned the computer;*

(c) *The name of each person who will be authorized or required to perform the access;*

(d) *The name of each person who will be allowed to examine information stored on the computer or retrieved from the computer; and*

(e) *The name of each person who will be authorized or required to archive, maintain, store, transfer, transmit or destroy information retrieved from the computer.*

The log described in this subsection, and any entries in that log, are confidential and not public books or records within the meaning of NRS 239.010, but must be disclosed upon the lawful order of a court of competent jurisdiction.

5. *If an employee discovers evidence of inappropriate use while accessing a computer to perform regular or routine maintenance:*

(a) *The employee shall provide the details of the alleged inappropriate use to the officer, appointee or designee who authorized the access, and to any other appropriate personnel of the state agency; and*

(b) *Information concerning the access must be recorded in the log maintained by the state agency.*

6. *Each state agency that has adopted a policy for the use of the computers of the state agency shall adopt policies and procedures for responding to reports of the inappropriate use of those computers, including, without limitation, provisions relating to the transfer, transmission and destruction of information.*

7. *As used in this section:*

(a) *“Access” includes, without limitation, adding, copying, deleting, manipulating or observing the files or other information stored on a computer, whether such actions are carried out directly or remotely.*

(b) *“Inappropriate use” means the use of a computer of a state agency in a manner that:*

(1) *If the state agency is an agency of the Executive Branch of State Government, violates the written policy created by the agency pursuant to NRS 242.300.*

(2) *If the state agency is an agency of the Legislative or Judicial Branch of State Government, violates the policy, if any, established by that agency for the use of the computers of the agency.*

(3) *Violates any state or federal law.*

(c) *“State agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive, Legislative or Judicial Branches of State Government.”.*

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 186.

Bill read third time.

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

Amendment No. 565.

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

“Section 1. NRS 616A.430 is hereby amended to read as follows:

616A.430 1. There is hereby established in the State Treasury the Uninsured Employers’ Claim Account in the Fund for Workers’ Compensation and Safety, which may be used only for the purpose of making payments in accordance with the provisions of NRS 616C.220 ~~and 617.401~~ , *617.401 and section 2 of this act*. The Administrator shall administer the Account and shall credit any excess money toward the assessments of the insurers for the succeeding years.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Administrator for the Uninsured Employers’ Claim Account must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers’ compensation.

4. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which he is authorized to invest money of the State General Fund. Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the Uninsured Employers’ Claim Account. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary to maintain an appropriate balance in the Account for each fiscal year , *including, without limitation, any amount of money that the Administrator has determined is required to fund the payments required pursuant to section 2 of this act*, and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. ~~After~~ *Except as otherwise provided in section 2 of this act, after allocating the amounts payable, the Administrator shall apply an assessment rate to the:*

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

The Administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 2. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 4, but such annual payments may not exceed \$1,200 per claimant or dependent. The total payments made pursuant to this section may not exceed \$500,000 per year.*

2. *Each year the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 4. If there is not sufficient income realized from the investment of the assets in the Account to fund all the payments for the year, the Administrator shall assess to each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount that, as determined by the Administrator, is required to obtain the amount necessary to fund the*

payments when such assessments are combined with the income realized from the investment of the assets in the Account. Any money collected by the Administrator from the assessment must be accounted for separately by the Administrator.

3. An insurer who pays an assessment pursuant to this section shall charge and collect from each policyholder of the insurer a fee to cover the amount of the assessment. Such a fee is in addition to any premium charged to the policyholder for industrial insurance and must not be included in the amount of any such premium. The insurer shall bill the policyholder separately for the fee or include the fee as a separate charge on the policy. The Administrator may reduce the amount of the assessment that an insurer must pay to the Uninsured Employers' Claim Account pursuant to NRS 616A.430 by the amount assessed by the Administrator to the insurer pursuant to this section.

4. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money collected from the assessment pursuant to this section. The regulations must provide for payments that result in the largest proportional share of the money collected from the assessment being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

5. The Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.”.

Amend the title of the bill to read as follows:

“AN ACT relating to industrial insurance; providing for a payment of additional compensation to certain claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability under industrial insurance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes payment of additional compensation for permanent total disability to certain injured employees and their dependents. (BDR 537-251)”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

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

SECOND READING AND AMENDMENT

Assembly Bill No. 233.

Bill read second time.

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

Amendment No. 443.

Amend sec. 3, page 3, line 6, before “*The*” by inserting “*I.*”.

Amend sec. 3, page 3, between lines 12 and 13, by inserting:

“2. *If the Director of the Department of Public Safety employs persons pursuant to subsection 1, the salaries for those positions must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both.*”.

Amend sec. 4, page 3, by deleting lines 13 through 26 and inserting:

“Sec. 4. 1. *If the State or a political subdivision submits an application to and is approved to receive money from the Federal Government, this State, any other state, a local government, any agency or instrumentality of those governmental entities, or any private entity, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism, the State or political subdivision shall, not later than 60 days after receiving such approval, submit to the Commission a written report that includes, without limitation:*

(a) The total amount of money that the State or political subdivision has been approved to receive for the project or program;

(b) A description of the project or program, unless the State or political subdivision previously submitted a written report pursuant to this section relating to the same project or program; and

(c) The items to be paid for with the money that the State or political subdivision has been approved to receive for the project or program.

2. *A project or program for which the State or a political subdivision is required to report the receipt of money pursuant to subsection 1 includes, without limitation, a project or program related to:*

(a) Homeland security;

(b) Emergency management;

(c) Health or hospitals;

(d) Emergency medical services; and

(e) Chemical, biological, radiological, nuclear, explosive, agricultural or environmental acts of terrorism.

3. *Any grant related to terrorism that is administered by the Division and is provided to a political subdivision must be approved by the local emergency planning committee.”.*

Amend sec. 5, page 3, line 27, by deleting: “*A response agency*” and inserting: “*The State and each political subdivision*”.

Amend sec. 5, page 3, line 28, by deleting “administered” and inserting: “*required as a condition to the receipt of money from the Federal Government*”.

Amend sec. 5, page 3, line 30, before “response” by inserting: “*detection of, mitigation of,*”.

Amend sec. 5, page 3, by deleting lines 33 through 36 and inserting:

“(b) *Submit to the Division documentation evidencing that the State or political subdivision has adopted the national system.*

2. *The Division shall submit on a quarterly basis documentation to the Commission evidencing the compliance of this State and each political subdivision with paragraph (a) of subsection 1.*”.

Amend sec. 7, page 4, line 6, by deleting: “10 members that he determines to be appropriate,” and inserting: “14 members that he determines to be appropriate ~~[-]~~ and who serve at his pleasure,”.

Amend sec. 7, page 4, by deleting lines 8 through 12 and inserting:

“(a) ~~[One member who is a representative of a Nevada law enforcement agency; and~~

~~(b) One member who is not employed in the field of law enforcement and is not otherwise affiliated with the field of law enforcement.] The sheriff of each county whose population is 100,000 or more;~~

(b) *The chief of a county fire department in each county whose population is 100,000 or more;*

(c) *The agent in charge of the office of the Federal Bureau of Investigation in this State, as a voting member;*

(d) *An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State, as a voting member; and*

(e) *A member of the medical community in a county whose population is 400,000 or more.*”.

Amend sec. 7, page 4, by deleting lines 24 through 26.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 8 through 10.

Amend sec. 9, page 5, line 33, after “limitation,” by inserting: “*airports other than international*”.

Amend sec. 10, pages 6 and 7, by deleting lines 28 through 45 on page 6 and lines 1 through 5 on page 7, and inserting:

“239C.170 The Chairman of the Commission ~~[may,]~~ shall, with the approval of the Commission, appoint ~~[committees from its members]~~ a Committee on Finance and any other committees deemed necessary by the Chairman to assist in carrying out the duties of the Commission. The Chairman of the Commission shall appoint to a committee the number of voting members or nonvoting members, or both, that he determines to be appropriate, except that a committee must include at least one member of the Commission. At its first meeting and annually thereafter, a committee shall select a chairman and a vice chairman from the members of the committee.”.

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

Amend sec. 14, page 9, by deleting line 39 and inserting:

“3. A plan”.

Amend sec. 14, page 9, by deleting lines 43 and 44 and inserting: “subsection 1. An”.

Amend sec. 14, page 10, by deleting lines 7 through 9.

Amend the bill as a whole by renumbering sections 16 through 18 as sections 15 through 17 and adding new sections designated sections 13 and 14, following sec. 15, to read as follows:

“Sec. 13. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Office of Economic Development of the Security Industry is hereby created in the Office of the Governor.*

2. *The Office of Economic Development of the Security Industry may:*

(a) *Establish policies concerning the development of businesses in this State that conduct research, training, testing or development of products for the security industry.*

(b) *Investigate and study conditions affecting business within the security industry and engage in technical studies, statistical research and educational activities necessary or useful for developing businesses in this State within the security industry.*

(c) *Serve as a center of public information for the State of Nevada by answering general inquiries concerning the resources and economic advantages of this State for developing a business in the security industry and by furnishing information and data on these and related subjects.*

(d) *Prepare, and disseminate in any medium, informational material designed to promote the development of the security industry in this State.*

3. *The Office of Economic Development of the Security Industry shall carry out its duties in cooperation with the University and Community College System of Nevada and any nonprofit organization created to foster economic development in this State.*

4. *To assist in carrying out its duties, the Office of Economic Development of the Security Industry may:*

(a) *Accept any gift, donation, bequest or devise; and*

(b) *Apply for and accept any grant, loan or other source of money.*

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Office of Economic Development of the Security Industry in the Office of the Governor for its operating expenses:

For the Fiscal Year 2005-2006 \$386,000

For the Fiscal Year 2006-2007 \$386,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 20, 2007, and must be reverted to the State General Fund on or before September 21, 2007.”.

Amend sec. 16, page 11, line 15, by deleting “10” and inserting “14”.

Amend sec. 16, page 11, by deleting line 17 and inserting: “pursuant to subsection 2 of NRS 239C.120, as amended by section 7 of this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to homeland security; providing that the Director of the Department of Public Safety may employ certain persons on behalf of the Nevada Commission on Homeland Security; requiring the State and political subdivisions to submit reports to the Commission regarding any money received from other governmental entities for programs or projects related to acts of terrorism; requiring the State and each political subdivision to adopt any national system for preventing and responding to acts of terrorism mandated by the United States Department of Homeland Security as a condition to the receipt of federal money; revising provisions relating to the membership and committees of the Commission; creating the Office of Economic Development of the Security Industry in the Office of the Governor; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to homeland security. (BDR 19-1200)”.

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. 312.

Bill read second time.

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

Amendment No. 647.

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 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When offering any land for sale, the State Land Registrar shall:

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:

(1) Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and

(2) Be organized at random and rotated from time to time.

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b).*

2. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.*

3. *An appraiser shall not perform an appraisal on any land for sale by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.”.*

Amend section 1, page 2, line 16, by deleting “appraiser.” and inserting: “appraiser ~~to~~ selected pursuant to section 1 of this act.”.

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. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *When offering any land for sale, the board of county commissioners shall:*

(a) *Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.*

(b) *Select the two independent appraisers from a list of appraisers, which list must:*

(1) *Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and*

(2) *Be organized at random and rotated from time to time.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b).*

2. *An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.*

3. *An appraiser shall not perform an appraisal on any land for sale by the board of county commissioners if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.”.*

Amend sec. 2, page 3, by deleting lines 37 and 38 and inserting:

“244.281 Except as otherwise provided in this section and NRS 244.276, 244.279, 244.2825 ~~and 244.288~~, 244.284, 244.287, 244.288, 244.290 and 278.480 or an interlocal agreement in existence on or before October 1, 2004.”.

Amend sec. 2, page 4, by deleting lines 14 through 35 and inserting: “~~the best interest of the county.~~”

2. Before the board of county commissioners may sell ~~for exchange~~ any real property as provided in ~~paragraphs (b) and (c) of~~ subsection 1, it shall:

(a) Post copies of the resolution described in subsection 1 in three public places in the county; and

(b) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or exchanged in such a manner as to identify it;

(2) The minimum price, if applicable, of the real property proposed to be sold or exchanged; and

(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. ~~In addition to the requirements set forth in paragraph (b) of~~.

Amend sec. 2, page 4, line 42, by deleting "2."

Amend sec. 2, page 4, by deleting lines 44 and 45 and inserting: "the board shall appoint ~~one~~ two or more disinterested, competent real estate appraisers pursuant to section 3 of this act to appraise the property ~~[-]~~ and, except for property".

Amend sec. 2, page 5, line 2, after "value." by inserting: "*The appraisals must have been prepared not more than 6 months before the property is offered for sale.*".

Amend sec. 2, page 5, line 3, by deleting "3." and inserting "4."

Amend sec. 2, page 5, line 9, by deleting "~~6.~~ 4." and inserting:

"5. A board of county commissioners may sell, lease or exchange any real property owned by the county to a person who owns land located adjacent to the property without complying with the provisions of NRS 244.282 if the board has determined by resolution that:

(a) The property is a:

(1) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(2) Parcel that, due to its size, is too small to establish an economically viable use by anyone other than the person who owns land adjacent to the property; or

(3) Parcel which is subject to a deed restriction prohibiting the use of the property by anyone other than the person who owns land adjacent to the property; and

(b) The sale, lease or exchange will be in the best interest of the county.

6. A board of county commissioner that disposes of real property pursuant to subsection 4 is not required to offer to reconvey the property to the person from whom the property was received or acquired by donation,

dedication, eminent domain or purchase under the threat of eminent domain pursuant to NRS 244.290.

7.”.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 13 as sections 9 through 18 and adding new sections designated sections 5 through 8, following sec. 2, to read as follows:

“Sec. 5. NRS 244.290 is hereby amended to read as follows:

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, *public roadway, public right-of-way*, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the appraised value of the land at the time of the reconveyance {

~~The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this State under the dedication.~~

~~2. If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.~~

~~3. The board shall hold at least one public hearing upon the proposal for reconveyance. Notice of the time and place of the hearing must be:~~

~~(a) Published at least once in a newspaper of general circulation in the county;~~

~~(b) Mailed to all owners of record of real property located within 300 feet of the land proposed for reconveyance; and~~

~~(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the proposal for reconveyance.~~

~~The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.~~

~~4. , as determined by two or more disinterested, competent real estate appraisers appointed pursuant to section 3 of this act. The appraisals must have been prepared not more than 6 months before the property is offered for sale.~~

2. If the board {~~after the hearing,~~} determines that maintenance of the property {~~by the county solely or with a co-owner~~} is unnecessarily

burdensome to the county or that reconveyance would be ~~otherwise advantageous to~~ in the best interest of the county and its ~~citizens,~~ residents, the board ~~shall~~ may formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman or an authorized representative of the board shall ~~execute a deed~~ issue a written offer of reconveyance ~~on behalf of the county and the county clerk shall attest the deed under the seal of the county.~~

~~5. The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:~~

~~(a) The~~ to the person from whom the land was received or acquired, or his successor in interest.

3. If the person from whom the land was received or acquired, or his successor in interest ~~refuses~~ :

(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the board of county commissioners shall execute a deed of reconveyance.

(b) Refuses to accept the offer of reconveyance or states in writing that he is unable to accept the offer of reconveyance ~~for~~

~~(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels,~~ the board of county commissioners may sell or exchange the land pursuant to the provisions of this chapter.

Sec. 6. Chapter 266 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, if the city council of a city sells or otherwise disposes of real property owned by the city, the sale or other disposal must be made by public auction.

Sec. 8. 1. When offering any land for sale, the city council shall:

(a) Obtain two independent and confidential appraisals of the land before selling it. The appraisals must have been prepared not more than 6 months before the land is offered for sale.

(b) Select the two independent appraisers from a list of appraisers, which list must:

(1) Contain the names of all persons certified as a general appraiser available in the same county as the land to be appraised; and

(2) Be organized at random and rotated from time to time.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b).

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income

that may constitute a conflict of interest and any relationship with the property owner or the owner of an adjoining property.

3. An appraiser shall not perform an appraisal on any land for sale by the city council if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.”.

Amend sec. 4, page 5, line 22, by deleting “3” and inserting “7”.

Amend sec. 5, page 5, by deleting lines 34 and 35 and inserting: “into a contract for the sale ~~for exchange~~ of real property until after the property has been appraised by ~~one disinterested appraiser~~ two disinterested appraisers appointed pursuant to section 8 of this act”.

Amend sec. 5, page 5, line 37, by deleting “~~f, a~~” and inserting: “~~f, a lease, sale or exchange~~”.

Amend sec. 5, page 5, by deleting lines 39 and 40 and inserting: “public auction as required pursuant to section 7 of this act; and

(b) A lease or sale must be made at or above”.

Amend sec. 5, page 5, line 43, by deleting: “lease, sell or exchange” and inserting: “lease ~~f, sell or exchange~~ or sell”.

Amend sec. 5, page 6, line 4, by deleting: “sell, lease or exchange” and inserting: “sell ~~f, lease or exchange~~ or lease”.

Amend sec. 6, page 6, line 12, after “inclusive,” by inserting: “or an interlocal agreement in existence on October 1, 2004,”.

Amend sec. 7, page 6, line 20, by deleting “6” and inserting “11”.

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. 455.

Bill read second time.

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

Amendment No. 642.

Amend sec. 2, page 2, by deleting lines 16 and 17.

Amend sec. 2, page 2, line 18, before “The county” by inserting “3.”.

Amend sec. 5, page 3, line 39, by deleting “A person” and inserting: “~~f, A~~ Not later than 3 days after the date of the decision that aggrieved the person, a person”.

Amend sec. 5, pages 3 and 4, by deleting line 44 on page 3 and line 1 on page 4, and inserting: ~~f~~

4. ~~The~~ or 2.

4. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State is a final decision for”.

Amend sec. 6, page 4, line 18, by deleting “October 1” and inserting “October 15”.

Amend sec. 6, page 4, by deleting line 24 and inserting: “~~[last]~~ *second* Friday in ~~[April before any]~~ *February preceding* a primary”.

Amend sec. 6, page 4, by deleting line 39 and inserting: “working days before the ~~[last]~~ *second* Friday in ~~[April]~~ *February preceding* a”.

Amend sec. 7, page 5, line 17, by deleting “second” and inserting “~~[second]~~ *fourth*”.

Amend sec. 7, page 5, by deleting lines 25 and 26 and inserting: “than the ~~[first]~~ *third* Tuesday in ~~[June]~~ *March* and not later than the ~~[fourth]~~ *second* Tuesday in ~~[July]~~ *May*. The petition may consist of more than one”.

Amend sec. 7, page 5, line 40, by deleting “second” and inserting “~~[second]~~ *fourth*”.

Amend sec. 7, page 5, lines 41 and 45, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 7, page 6, line 6, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 8, page 6, lines 36 and 42, by deleting “*second*” and inserting “*fourth*”.

Amend sec. 9, page 7, lines 13 and 22, by deleting “second Friday” and inserting: “~~[second Friday]~~ *Saturday*”.

Amend sec. 9, page 7, lines 32 and 33, by deleting “second Friday” and inserting: “~~[second Friday]~~ *Saturday*”.

Amend sec. 9, page 7, line 39, by deleting “first” and inserting “~~[first]~~ *third*”.

Amend sec. 10, page 8, lines 9 and 11, by deleting: “fourth Monday in ~~[May]~~ *April*.” and inserting: “~~[fourth]~~ *second* Monday in May.”.

Amend sec. 11, page 8, line 18, by deleting “first” and inserting “~~[first]~~ *third*”.

Amend sec. 11, page 8, line 19, by deleting: “*after the first Monday*”.

Amend the bill as a whole by renumbering sections 12 through 23 as sections 13 through 24 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“Sec. 12. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if he has changed:

- (a) The designation of his political party affiliation; or
- (b) His designation of political party from nonpartisan to a designation of a political party affiliation,

on an application to register to vote in the State of Nevada or in any other state during the time beginning on ~~[September 1]~~ *December 31* preceding the closing filing date for that election and ending on the date of that election whether or not his previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that was not qualified pursuant to NRS 293.171

on the ~~{September 1}~~ *December 31* next preceding the closing filing date for the election.”.

Amend sec. 12, page 8, line 42, by deleting “second Friday” and inserting: “~~{second Friday}~~ *Saturday*”.

Amend sec. 13, page 12, lines 34 and 35, by deleting: “~~{first}~~ *second* Friday” and inserting: “~~{first Friday}~~ *Saturday*”.

Amend sec. 14, page 14, line 5, by deleting “second Friday” and inserting: “~~{second Friday}~~ *Saturday*”.

Amend sec. 14, page 14, lines 16 and 17, by deleting: “fourth Monday in ~~{May}~~ *April*.” and inserting: “~~{fourth}~~ *second* Monday in May.”.

Amend sec. 14, page 14, line 19, by deleting: “fourth Monday in ~~{May}~~ *April*.” and inserting: “~~{fourth}~~ *second* Monday in May.”.

Amend sec. 14, page 14, line 29, by deleting “second Friday” and inserting: “~~{second Friday}~~ *Saturday*”.

Amend sec. 15, page 14, by deleting line 32 and inserting: “or before the ~~{third}~~ *first* Wednesday in ~~{May}~~ *March* of every even-”.

Amend sec. 16, page 15, by deleting line 4 and inserting:

“293.206 1. On or before the ~~{last day in May}~~ *third Wednesday in March* of”.

Amend sec. 17, page 15, line 36, by deleting “third” and inserting “~~{third}~~ *first*”.

Amend sec. 17, page 15, line 37, by deleting “*February*” and inserting “*March*”.

Amend sec. 21, page 17, line 40, by deleting “34” and inserting “37”.

Amend the bill as a whole by renumbering sec. 24 as sec. 28 and adding new sections designated sections 25 through 27, following sec. 23, to read as follows:

“Sec. 25. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~{who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place;~~

‡ may request an absent ballot for all elections held during the year he requests an absent ballot ~~{,} and the 2 succeeding years.~~

3. *If a county clerk receives a request for an absent ballot from a registered voter and the registered voter resides in a city, the county clerk shall forward a copy of the request for an absent ballot to the city clerk of that city.*

4. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person *or through a designee* or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~{4.}~~ 5. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

~~{5.}~~ 6. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot ~~{ }~~ *for that election*. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 27. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the

registered voter for each election that is conducted during the year ~~[immediately succeeding the date]~~ the written statement is submitted to the county clerk ~~[]~~ and the 2 succeeding years.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.”

Amend sec. 24, page 19, by deleting line 6 and inserting: “before 5 p.m. on the ~~[third]~~ first Thursday in ~~[August]~~ June and before”.

Amend the bill as a whole by deleting sec. 25 and renumbering sections 26 through 39 as sections 29 through 42.

Amend sec. 26, page 19, line 35, by deleting “second” and inserting “~~[second]~~ fourth”.

Amend sec. 26, page 20, line 4, by deleting “third” and inserting “first”.

Amend sec. 26, page 20, line 5, by deleting “June” and inserting “July”.

Amend sec. 28, page 21, line 9, by deleting “first” and inserting “~~[first]~~ third”.

Amend sec. 29, page 23, by deleting line 36 and inserting: “purpose of registering to vote:

(a) *If such a person assists an elector with completing a form for the application to register to vote, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and*

(b) *Shall not alter, deface or destroy an”.*

Amend sec. 30, page 24, by deleting line 14 and inserting: “include a ~~[duplicate copy or receipt to]~~ .”.

Amend sec. 30, page 24, by deleting line 17 and inserting:

“(b) Receipt which:

(1) *Includes a space for a person assisting a voter in completing the form to enter his name; and*

(2) *May be retained by the applicant upon”.*

Amend sec. 32, page 25, lines 39 and 40, by deleting: “~~[July]~~ April 1” and inserting: “~~[July 1]~~ April 15”.

Amend sec. 33, page 26, line 22, by deleting: “34 and 35” and inserting: “37 and 38”.

Amend sec. 37, page 30, line 15, by deleting “35” and inserting “37”.

Amend sec. 38, page 30, line 18, by deleting “34” and inserting “37”.

Amend sec. 39, page 30, line 24, by deleting “34” and inserting “37”.

Amend the bill as a whole by deleting sec. 40, renumbering sec. 41 as sec. 46 and adding new sections designated sections 43 through 45, following sec. 39, to read as follows:

“Sec. 43. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place;~~

‡ may request an absent ballot for all elections held during the year he requests an absent ballot ~~‡ and the 2 succeeding years.~~

3. *If a city clerk receives a request for an absent ballot from a registered voter, the city clerk shall forward a copy of the request for an absent ballot to the county clerk for the county in which the city is located.*

4. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person *or through his designee* or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~‡~~ 5. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

~~‡~~ 6. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the seventh calendar day preceding any election,

make an application to the city clerk for an absent voter's ballot ~~for~~ *for that election*. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 45. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted during the year ~~from immediately succeeding the date~~ the written statement is submitted to the city clerk ~~for~~ *and the 2 succeeding years*.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.”.

Amend the bill as a whole by renumbering sections 42 through 46 as sections 48 through 52 and adding a new section designated sec. 47, following sec. 41, to read as follows:

“Sec. 47. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS ~~{294A.120, 294A.125, 294A.140, 294A.150, {294A.200,} 294A.210, 294A.220, 294A.270 {294A.280, 294A.360 and 294A.362,} and 294A.280.~~

2. *The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362. In addition to the information required to be reported by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362, the form required to be filed by a candidate must include a space for the candidate to list the amount of cash on hand at the beginning of the:*

- (a) *Period for which the report is filed; and*
- (b) *Year in which the report is filed.*

3. The ~~{form}~~ forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~{3-}~~ 4. Upon request, the Secretary of State shall provide a copy of ~~{the}~~ *each* form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in ~~{subsection 1-}~~ *subsections 1 and 2.”.*

Amend sec. 46, page 35, line 45, by deleting “first” and inserting “~~{first}~~ third”.

Amend sec. 46, page 36, line 1, by deleting: “*after the first Monday*”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that a primary election must be conducted on the third Tuesday of June in even-numbered years; extending the period that a registered voter may absent himself from his place of employment for the purpose of casting a ballot; revising the provisions governing areas at public buildings for the use in gathering of signatures on a petition; revising the provision governing the form for application to register to vote; providing that an out-of-state student enrolled in the University and Community College System of Nevada may serve as a member of an election board; revising the provisions governing registering to vote before an election; providing that an absent ballot request may be returned by the designee of a person; requiring the form for a candidate to file certain reports relating to campaign contributions and expenditures to include a space for reporting cash on hand at the beginning of certain periods; providing that a

person who has failed to file campaign finance reports or financial disclosure reports or failed to pay certain civil penalties may not file a declaration of candidacy or petition for an initiative or referendum; providing a penalty; 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. 456.

Bill read second time.

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

Amendment No. 630.

Amend section 1, page 2, line 33, after “*thereof.*” by inserting: “*A governmental entity that enters into a cooperative agreement with the board of county commissioners pursuant to this subsection may delegate to a nonprofit organization one or more of the responsibilities that the governmental entity assumed pursuant to the cooperative agreement, including, without limitation, the acquisition, design, construction, improvement, equipment, operation and maintenance of the center.*”.

Amend section 1, page 2, line 42, after “6.” by inserting: “*A performing arts center to be acquired, improved, equipped, operated and maintained pursuant to this section may, regardless of the estimated cost of the center, be designed and constructed pursuant to a contract with a design-build team in accordance with NRS 338.1711 to 338.1727, inclusive.*”.

7. *A contract for the construction of a performing arts center to be acquired, improved, equipped, operated and maintained pursuant to this section must include a provision that requires compliance with the provisions of NRS 338.010 to 338.090, inclusive, for construction work performed on the center.*

8.”.

Amend the title of the bill, sixth line, after “circumstances;” by inserting: “authorizing such a governmental entity to delegate to a nonprofit organization some or all of its responsibilities relating to such a center; providing that such a center may be designed and constructed pursuant to a contract with a design-build team; requiring that a contract for the construction of such a center include a provision requiring compliance with the provisions relating to the payment of prevailing wages;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to facility for vocational training for culinary skills in southern Nevada and performing arts centers in certain larger counties. (BDR 20-1063)”.

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. 480.

Bill read second time.

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

Amendment No. 462.

Amend the bill as a whole by deleting sections 1 through 24 and adding new sections designated sections 1 through 20, following the enacting clause, to read as follows:

“Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Beneficiary” means a person designated by a participant, or by the terms of a plan, who is or may become entitled to a benefit under the plan.*

Sec. 4. *“District” means a county school district in a county whose population is less than 100,000.*

Sec. 5. *“Employee organization” means an organization of any kind having as one of its purposes improvement of the terms and conditions of employment of the employees of a district.*

Sec. 6. *“Fiduciary” means any person who is responsible for the establishment, management, operation, control or administration of a plan or who contracts with a person to perform any such function with respect to a plan. The term includes, without limitation, any administrator, officer, trustee or custodian of a plan.*

Sec. 7. *“Participant” means any employee or former employee of a district who is or may become eligible to receive a benefit of any type from a plan covering employees of the district, or whose beneficiaries may be eligible to receive any such benefit.*

Sec. 8. *“Party in interest” means any fiduciary or employee of a plan or any person who provides services to the plan.*

Sec. 9. *“Plan” means any fund or program established or maintained by a district or by an employee organization of a district, or by both, to provide for its participants or their beneficiaries, or both, through the purchase of insurance or other means, medical, surgical or hospital care or benefits, or benefits in the event of sickness, accident, disability or death, or any combination of these benefits. The term includes, without limitation, any such fund or program established or maintained pursuant to a collective bargaining agreement between a district and an employee organization that is recognized by the district pursuant to chapter 288 of NRS.*

Sec. 10. “Sponsor” means:

1. *In the case of a plan established or maintained by a single district, the district;*
2. *In the case of a plan established or maintained by an employee organization, the employee organization; or*
3. *In the case of a plan established or maintained by two or more districts, two or more employee organizations, or jointly by one or more districts and one or more employee organizations, the association, committee, board of trustees or other similar group of representatives of the parties who establish or maintain the plan.*

Sec. 11. 1. A fiduciary shall act:

- (a) *Solely in the interest of the participants and beneficiaries, as a whole, of the plan;*
- (b) *For the exclusive purpose of providing benefits to participants and beneficiaries and defraying the reasonable expenses of administering the plan;*
- (c) *With the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a similar capacity and familiar with such matters would use in the conduct of an enterprise of a similar character and with similar purposes;*
- (d) *To diversify the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and*
- (e) *In accordance with the documents and instruments governing the plan insofar as they are not inconsistent with the provisions of sections 2 to 18, inclusive, of this act.*

2. *A fiduciary must not derive any benefit from the operation of the plan except as he may be entitled to receive as a participant in the plan.*

3. *A fiduciary shall not engage in any transaction for monetary gain with a party in interest.*

4. *A fiduciary who breaches any duty, trust or obligation owed to the plan or its participants or beneficiaries by virtue of his status as a fiduciary is liable to the plan and to any aggrieved participant or beneficiary for any loss caused by the breach. If a plaintiff who brings an action against a fiduciary pursuant to this subsection is the prevailing party in the action, the fiduciary is liable to the plaintiff for the attorney’s fees and costs of suit reasonably incurred by the plaintiff.*

5. *The provisions of this section do not prohibit the payment of reasonable compensation to a fiduciary for services rendered by the fiduciary to the plan.*

Sec. 12. 1. *Except as otherwise provided in subsection 2, a fiduciary may purchase services or insurance from any person or entity that the fiduciary determines to have the financial resources to meet all the obligations of the plan.*

2. A fiduciary may purchase coverage for the plan from an insurance company or health maintenance organization if the insurance company or health maintenance organization:

(a) Has and maintains a rating of:

- (1) "B++" or better by A.M. Best Company, Inc.;
- (2) "Aa3" or better by Moody's Investors Service, Inc.;
- (3) "AA-" or better by Standard & Poor's Ratings Services; or
- (4) "B+" or better by Weiss Ratings, Inc.; or

(b) Is a domestic insurer licensed by the Commissioner of Insurance.

Sec. 13. 1. Within 120 days after a plan is established, and within 120 days after any material modification of the plan, the sponsor of the plan shall send a description of the plan to each participant and to the Commissioner of Insurance. The description must include, without limitation:

(a) An explanation of:

- (1) The benefits provided by the plan;
- (2) The method used to provide the benefits of the plan, including, without limitation, insurance or self-insurance;
- (3) The eligibility requirements to receive benefits provided by the plan;
- (4) The manner in which claims are processed; and
- (5) The procedure for appealing denials of claims; and

(b) The name, business address and business telephone number of:

- (1) The administrator of the plan;
- (2) Each fiduciary of the plan; and
- (3) Each entity which provides benefits under the plan.

2. The description of the plan must be written in plain English.

3. A description of a plan submitted to the Commissioner of Insurance pursuant to this section is a public record for purposes of NRS 239.010.

Sec. 14. 1. Within 90 days after the end of each fiscal year in which the plan is in operation, the sponsor of the plan shall send to each participant and to the Commissioner of Insurance a summary of the financial condition of the plan as of the end of that fiscal year. The summary must include, without limitation:

- (a) The number of participants in the plan;
- (b) The revenue, expenses, assets and liabilities of the plan; and
- (c) If the plan is self-funded in whole or in part, a statement from a qualified actuary as to the adequacy of any reserves maintained by the plan.

2. A summary submitted to the Commissioner of Insurance pursuant to this section is a public record for purposes of NRS 239.010.

Sec. 15. 1. Within 90 days after the end of each fiscal year in which the plan is in operation, the sponsor shall provide to the Commissioner of Insurance a report of the plan, as of the end of that fiscal year. The report must be in a form prescribed by the Commissioner and must include, without limitation:

- (a) The number of active and retired employees participating in the plan;

(b) The name, business address and business telephone number of:

(1) Each fiduciary of the plan;

*(2) Each entity which provides insurance or benefits under the plan;
and*

(3) Each accountant, insurer, actuary, administrator, investment manager or custodian of the plan and, if applicable, a statement explaining why any business relationship between the plan and such person was terminated;

(c) If the plan provides at least some benefits through the purchase of insurance:

(1) The rate of the premium for each category of insurance in the plan;

(2) The average number of participants covered under each category of insurance in the plan during each month of the applicable fiscal year;

(3) The dividends, retroactive adjustments of rates, commissions and fees for administrative services, if any, paid by the provider of insurance;

(4) The total amount of the claims paid during the applicable fiscal year if the plan has rates based on other than a fully pooled basis; and

(5) The name and business address of any person who received a commission from the plan during the applicable fiscal year, the amount paid to that person and the service provided for payment; and

(d) If the plan provides at least some benefits through self-funding:

(1) A financial statement prepared in accordance with generally accepted accounting principles;

(2) A statement of accounts from a certified public accountant attesting that he has examined:

(I) The financial statement of the plan and found the financial statement to be prepared in accordance with generally accepted accounting principles; and

(II) The financial records of the plan and found the financial records to be maintained in conformity with generally accepted accounting principles;

(3) A description of the plan, including, without limitation, any significant changes to the plan made during the fiscal year and the effect of such changes on the benefits provided by the plan;

(4) A description of any material lease commitments, other contingent liabilities and other similar commitments or liabilities;

(5) A description of any agreements or transactions made by or on behalf of the plan with any parties in interest;

(6) A statement from a qualified actuary as to the adequacy of reserves established for contingencies and claims incurred and outstanding but not reported; and

(7) A financial statement, in a form prescribed by the Commissioner of Insurance, setting forth:

(I) The number of participants enrolled in each category of insurance in the plan during each month;

(II) *The contributions paid to the plan each month by any participants in the plan and any employers for the coverage of participants and beneficiaries in the plan;*

(III) *The amount paid, each month, to any person who received financial compensation from the plan for any service rendered to the plan or its participants;*

(IV) *The amount paid, each month, for stop-loss insurance and medical management services, and any access fees paid to preferred-provider organizations, prescription benefit managers or similar services;*

(V) *The total assets and liabilities of the plan for each month;*

(VI) *A schedule of all investments of the plan for each month; and*

(VII) *A schedule of all loans made by or to the plan for each month.*

2. *A report submitted to the Commissioner of Insurance pursuant to this section is a public record for the purposes of NRS 239.010.*

Sec. 16. 1. *The Commissioner of Insurance shall review the report described in section 15 of this act and evaluate the financial condition of the plan in accordance with the standards and procedures applicable to insurers licensed to transact the business of insurance in this State. If the Commissioner determines that the plan is in hazardous financial condition, the Commissioner shall inform the sponsor of the plan of that determination.*

2. *If the sponsor of a plan is informed by the Commissioner of Insurance of a determination of hazardous financial condition, as described in subsection 1, the sponsor shall:*

(a) *Immediately give written notice of the determination to the participants in the plan; and*

(b) *Within a reasonable time determined by the Commissioner of Insurance, deliver to the Commissioner a written proposal to protect the interests of the participants and beneficiaries of the plan and to cure the hazardous financial condition of the plan. The proposal must be approved by the Commissioner. If the Commissioner determines that the plan is not satisfactory, the Commissioner may order the plan to be terminated.*

3. *A proposal to restore the solvency of a plan submitted to the Commissioner of Insurance pursuant to this section is a public record for the purposes of NRS 239.010.*

4. *As used in this section, "hazardous financial condition" means a condition that, based on current or reasonably anticipated financial circumstances, while not yet qualifying as financial impairment or insolvency, is unlikely to allow:*

(a) *Obligations to participants, with respect to known claims and reasonably anticipated claims, to be met; or*

(b) *Other obligations in the normal course of business to be paid.*

Sec. 17. 1. *If a plan is self-funded and has 2,000 or fewer participants, the plan must obtain a contract of stop-loss insurance to provide coverage in the event that a claim relating to any one person, during a plan year, exceeds*

the individual threshold per participant for the types of plans, categorized by number of participants and amount of surplus, described below:

<u>Number of participants</u>	<u>Free surplus</u>	<u>Individual threshold per participant</u>
500 or less	Less than \$100,000	\$25,000
500 or less	\$100,000 or more	\$50,000
501 to 2,000	Less than \$250,000	\$50,000
501 to 2,000	\$250,000 or more	\$100,000

2. Any contract for stop-loss insurance as described in this section must:

(a) Provide that if the contract is terminated, a claim will remain eligible for payment if:

(1) The claim is incurred during the period in which the contract for stop-loss insurance was in effect; and

(2) The claim is submitted for payment not later than 90 days after the date that the contract is terminated; or

(b) Be supplemented by another contract of insurance which pays a claim if:

(1) The claim is incurred during the period in which the contract for stop-loss insurance was in effect; and

(2) The claim is submitted for payment not later than 90 days after the date that the contract is terminated.

3. As used in this section, “free surplus” means the amount by which the total of the cash and investments of a plan exceeds the total of its reported claims and its reserves for incurred but unreported claims and expenses.

Sec. 18. The Commissioner of Insurance shall adopt regulations to carry out the provisions of sections 2 to 18, inclusive, of this act.

Sec. 19. If a plan is in existence on July 1, 2005, the sponsor of the plan, as those terms are defined in sections 9 and 10 of this act, shall, on or before October 1, 2005, send to each participant in the plan a description of the plan, as described in section 13 of this act.

Sec. 20. 1. This section and section 18 of this act become effective upon passage and approval.

2. Sections 1 through 17, inclusive, and 19 of this act become effective on July 1, 2005.”

Amend the title of the bill to read as follows:

“AN ACT relating to programs for public employees; establishing requirements for certain plans of group insurance for employees of certain school districts; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes requirements for certain plans of group insurance for employees of certain school districts. (BDR 23-950)”

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 511.

Bill read second time.

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

Amendment No. 625.

Amend section 1, page 1, line 7, by deleting: “3, 4 and 5,” and inserting: “3 to 6, inclusive,”.

Amend section 1, page 2, by deleting lines 10 through 19 and inserting:

“3. *Except as otherwise provided in subsections 4 and 5, the Executive Director may release information from the publications, files and records of the Commission or its divisions to a person who, or a governmental entity that, provides a description of the information requested.*

4. *The Executive Director may deny a request for:*

(a) *Personally identifiable information concerning a person and other information pertaining to a person if the information was obtained by the Commission or one of its divisions because the person:*

(1) *Submitted a request for marketing materials; or*

(2) *Completed or participated in a marketing survey.*

(b) *An internal document or internal communication that was prepared or received by the Commission or one of its divisions, if the Executive Director determines that the release of the document or communication would:*

(1) *Enable another person or entity to obtain a competitive advantage over the Commission or one of its divisions, as applicable; or*

(2) *Tend to affect adversely the competitive position of the Commission or one of its divisions, as applicable.*

5. *Before the Executive Director releases information”.*

Amend section 1, page 2, line 31, by deleting “5.” and inserting “6.”.

Amend section 1, page 2, line 34, by deleting “6.” and inserting “7.”.

Amend the title of the bill, seventh line, after “information;” by inserting: “allowing the Executive Director to deny a request for certain information under certain circumstances;”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 552.

Bill read second time.

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

Amendment No. 633.

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

“Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The fact that a particular project or undertaking does not qualify as a public work, as defined in NRS 338.010, does not exempt a person, including, without limitation, a contractor or subcontractor, or a governmental entity, from complying with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this act in the same manner as a public body is required to comply with those provisions if the person or governmental entity is required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this act pursuant to NRS 244.286, 244A.763, 268.568, 271.710, 271.800, 279.500, 318.140, 318.144, 332.390, 333A.120, 338.0115, 349.670, 349.956, 408.3886, 543.545 or other applicable law.”.*

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

“Sec. 3. 1. *The public body awarding a contract for a public work, or any person or governmental entity that is otherwise required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 2 of this act, shall ascertain from the”.*

Amend section 1, page 1, line 6, by deleting “work” and inserting: “work, project or undertaking”.

Amend section 1, page 2, line 3, after “3.” by inserting: “For the purpose of the survey required pursuant to subsection 2, the Labor Commissioner shall use the following classifications of workers:

- (a) Boilermaker;
- (b) Bricklayer, including, without limitation, tile setter, terrazzo worker, marble mason, or tile, terrazzo or marble finisher;
- (c) Carpenter, including, without limitation, millwright, piledriver (nonequipment) and drywall installer;
- (d) Cement mason;
- (e) Electrician, including, without limitation, alarm installer, electrician-communication technician, electrician-line (lineman, groundman or heavy equipment operator), electrician-neon sign and electrician-wireman;
- (f) Elevator constructor;
- (g) Fence erector;
- (h) Floor coverer;
- (i) Glazier;
- (j) Highway striping;
- (k) Ironworker;
- (l) Laborer, including, without limitation, flagperson, hod carrier-brick mason tender, hod carrier-plasterer tender, traffic barrier erector and asbestos abater;
- (m) Mechanical insulator;

(n) *Operating engineer, including, without limitation, operating engineer-steel fabricator and erector, operating engineer-tunnel, and operating engineer-piledriver;*

(o) *Painter;*

(p) *Plasterer;*

(q) *Plumber or pipefitter, including, without limitation, refrigeration mechanic;*

(r) *Roofer;*

(s) *Sheet metal worker, including, without limitation, air balance technician;*

(t) *Sprinkler fitter;*

(u) *Surveyor (nonlicensed);*

(v) *Taper;*

(w) *Truck driver; and*

(x) *Well driller.*

4.”.

Amend section 1, page 2, line 17, by deleting “*for working*” and inserting “*that worked*”.

Amend section 1, page 2, line 19, by deleting “*survey.*” and inserting: “*survey, but each recognized class of workmen who is covered under a collective bargaining agreement will be considered to be paid at the same rate of wages.*”.

Amend section 1, page 2, line 23, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 25, by deleting “3,” and inserting “4.”.

Amend section 1, page 2, line 42, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, line 8, by deleting “6.” and inserting “7.”.

Amend section 1, page 3, line 15, after “*the construction*” by inserting: “, *landscaping or fencing*”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[]~~, and sections 2 and 3 of this act.

2. *If the Labor Commissioner receives notification of a possible violation from a public body pursuant to paragraph (b) of subsection 1 of NRS 338.070, the Labor Commissioner shall investigate and determine whether a violation has been committed within 60 days after receipt of such notification.*

3. In addition to any other remedy or penalty provided in this chapter, if any person violates any provision of NRS 338.010 to 338.130, inclusive, and sections 2 and 3 of this act, or any regulation adopted pursuant thereto, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

~~{3-}~~ 4. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

~~{4-}~~ 5. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General shall prosecute the person in accordance with law.”.

Amend sec. 2, page 3, line 30, by deleting “1” and inserting “3”.

Amend sec. 2, page 4, by deleting lines 32 and 33 and inserting: *“Commissioner at least 60 days before the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.*

Any increase in the prevailing wage pursuant to this subsection becomes effective on the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.”.

Amend sec. 2, page 4, line 34, by deleting “prevents” and inserting: ~~“prevents”~~ :

(a) Prevents”.

Amend sec. 2, page 4, line 36, by deleting “established practice.” and inserting: *“the established practice ~~{-}~~ in the area.*

(b) Requires a public body to amend a contract for a public work, authorize a change order or otherwise increase the amount of compensation paid to a contractor or subcontractor for a public work, if the Labor Commissioner increases the prevailing wage for a recognized class of workmen pursuant to subsection 7.”.

Amend sec. 3, page 5, line 2, by deleting “1” and inserting “3”.

Amend sec. 3, page 5, by deleting line 28 and inserting: *“awards a contract for any public work ~~{-}~~ and to any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act.”.*

Amend sec. 3, page 5, line 30, by deleting “section 1” and inserting: *“sections 2 and 3”.*

Amend sec. 3, page 5, by deleting lines 35 through 38.

Amend sec. 4, page 5, by deleting line 41 and inserting: *“any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act, shall:”.*

Amend sec. 4, page 5, line 43, after “inclusive,” by inserting: *“and sections 2 and 3 of this act”.*

Amend sec. 4, page 6, line 2, by deleting “and” and inserting ~~“and”~~.

Amend sec. 4, page 6, line 3, after “(b)” by inserting: *“If based on a copy of the record received pursuant to subsection 5, a public body reasonably believes that a contractor or subcontractor has failed to compensate a*

workman in compliance with any applicable state or federal law for work on a public work, project or undertaking other than the public work, project or undertaking that is the subject of the contract, the public body shall notify the Labor Commissioner of the possible violation; and
(c)".

Amend sec. 4, page 6, lines 6 and 15, by deleting "inclusive." and inserting: "~~inclusive.~~, and sections 2 and 3 of this act."

Amend sec. 4, page 6, by deleting line 23 and inserting:
"(a) The name".

Amend sec. 4, page 6, line 25, by deleting "work;" and inserting: "*work and the city and state in which each such workman resides and, if different, the city and state in which a workman has a mailing address;*".

Amend the title of the bill to read as follows:

"AN ACT relating to public works; clarifying the applicability of certain provisions requiring the payment of prevailing wages; revising the provisions governing the determination of the prevailing wages by the Labor Commissioner; providing that, with certain exceptions, the prevailing wages in effect at the time of opening bids for a contract for a public work are the prevailing wages for the duration of the contract; requiring a public body to report possible violations of certain laws by contractors or subcontractors to the Labor Commissioner; revising the provisions governing the maintenance of records relating to employees of contractors and subcontractors engaged on public works; and providing other matters properly relating thereto."

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and that all bills returned from the printer be declared emergency measures under the Constitution and placed on the General File.

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

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 380 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Parks.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by Assemblymen Parks and Hardy:

Amendment No. 601.

Amend section 1, page 1, line 2, by deleting “12,” and inserting “10,”.

Amend sec. 3, page 1, line 6, by deleting “12,” and inserting “10,”.

Amend sec. 4, page 1, line 9, by deleting:

“officer, a general manager and inserting “officer”.

Amend sec. 4, page 1, by deleting lines 11 and 12 and inserting:

“2. The district board of health consists of:

(a) Representatives selected by the following entities from among their elected members:”.

Amend sec. 4, page 1, line 13, by deleting “(a)” and inserting “(1)”.

Amend sec. 4, page 1, line 14, by deleting “(b)” and inserting “(2)”.

Amend sec. 4, page 2, line 1, by deleting “(c)” and inserting “(3)”.

Amend sec. 4, page 2, by deleting line 2 and inserting: *“city in the county; and*

(b) Representatives selected by the board of county commissioners as follows:

(1) Two representatives who are physicians licensed to practice medicine in this State;

(2) One representative who is a nurse licensed to practice nursing in this State;

(3) One representative who has a background or expertise in environmental health or environmental health services; and

(4) One representative of either the tourism industry or another industry that is subject to regulation by the health district.”.

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

“Sec. 8. 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer must:

(a) Be licensed to practice medicine or osteopathic medicine in this State; and

(b) Have at least the following education or experience:

(1) A master's degree in public health administration, health care administration or a health-related field; or

(2) Ten years of experience in an administrative position in a local, state or national health facility, health department, health program or health organization.

3. 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.

4. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.”.

Amend the bill as a whole by deleting sections 10 and 11 and renumbering sections 12 through 36 as sections 10 through 34.

Amend sec. 36, page 21, line 33, by deleting "26," and inserting "24,".

Amend sec. 36, page 21, line 34, by deleting: "28 to 35," and inserting: "26 to 33,".

Amend sec. 36, page 21, line 35, by deleting "26" and inserting "24".

Amend sec. 36, page 21, line 41, by deleting "27" and inserting "25".

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblymen Parks and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Amendment adopted.

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

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time.

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

Amendment No. 331.

Amend section 1, page 2, line 27, after "Commission." by inserting: "*At least 40 percent of the money expended annually pursuant to this subsection must be used for projects to manage and control the natural predators of mule deer.*".

Assemblywoman Buckley moved to not adopt the amendment.

Remarks by Assemblywoman Buckley.

Amendment not adopted.

The following amendment was proposed by Assemblymen Claborn, Smith, and Perkins:

Amendment No. 635.

Amend section 1, page 2, by deleting lines 3 through 29 and inserting:

"501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for ~~the~~ :

(a) *The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State* ~~[-]~~ ; and

(b) *The management and control of predatory wildlife in this State.*

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction or partnership in wildlife drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Trust Account,

must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than the interest earned on the money in the Account during the previous year. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; expanding the purposes for which the money in the Wildlife Heritage Trust Account must be used to include expenditures for the management and control of predatory wildlife in this State; and providing other matters properly relating thereto.”.

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. 193.

Bill read second time.

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

Amendment No. 629.

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. 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.”.

Amend the bill as a whole by deleting sec. 2, renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

“Sec. 4. *“Owner” includes, without limitation, the owner of a planned unit development.*”.

Amend sec. 4, page 2, line 8, by deleting: “*sections 2 and 3*” and inserting “*section 2*”.

Amend sec. 5, page 2, by deleting lines 35 through 40 and inserting: “professional fee.

5. *A contractor does not include an owner of a planned unit development who enters into a contract with a general contractor to perform any service or conduct any activity described in subsection 2 or 4.*”.

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 5, to read as follows:

“Sec. 7. NRS 624.606 is hereby amended to read as follows:

624.606 As used in NRS 624.606 to 624.630, inclusive, *and section 4 of this act*, the words and terms defined in NRS 624.607 and 624.608 *and section 4 of this act* have the meanings ascribed to them in those sections.”.

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 contractors; providing that such owners are subject to certain rights and duties with respect to contracts and subcontracts; and providing other matters properly relating thereto.”.

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 553.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 643.

Amend sec. 5, page 2, line 40, by deleting “\$750” and inserting “\$500”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 183.

Bill read third time.

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

Amendment No. 636.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 3, 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 and 3 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 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.”.

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.

Assembly Bill No. 260.

Bill read third time.

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

Amendment No. 628.

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 cleanup

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, page 7, line 33, by deleting “subsection 3,” and inserting : “subsections 2 and 3,”.

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, without limitation, 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 training or experience obtained during service in the military forces of this State or of the United States which the Board determines is equivalent to the training and experience of a person to whom a basic certificate must be issued pursuant to subsection 2.”.

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 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.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 69 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 31.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 641.

Amend section 1, page 2, line 31, by deleting “and”.

Amend section 1, page 2, by deleting lines 32 and 33 and inserting:

“(2) *The records will be used for a journalistic purpose; and*

(3) The local governmental entity has removed from the records any personally identifying information concerning a natural person, unless the natural person whom the personally identifying information concerns, or the parent or legal guardian of that person, as applicable, has consented to the release of such information. If a request for the disclosure of records pursuant to this paragraph meets the requirements of subparagraphs (1) and (2) but consent to the release of personally identifying information has not been obtained pursuant to this subparagraph, the local governmental entity shall remove the personally identifying information from the records and provide the records as requested.

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise”.

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

“Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.”.

Amend the title of the bill, eighth line, after “purposes;” by inserting: “prohibiting a local governmental entity from requiring a social security number to be provided for certain purposes;”.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

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

Assembly Bill No. 530.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Conklin:

Amendment No. 631.

Amend sec. 5, page 4, line 16, by deleting “*satisfies*” and inserting: “*establishes by sufficient evidence that he satisfied*”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblyman McCleary.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblywoman Angle.

Roll call on Assembly Bill No. 528:

YEAS—34.

NAYS—Arberry, Giunchigliani, Kirkpatrick, Koivisto, Leslie, McCleary, Pierce, Smith—8.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 42:

YEAS—42.

NAYS—None.

Assembly Bill No. 42 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 43:

YEAS—42.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 66:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick,
Holcomb, Mabey, Marvel, Ocegüera, Seale, Sherer, Sibley—16.

Assembly Bill No. 66 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 128:

YEAS—42.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185

Bill read third time.

Remarks by Assemblymen Gansert and Horne.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 185 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 497 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

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

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that Assembly Bill No. 69 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 260 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 142 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 183 be placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Assembly Bill No. 210 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 210.

Bill read third time.

The following amendment was proposed by the Assemblyman Hogan:

Amendment No. 648.

Amend section 1, page 3, line 14, by deleting “work;” and inserting: “*work, or his designee;*”.

Amend section 1, page 3, line 18, by deleting “work;” and inserting: “*work, or the designee of such a subcontractor;*”.

Amend section 1, page 3, line 30, after “*payment*” by inserting: “*in an amount not to exceed \$500*”.

Amend section 1, page 3, by deleting lines 31 through 34 and inserting: “*subcontractor engaged on a public work for each failure of the contractor or subcontractor to file a report required pursuant to subsection 1 until such a report is filed. Upon the filing of the report, the public body shall promptly pay the amount of money withheld pursuant to this subsection for the failure to file that report, without interest, to*”.

Assemblyman Hogan moved the adoption of the amendment.

Remarks by Assemblyman Hogan.

Amendment adopted.

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

Assembly Bill No. 183.

Bill read third time.

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

Amendment No. 650.

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

Amend sec. 3, page 3, lines 41 and 42 by deleting: “*believes that he*”.

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

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

SECOND READING AND AMENDMENT

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 644.

Amend sec. 5, pages 2 and 3, by deleting lines 18 and 19 on page 2 and lines 1 through 6 on page 3, and inserting:

“Sec. 5. 1. Any person listed in section 6 of this act who wishes to have personal information about himself that is contained in the records of a county assessor be kept confidential must obtain an order of a court, based on a sworn affidavit by the person that he qualifies as a person listed in section 6 of this act, that requires the county assessor to maintain the personal information of the person in a confidential manner.

2. *Upon receipt of such an order, a county assessor shall keep such information confidential and*".

Amend sec. 8, page 5, between lines 7 and 8, by inserting:

"(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose."

Amend sec. 11, page 6, line 2, by deleting "may:" and inserting "may".

Amend sec. 11, page 6, by deleting lines 3 and 4.

Amend sec. 11, page 6, line 5, by deleting "2. Revoke" and inserting "revoke".

Amend sec. 13, page 6, by deleting line 20.

Amend sec. 13, page 6, line 21, by deleting: *"of this act, a"* and inserting "2. A".

Amend sec. 14, page 6, line 29, by deleting *"of:"* and inserting: *"of a misdemeanor."*

Amend sec. 14, page 6, by deleting lines 30 through 34.

Amend sec. 16, page 7, line 5, by deleting *"of:"* and inserting: *"of a misdemeanor."*

Amend sec. 16, page 7, by deleting lines 6 through 10.

Amend the bill as a whole by deleting sections 17 and 18 and renumbering sec. 19 as sec. 17.

Amend the title of the bill by deleting the sixth through ninth lines.

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. 260.

Bill read third time.

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

Amendment No. 652.

Amend sec. 19, page 8, line 3, by deleting *"subsection"* and inserting: *"subsections 2 and"*.

Amend sec. 19, page 8, by deleting lines 26 through 28 and inserting:

"(c) Must possess training or experience obtained during service in the military forces of this State or the United States which the Board determines is equivalent to the training and experience of a person to whom a basic certificate must be issued pursuant to subsection 2."

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 69.

Bill read third time.

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

Amendment No. 651.

Amend section 1, page 2, by deleting lines 3 and 4 and inserting:

“1. A labor organization may require an”.

Amend section 1, page 2, by deleting lines 16 through 24 and inserting:

“3. As used in this section, “labor organization” includes an employee organization”.

Amend the bill as a whole by deleting sections 3 through 5.

Amend the title of the bill to read as follows:

“AN ACT relating to labor organizations; authorizing a labor organization to require an employee in a bargaining unit 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.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes labor organization to require employee in bargaining unit who is not member of that labor organization to pay service fee under certain circumstances. (BDR 53-956)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 188.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 645.

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. 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 may maintain the electronic mail address in a database.

(b) A database described in this subsection and the electronic mail addresses contained therein is confidential and not a public book or record within the meaning of NRS 239.010.

2. The electronic mail address of a person is not confidential and may be disclosed if the person or his agent provides the electronic mail address to a governmental entity:

(a) In the course of an existing business or contractual relationship with the governmental entity; or

(b) In the course of seeking to establish a business or contractual relationship with the governmental entity, including, without limitation, in response to a request for proposals or invitation to bid from the governmental entity.

3. A governmental entity shall disclose the confidential electronic mail addresses contained in a database described in subsection 1 in response to an order issued by a court upon a finding that the disclosure of the electronic mail addresses is necessary:

(a) To protect the public safety; or

(b) To assist in the investigation or prosecution of a crime.

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.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Assembly Bill No. 189.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 634.

Amend sec. 8, pages 8 and 9, by deleting lines 42 through 45 on page 8 and lines 1 through 6 on page 9, and inserting:

“~~6.~~ 4. The order of the Commission is a final decision in a”.

Amend sec. 8, page 9, line 19, by deleting “6.” and inserting “5.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226

Bill read third time.

Remarks by Assemblyman Claborn.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 226 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Conflict of interest declared by Assemblyman Carpenter.

Roll call on Assembly Bill No. 255:

YEAS—41.

NAYS—None.

NOT VOTING—Carpenter.

Assembly Bill No. 255 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 257:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Roll call on Assembly Bill No. 278:

YEAS—42.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblywomen Koivisto and Gansert.

Potential conflict of interest declared by Assemblywoman Gansert.

Roll call on Assembly Bill No. 296:

YEAS—29.

NAYS—Allen, Angle, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb,
Marvel, Seale, Sherer, Sibley—13.

Assembly Bill No. 296 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 322:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick,
Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 322 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 334:

YEAS—42.

NAYS—None.

Assembly Bill No. 334 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 338 be taken
from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 342:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—16.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 355:

YEAS—42.

NAYS—None.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360

Bill read third time.

Remarks by Assemblywoman Weber.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman McClain moved that Assembly Bill No. 360 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman McClain.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 364:

YEAS—42.

NAYS—None.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblymen Sibley and Seale.

Conflict of interest declared by Assemblyman Seale.

Roll call on Assembly Bill No. 371:

YEAS—41.

NAYS—None.

NOT VOTING—Seale.

Assembly Bill No. 371 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 384:

YEAS—42.

NAYS—None.

Assembly Bill No. 384 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 385 be
taken from the General File and rereferred to the Committee on Ways and
Means.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 500 be
taken from the General File and rereferred to the Committee on
Ways and Means.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

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

Assembly in recess at 1:31 p.m.

ASSEMBLY IN SESSION

At 1:48 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 419:

YEAS—42.

NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Assembly Bill No. 425:

YEAS—36.

NAYS—Allen, Angle, Carpenter, Hardy, Marvel, Sibley—6.

Assembly Bill No. 425 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 426:

YEAS—42.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a two-thirds majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Parks and Parnell.

Roll call on Assembly Bill No. 484:

YEAS—42.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 496:

YEAS—42.

NAYS—None.

Assembly Bill No. 496 having received a two-thirds majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblyman Sherer.

Roll call on Assembly Bill No. 501:

YEAS—42.

NAYS—None.

Assembly Bill No. 501 having received a constitutional majority,
Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508.

Bill read third time.

Remarks by Assemblymen Sibley, Perkins, Parks, Buckley, Carpenter,
Hardy, and Smith.

Potential conflict of interest declared by Assemblymen Smith and Sibley.

Roll call on Assembly Bill No. 508:

YEAS—2.

NAYS—Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parnell, Perkins, Pierce, Seale, Sherer, Sibley, Smith, Weber—40.

Assembly Bill No. 508 having failed to receive a two-thirds majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Assembly Bill No. 521:

YEAS—42.

NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 538:

YEAS—41.

NAYS—Hardy.

Assembly Bill No. 538 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblymen Conklin and Smith.

Potential conflict of interest declared by Assemblywoman Smith.

Roll call on Assembly Bill No. 540:

YEAS—42.

NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen Perkins and Carpenter.

Roll call on Assembly Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 11 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.
Motion carried.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 5:11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 26, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 189.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 226, 233, 385, 497, 499, 500 and 530.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bill No. 499 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 530 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 189 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Giunchigliani moved that Assembly Bill No. 185 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 188 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 275 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Parks moved that Assembly Bill No. 511 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Ocegüera moved that Assembly Bill No. 360 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 185.

Bill read third time.

The following amendment was proposed by Assemblywoman Gansert:

Amendment No. 656.

Amend sec. 3, page 3, by deleting lines 28 and 29 and inserting: "challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and".

Assemblywoman Gansert moved the adoption of the amendment.

Remarks by Assemblywoman Gansert.

Amendment adopted.

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

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 497:

YEAS—42.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Assembly Bill No. 15:

YEAS—42.

NAYS—None.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 31:

YEAS—42.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 69:

YEAS—42.

NAYS—None.

Assembly Bill No. 69 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Assembly Bill No. 142 be taken from its
position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 158:

YEAS—42.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 183:

YEAS—42.

NAYS—None.

Assembly Bill No. 183 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Ocegüera.

Roll call on Assembly Bill No. 186:

YEAS—40.

NAYS—Angle, Gansert—2.

Assembly Bill No. 186 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Buckley.

Roll call on Assembly Bill No. 193:

YEAS—42.

NAYS—None.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblymen Hogan, Carpenter, and Munford.

Roll call on Assembly Bill No. 210:

YEAS—34.

NAYS—Angle, Christensen, Goicoechea, Hardy, Mabey, Seale, Sherer, Sibley—8.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 233 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 260.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblymen Sibley, Giunchigliani, and Angle.

Conflict of interest declared by Assemblywoman Angle.

Roll call on Assembly Bill No. 312:

YEAS—39.

NAYS—Carpenter, Goicoechea—2.

NOT VOTING—Angle.

Assembly Bill No. 312 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Parks and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Roll call on Assembly Bill No. 380:

YEAS—39.

NAYS—Angle, Christensen—2.

NOT VOTING—Hardy.

Assembly Bill No. 380 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblymen Conklin, Carpenter, Buckley, and Anderson.

Roll call on Assembly Bill No. 455:

YEAS—30.

NAYS—Anderson, Carpenter, Christensen, Goicoechea, Grady, Hardy, Hettrick, Hogan, Mabey, Marvel, Parnell, Sherer—12.

Assembly Bill No. 455 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Roll call on Assembly Bill No. 456:

YEAS—42.

NAYS—None.

Assembly Bill No. 456 having received a constitutional majority,

Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblymen Angle, Parks, Giunchigliani, Conklin, and Hardy.

Roll call on Assembly Bill No. 480:

YEAS—36.

NAYS—Angle, Christensen, Grady, Hardy, Sherer, Sibley—6.

Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 552:

YEAS—32.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hardy, Holcomb, Marvel, Seale, Sibley—10.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblymen Allen, Grady, Buckley, and Conklin.

Roll call on Assembly Bill No. 553:

YEAS—35.

NAYS—Angle, Carpenter, Goicoechea, Grady, Holcomb, Mabey, Marvel—7.

Assembly Bill No. 553 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 188:

YEAS—42.

NAYS—None.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Assembly Bill No. 360:

YEAS—42.

NAYS—None.

Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 142 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 452:

YEAS—40.

NAYS—Parnell, Sherer—2.

Assembly Bill No. 452 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 6:24 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 185 just returned from the printer be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblymen Parks, McCleary, Hardy, Horne, Leslie, and Mr. Speaker.

Potential conflict of interest declared by Mr. Speaker.

Roll call on Assembly Bill No. 142:

YEAS—32.

NAYS—Angle, Arberry, Carpenter, Giunchigliani, Hardy, Marvel, McCleary, Sibley, Smith, Weber—10.

Assembly Bill No. 142 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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 Allura Addington, Alyssa Addington, Jesus Aguilar, Adilene Agustin, Sinjin Anderson, Jolena Aquino, Cristina Barajas, Alan Barba, Celeste Bedolla, Joshua Boals, Michael Bowers, Angel Camarena, Mariela Castillo, Eduardo Cervantes, Jaimie Ceja, Tanya Chavez, Yesenia Corral, Stephanie Dominguez, Nicole Eastman, Jared Eaton, Karen Espitia, Codi Ferro, Nina Franco, Janet Godoy, Daniel Gomez, Juan Gonzalez, Zane Green, Elizabette Hernandez, Francisco Herrerra, Edgar Hinojosa, Karen Innocence, Tyler Johnson, Jared Johnson, Anthony Kimpan, Kelly Lannes, Kimberly Lara, Miguel Bernal, Janet Mancha, Matthew Mangoang, Jahahi Mazariago, Nancy Mendoza, Maira Murrillo-Manzo, Anna Navarro, Linda Nelson, Aaron Nieznanski, Alex Nieznanski, Samantha Overton, Ulises Medina, Fabian Padilla, Karen Palomino, Roshani Patel, Miguel Pina, Lillian Ponce, Tiffany Reynolds, Ciara Lambright, Paige McElroy, Sunny Singh, Daniel Sanchez, Duane Scott, Kevan Scott, Luis Segura, Jonathan Serafin, Brenda Serafin, Desirae Serrano, Shelby Shrom, Marilyn Snider, Alyssa Southworth, Cynthia Felix-Torres, James Thornton, E. Yazmin Trujillo, Ivan Trujillo, Pedro Velasquez, Jessica Villasenor, Ada Weninger, Chris Wolken, Dino Moler, Dana Ryan, Eric Wacker, Judy Spencer, Lalita Cole, Chris MacDonald, Judy Norton, Karla Carr, and Kelly Hulse.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Menashe M. Bovit and Raphoel N. Bovit.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Dobosh.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Magner, Jeanne Abercrombie, Laurie Johns, Joe Torres, Brandon Murray, Alejandro Rios, Christopher Spencer, Dakota Cave, Katarina Pancho, and Alexander Pray.

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, April 27, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 6:37 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly