

THE ONE-HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 24, 2005

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we give You thanks for the laughter which sustains and cheers the hearts of all those here gathered: for fluttering white handkerchiefs, for bathroom caucusing, for a spirit of respect for the whole Body which delights in individual idiosyncrasy. Give to them a spirit of cooperative grace and joyful resolve. Guide their decisions, empower them in the serving, and bring them at last to the end of session.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bills Nos. 134, 152, 226, 381 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 172, 444, 453, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 26, 32, 104, 105, 124, 141, 165, 351; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 70, Amendment No. 763; Assembly Bill No. 84, Amendment No. 694; Assembly Bill No. 337, Amendment No. 735; Assembly Bill No. 346, Amendment No. 764; Assembly Bill No. 395, Amendment No. 708, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 183, 242, 265, 369, 404, 485.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 691 to Senate Bill No. 77; Assembly Amendment No. 690 to Senate Bill No. 382.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 10.

Assemblywoman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblywoman Giunchigliani.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Buckley moved that for the balance of the session, the reading of the history on all bills and joint resolutions on Second Reading and General File be dispensed with.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 183.

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

Motion carried.

Senate Bill No. 242.

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

Motion carried.

Senate Bill No. 265.

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

Motion carried.

Senate Bill No. 369.

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

Motion carried.

Senate Bill No. 404.

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

Motion carried.

Senate Bill No. 485.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 134, 146, 152, 172, 226, 326, 381, 389, 444, 453, and 489 just reported out of committee be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

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

Amendment No. 932.

Amend section 1, page 1, line 4, by deleting “and grants”.

Amend section 1, page 1, line 9, by deleting “15, 2006,” and inserting: “15 of each even-numbered year”.

Amend section 1, page 1, line 12, by deleting “1, 2006;” and inserting: “1 of that year;”.

Amend section 1, page 2, between lines 6 and 7, by inserting:

“3. As used in this section, “rural” means any area in a county whose population is less than 100,000 and portions of other counties that are designated as such by the Nevada Office of Rural Health of the University of Nevada School of Medicine.”.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, third and fourth lines, by deleting “and grants”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Administration for allocation to Nevada Rural Hospital Partners for establishment of pool for loans for rural health care providers. (BDR S-1216)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 525 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 17.

Bill read second time.

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

Amendment No. 753.

Amend sec. 2, pages 3 and 4, by deleting lines 32 through 44 on page 3 and lines 1 through 12 on page 4, and inserting:

"233B.0675 1. If the Legislative Commission *or the subcommittee* to review regulations has objected to a regulation, the agency ~~may revise it~~ shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel ~~to~~ within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission ~~at its next regularly scheduled meeting. If the Commission does not object~~ or subcommittee for review. If there is no objection to the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.

2. If the Legislative Commission *or subcommittee* objects to the revised regulation, the ~~agency may continue to revise it and resubmit it to the Commission.~~

3. ~~If the agency refuses to revise a regulation to which the Legislative Commission has objected, the Commission may suspend the filing of the regulation until the final day of the next regular session of the Legislature. Before the final day of the next regular session the Legislature may, by concurrent resolution or other appropriate legislative measure, declare that the regulation will not become effective. The Legislative Counsel shall thereupon notify the agency that the regulation will not be filed and must not~~

~~be enforced. If the Legislature has not so declared by the final day of the session, the Legislative Counsel shall promptly file the regulation and notify the agency of the filing.]~~ Legislative Counsel shall:

(a) *Revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority;*

(b) *Submit the regulation to the Legislative Commission or subcommittee for its approval; and*

(c) *Upon approval of the regulation by the Legislative Commission or subcommittee, promptly file the regulation with the Secretary of State and provide the agency with a copy of the filing.”.*

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

“Sec. 3. NRS 233B.0675, as amended by section 2 of this act, applies to regulations for which filing was suspended on or after July 1, 2003, by the Legislative Commission or the Committee to Review Regulations appointed pursuant to NRS 233B.067. Those regulations include, without limitation, R114-03, R147-04 and R159-04. Within 60 days after the effective date of this act, the Legislative Counsel shall revise those regulations to conform to the statutory authority pursuant to which they were adopted and to carry out the intent of the Legislature in granting that authority and submit the regulations to the Legislative Commission or subcommittee to review regulations appointed pursuant to NRS 233B.067 for approval.”.

Amend sec. 3, page 4, line 13, by deleting: “on July 1, 2005.” and inserting: “upon passage and approval.”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

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

Amendment adopted.

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

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 798.

Amend section 1, page 2, line 13, by deleting “*section*” and inserting: “*section*”:

(a) *For a first violation, is guilty of a gross misdemeanor.*

(b) *For a second or subsequent violation,”.*

Amend section 1, page 2, by deleting lines 15 through 19 and inserting:

“4. *This section does not prohibit any lawful law enforcement or correctional activities.”.*

Amend section 1, page 2, line 30, by deleting: "*the general public.*" and inserting: "*any person or governmental entity.*".

Amend section 1, page 3, line 5, by deleting "*and*".

Amend section 1, page 3, line 6, after "(c)" by inserting: "*As necessary for the purpose of allowing a defendant in a civil action and his attorney to prepare a defense; and (d)*".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 886.

Amend section 1, page 1, line 7, by deleting "lien; and" and inserting: "lien . ~~[and]~~".

Amend section 1, page 1, line 8, after "(b)" by inserting: "*In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:*

(1) *For the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$1,000, is a first lien.*

(II) *If the amount of the lien is \$1,000 or more, is a second lien.*

(2) *After the first 30 days of the lien:*

(I) *If the amount of the lien does not exceed \$2,500, is a first lien.*

(II) *If the amount is \$2,500 or more, is a second lien.*

(c)".

Amend section 1, page 1, line 9, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend section 1, page 2, line 1, by deleting "~~[\$1,000,] \$2,500,~~" and inserting "\$1,000,".

Amend the title of the bill, second line, after "lien" by inserting: "on motor vehicles".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 41 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 816.

Amend sec. 2, page 5, line 26, by deleting “consanguinity.” and inserting: “consanguinity [.] or affinity.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 64 be placed on the Chief Clerk’s desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk’s desk.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 733.

Amend section 1, page 2, by deleting line 18 and inserting: “NRS, but only when functioning as a peer review committee.”.

Amend sec. 2, page 2, line 32, after “NRS,” by inserting: “but only when such committees function as peer review committees,”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Assemblyman Anderson moved that upon return from the printer Senate Bill No. 119 be placed on the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed, and to the Chief Clerk's desk.

Senate Bill No. 120.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

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 11:42 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 887.

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. NRS 207.280 is hereby amended to read as follows:

207.280 Every person who *deliberately* reports to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the ~~[Nevada Highway Patrol]~~ *Department of Public Safety* that a felony or misdemeanor has been committed, ~~for disseminates such a report by any medium of public communication,~~ *which causes a law enforcement agency to conduct a criminal or internal investigation,* knowing such report to be false, is guilty of a misdemeanor."

Amend the title of the bill to read as follows:

"AN ACT relating to crimes; revising provisions concerning falsely reporting that a crime has been committed; repealing provision concerning the filing of certain false or fraudulent complaints of misconduct against a peace officer; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions concerning false reporting of crimes and repeals provision concerning filing of certain false or fraudulent complaints of misconduct against peace officer. (BDR 23-1168)".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 797.

Amend section 1, page 2, line 4, by deleting “115.090.” and inserting: “115.090 ~~{-}~~ *and except as otherwise required by federal law.*”.

Amend section 1, page 2, line 7, by deleting “\$300,000” and inserting “\$400,000”.

Amend sec. 2, page 3, lines 39 and 43, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 2, page 4, lines 9, 11 and 14, by deleting “\$300,000” and inserting “\$400,000”.

Amend sec. 3, page 5, line 24, by deleting: “~~period~~ *that week or 30*” and inserting: “~~period 30~~ *that week or 50*”.

Amend sec. 4, page 6, line 32, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 4, page 7, line 1, by deleting “30” and inserting “~~{30}~~ 50”.

Amend sec. 4, page 7, by deleting lines 39 through 41 and inserting:

“17. Payments, in an amount not to exceed ~~{\$16,150,}~~ *50 percent of any proceeds from a settlement*, received as compensation for personal injury, not including ~~{compensation for pain and suffering or actual pecuniary loss,}~~ *punitive damages,*”.

Amend sec. 5, page 9, line 3, by deleting “section:” and inserting: “section ~~{-}~~ *or federal law:*”.

Amend sec. 5, page 9, line 31, by deleting: “~~period~~ *week, or 30*” and inserting: “~~period 30~~ *week, or 50*”.

Amend sec. 5, page 10, line 38, by deleting “\$500,000” and inserting “\$400,000”.

Amend sec. 5, page 11, by deleting lines 35 through 37 and inserting:

“(t) Payments, in an amount not to exceed ~~{\$16,150,}~~ *50 percent of any proceeds from a settlement*, received as compensation for personal injury, not including ~~{compensation for pain and suffering or actual pecuniary loss,}~~ *punitive damages*, by the judgment debtor”.

Amend sec. 6, page 13, line 14, by deleting “\$300,000,” and inserting “\$400,000,”.

Amend sec. 6, page 13, line 28, by deleting “30” and inserting “~~{30}~~ 50”.

Amend sec. 6, page 14, by deleting lines 22 through 24 and inserting:

“17. Payments, in an amount not to exceed ~~{\$16,150,}~~ *50 percent of any proceeds from a settlement*, received as compensation for personal injury, not including ~~{compensation for pain and suffering or actual pecuniary loss,}~~ *punitive damages,*”.

Amend sec. 7, page 16, line 15, by deleting: "~~period~~ that week exceed 30" and inserting: "~~period exceed 30~~ that week exceed 50".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 525 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 326 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblywoman Koivisto moved that Senate Bill No. 329 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Koivisto.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 525.

Bill read second time.

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

Amendment No. 986.

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

"Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Department.*

2. *Any interest and income earned on the money in the Account must be credited to the Account. The Department may accept gifts, grants, donations and bequests from any source for deposit in the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

3. *The Department shall use the money in the Account for distribution of grants to public schools to provide innovative educational programs pursuant to section 3 of this act.*

Sec. 3. 1. *The Department shall prescribe:*

(a) A concise application form for submission by public schools that desire to receive a grant of money from the Account for Programs for Innovation and the Prevention of Remediation.

(b) The date for submission of the applications by schools for each school year.

(c) Criteria for the review of applications by the Department, which must allow for teachers and principals to assist in the review of the applications.

(d) Standards for the evaluation of the innovative educational programs.

2. A public school may submit an application to the Department on the form prescribed by the Department pursuant to subsection 1 for a grant of money to provide an innovative educational program, including, without limitation, the provision of full-day kindergarten, programs for gifted and talented pupils, programs for pupils who have limited proficiency in the English language, alternative methods of configuring the classes and grade levels for pupils enrolled in high schools, programs of art which are incorporated into the curriculum, alternative discipline programs, summer school, programs to transition from middle school and junior high school to high school, career and technology programs and driver's education. The provisions of this subsection do not preclude a school from submitting an application for any other type of innovative educational program for which the school desires to receive a grant of money.

3. An application submitted pursuant to subsection 2 must include:

(a) A description of the innovative educational program or combination of innovative educational programs for which the school is seeking a grant of money, including, without limitation, a description of the proposed effectiveness of each program;

(b) The most recent plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357 and the manner by which the innovative educational program or combination of programs is linked to the school's plan for improvement;

(c) The estimated costs for carrying out the program and the estimated number of pupils who will participate in the program; and

(d) The manner by which the innovative educational program or combination of programs will be evaluated by the school.

4. The Department shall:

(a) Review all applications submitted in accordance with the criteria prescribed pursuant to subsection 1.

(b) To the extent money is available in the Account for Programs for Innovation and the Prevention of Remediation, distribute grants of money to schools with approved applications based upon the estimated costs of carrying out each program and the number of pupils estimated to participate in each program.

5. The Department may request assistance from the Legislative Counsel Bureau in carrying out the provisions of subsection 4.

6. A school that receives a grant of money pursuant to this section shall:

(a) Use the money to supplement and not replace the money that the school would otherwise expend for the program or programs for which the grant is made;

(b) Evaluate the innovative educational program or combination of programs for which the school received the grant of money, including, without limitation, an evaluation of the effectiveness of the program; and

(c) On or before December 1 of each year, submit a written report of the evaluation to the Department.

7. The Department shall compile the evaluations received pursuant to subsection 6 and submit, on or before January 1 of each year, a written report of the compilation, a summary of the effectiveness of the programs and any recommendations for legislation to the Director of the Legislative Counsel Bureau. If the report is submitted during:

(a) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit the report to the next regular session of the Legislature.

(b) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit the report to the Legislative Committee on Education.

Sec. 4. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by section 2 of this act the following sums for distribution of grants of money pursuant to section 3 of this act:

For the Fiscal Year 2005–2006	\$50,000,000
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For the Fiscal Year 2006–2007	\$50,000,000”.
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Amend the title of the bill to read as follows:

“AN ACT relating to education; creating the Account for Programs for Innovation and the Prevention of Remediation in the State General Fund; prescribing the process for the submission of applications by schools and distribution of grants of money from the Account; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for Programs for Innovation and the Prevention of Remediation and makes appropriation. (BDR 34-1352)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 856.

Amend sec. 2, page 2, line 37, by deleting “General” and inserting “Highway”.

Amend the bill as a whole by deleting sections 3 and 4, renumbering sections 5 through 10 as sections 3 through 8 and adding a new section designated sec. 9, following sec. 10, to read as follows:

“Sec. 9. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

~~{1-}~~ (a) Notify the registered and legal owner of the motor vehicle by certified mail not later than *21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than 15 days* after placing ~~{a}~~ any other vehicle in storage:

~~{(a)}~~ (1) Of the location where the motor vehicle is being stored;

~~{(b)}~~ (2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

~~{(c)}~~ (3) Of the charge for storage; and

~~{(d)}~~ (4) Of the date and time the vehicle was placed in storage.

~~{2-}~~ (b) If the identity of the registered and legal owners is not readily available, request the necessary information from the Department. The operator shall attempt to notify the owner of the vehicle as soon as possible, but in no case later than ~~{15 days,}~~ :

(1) *Twenty-one days* after identification of the owner is obtained ~~{-~~

~~3-}~~ *if the motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle;*
or

(2) *Fifteen days after identification of the owner is obtained for any other motor vehicle.*

(c) Use all resources reasonably necessary to ascertain the name of the owner of a vehicle and is responsible for making an independent inquiry and correct notification of the owner.

2. *If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following an accident involving the motor vehicle, the operator shall not impose any administrative or processing fee or charge with respect to the vehicle for the period ending 14 days after the date on which the motor vehicle was placed in storage.”.*

Amend the title of the bill by deleting the fourth and fifth lines and inserting: “the terms of a contract or security agreement; revising provisions concerning the notification provided to the owner of a motor vehicle that is towed at the request of a person other than the owner; and providing”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 208.

Bill read second time.

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

Amendment No. 831.

Amend the bill as a whole by deleting sections 2 through 6, renumbering sec. 7 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall contract with the Nevada Beef Council, or its successor organization, for the establishment and administration of a program of education, research and information on beef designed to:*

(a) *Increase the consumption of beef and beef products by members of the general public;*

(b) *Gather, publicize and disseminate accurate and scientific information that emphasizes the importance of the use and consumption of beef and beef products in relation to the public health, the economy, and the diet and proper nutrition of children and adults;*

(c) *Study the methods which are employed in producing, processing, manufacturing, marketing and distributing beef and beef products in order to comply with the sanitary and other regulations which are imposed by local, state and federal governmental entities;*

(d) *Gather and disseminate information regarding the high standards which are observed and imposed upon the cattle industry to ensure the production of pure and wholesome beef and beef products;*

(e) *Gather and disseminate information regarding the harmful effects on the public health resulting from the disintegration or instability of the cattle industry, the factors and conditions unique to the cattle industry which tend to cause an unbalanced production of beef, and the price of beef and beef products in relation to the cost of other items of food in a balanced diet; and*

(f) *Gather and disseminate information regarding the nutritional qualities of beef and beef products, public consumption patterns and trends, and the factors which tend to promote increased consumption of beef and beef products, stabilize the industry and foster an improved understanding and more efficient cooperation among producers and processors of beef and the members of the public who consume beef.*

2. *The contract between the Department and the Nevada Beef Council, or its successor organization, entered into pursuant to subsection 1 must, without limitation:*

(a) *Set forth procedures pursuant to which the Department must collect voluntary contributions for the program of education, research and information on beef;*

(b) *Provide for the remittance of the proceeds from the voluntary contributions collected in accordance with the procedures established*

pursuant to paragraph (a) from the Department to the Nevada Beef Council, or its successor organization;

(c) Provide for reimbursement by the Nevada Beef Council, or its successor organization, to the Department for the reasonable and necessary expenses incurred by the Department in collecting voluntary contributions pursuant to this section; and

(d) Require the Nevada Beef Council, or its successor organization, to prepare an annual budget and submit that budget to the Department for its review.

3. *Voluntary contributions collected by the Department pursuant to this section must be deposited into the State Treasury for credit to the Account for the Program of Education, Research and Information on Beef created by NRS 561.407 and remitted to the Nevada Beef Council, or its successor organization, in accordance with the contract entered into pursuant to subsection 1.*

4. *As used in this section, "Department" means the State Department of Agriculture."*

Amend the title of the bill to read as follows:

"AN ACT relating to the promotion of beef; requiring the State Department of Agriculture to contract with the Nevada Beef Council for the establishment and administration of a program of education, research and information on beef under certain circumstances; requiring the Department to collect voluntary contributions for the program and to submit the money collected from the voluntary contributions to the Nevada Beef Council to carry out the program; and providing other matters properly relating thereto."

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

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

Senate Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 855.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting:
 "law in the courts of this State ~~and~~ at the time of his election or appointment.

(c) Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding his election or appointment, at least 2 years of which has been in this State.

(d) Unless he is a qualified elector and has been a bona fide"

Amend section 1, page 2, line 14, by deleting "(d)" and inserting "~~(d)~~
 (e)".

Amend sec. 2, page 2, by deleting lines 27 through 32 and inserting: “law in the courts of this State ~~[-]~~ *at the time of his election or appointment.*”

(c) *Unless he has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding his election or appointment, at least 2 years of which has been in this State.*

(d) Unless he is a qualified elector and has been a bona fide”.

Amend sec. 2, page 2, line 35, by deleting “(d)” and inserting “~~[(d)]~~ (e)”.

Amend sec. 3, page 3, line 29, by deleting “1999.” and inserting “~~[1999.]~~ 2001.”.

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

“Sec. 4. 1. The Legislature hereby finds and declares that:

(a) The State of Nevada continues to have the highest rate of population growth in the country;

(b) The growth in population has also caused the volume of cases filed in the courts of this State to grow exponentially;

(c) This increased caseload has placed a large burden on the Nevada Supreme Court to review and decide appeals from the lower courts;

(d) The burden on the judiciary has caused concern about the adequacy of the current judicial structure;

(e) The Legislature has a duty to provide for the funding of the State, including for a portion of the funding for the courts in this State; and

(f) To ensure its ability to appropriately budget and provide for the needs of the Judicial Branch of State Government, it would be beneficial to the Legislature if the Nevada Supreme Court would conduct a study and submit a report of the study with recommendations to the 74th Session of the Nevada Legislature analyzing whether the State of Nevada would benefit from the establishment of an intermediate appellate court which includes consideration of:

(1) The increase in the number of cases submitted to each level of court in this State during the last 5 years;

(2) The effect that the establishment of an intermediate appellate court would have on the other courts in this State;

(3) The impact that the establishment of an intermediate appellate court would have on the judicial process in this State; and

(4) Any other matter relevant to the consideration of the establishment of an intermediate appellate court in this State.

2. If the Nevada Supreme Court recommends the establishment of an intermediate appellate court in this State, it would be beneficial for the study and report to include an analysis of:

(a) The appropriate number, qualifications and terms of judges who would serve on such a court;

(b) The facilities and staff that would be necessary for such a court;

(c) The jurisdiction to be assigned to such a court;

(d) The manner in which such a court would be integrated into the Judicial Branch of State Government; and

(e) The cost of establishing an intermediate appellate court and the fiscal impact that creating such a court would have on the other courts in this State.”.

Amend the title of the bill, third line, after “peace;” by inserting: “urging the Supreme Court to conduct a study of the need for the establishment of an intermediate appellate court in this State;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises qualifications for certain judges and justices and urges Supreme Court to study need for establishment of intermediate appellate court.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 252.

Bill read second time.

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

Amendment No. 900.

Amend the bill as a whole by renumbering sections 21 and 22 as sections 22 and 23 and adding a new section designated sec. 21, following sec. 20, to read as follows:

“Sec. 21. Section 1.050 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as amended by Chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~Four Councilmen.~~ *One Councilman from each ward.*

(c) One or more Municipal Judges, as determined pursuant to section 4.005. ~~[of this Charter.]~~

2. Such officers must be elected as provided by this Charter.”.

Amend the bill as a whole by renumbering sections 23 and 24 as sections 25 and 26 and adding a new section designated sec. 24, following sec. 22, to read as follows:

“Sec. 24. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 23 of this act, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. ~~[All Councilmen, including the Mayor,]~~ *Each Councilman* must be voted upon *only* by the registered voters of the ~~[City at large.~~

~~6.] ward that he seeks to represent.~~ Except as otherwise provided in section 5.010, the terms of office of ~~[the Mayor and]~~ the Councilmen are 4 years.

6. *The Mayor must be voted upon by the registered voters of the City at large. Except as otherwise provided in section 5.010, the term of office of the Mayor is 4 years.*

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.”.

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

“Sec. 27. Section 5.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 26 of this act, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the Tuesday after the first Monday in June 2003, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Councilmen, who shall hold office until their successors have been elected and qualified pursuant to subsection 3.

2. On the Tuesday after the first Monday in June 2005, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Councilmen who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

3. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

4. On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.

6. *In a general election:*

(a) *A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be elected by the registered voters of the City at large.”*

Amend the bill as a whole by renumbering sections 26 and 27 as sections 30 and 31 and adding a new section designated sec. 29, following sec. 25, to read as follows:

“Sec. 29. Section 5.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 28 of this act, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the first Tuesday in September preceding the general election.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he must be declared elected to office and his name must not appear on the ballot for the general election.

5. *In a primary election:*

(a) A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.”.

Amend sec. 27, page 22, line 1, before “On” by inserting “1.”.

Amend sec. 27, page 22, after line 5, by inserting:

“2. The City Councilmen for the City of North Las Vegas whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 2, respectively, commencing on December 1, 2006.”.

Amend the bill as a whole by adding a new section designated sec. 32, following sec. 27, to read as follows:

“Sec. 32. 1. This section and sections 1 to 20, inclusive, 22, 23, 25, 26, 28, 30 and 31 of this act become effective on October 1, 2005.

2. Sections 23, 26 and 28 of this act expire by limitation on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.

3. Sections 21, 24, 27 and 29 of this act become effective on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.”.

Amend the title of the bill, ninth line, after “elections;” by inserting: “requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections in certain larger counties. (BDR 24-971)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 254.

Bill read second time.

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

Amendment No. 792.

Amend sec. 3, pages 1 and 2, by deleting lines 10 through 17 on page 1 and lines 1 through 3 on page 2, and inserting:

“Sec. 3. 1. *Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless his parents or guardian submit to the operator of the accommodation facility written*

documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that he has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Health Division of the Department, on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.”.

Amend sec. 4, page 2, by deleting lines 20 through 24 and inserting: “facility to attend to the needs of the child if the parent or guardian does so in an area of a bathroom facility that is designated for use by”.

Amend sec. 7, page 2, by deleting lines 40 and 41 and inserting:

“432A.230 *Except as otherwise provided in section 3 of this act for accommodation facilities:*

1. Except as otherwise provided in subsection 3 and unless excused because of religious”.

Amend the bill as a whole by renumbering sec. 8 as sec. 10 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

“Sec. 8. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child’s parents or guardian prohibits the immunization of the child as required by NRS 432A.230 ~~or section 3 of this act~~, a written statement of this fact signed by the parents or guardian and presented to the operator of the facility exempts the child from the provisions of that section for purposes of admission.

Sec. 9. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit him to be immunized to the extent required by NRS 432A.230 ~~or section 3 of this act~~, a written statement of this fact signed by a licensed physician and presented to the operator of the facility by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 ~~or section 3 of this act~~, as the case may be, for purposes of admission.”.

Amend sec. 8, page 4, by deleting lines 2 and 3 and inserting:

“432A.260 If, after a child has been admitted to a child care facility,”.

Amend sec. 8, page 4, line 6, after “certificates” by inserting: “*or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to section 3 of this act*”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 8, to read as follows:

“Sec. 11. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his child from the child care facility to which he has been admitted when retention in the facility is prohibited under the provisions of NRS 432A.230, 432A.260 or 432A.270 *or section 3 of this act* is guilty of a misdemeanor.”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 854.

Amend section 1, page 2, by deleting lines 4 through 6, and inserting: “*child who is 7 years of age or younger shall not knowingly and intentionally leave that child in a motor vehicle if:*

(a) *The conditions present a significant risk to the health and safety of the child; or*

(b) *The engine of the motor vehicle is running or the keys to the vehicle are in the ignition,*

unless the child is being supervised by and within the sight of a person who is at least 12 years of age.”.

Amend section 1, page 2, line 24, after “5.” by inserting: “*The provisions of this section do not apply to a person who unintentionally locks a motor vehicle with a child in the vehicle.*

6.”.

Amend the title of the bill to read as follows:

“AN ACT relating to crimes; prohibiting a person from knowingly and intentionally leaving a child who is 7 years of age or younger in a motor vehicle without certain supervision in certain circumstances; authorizing a prosecuting attorney to inquire into and inspect sealed records concerning such an offense under certain circumstances; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from knowingly and intentionally leaving child who is 7 years of age or younger in motor vehicle without certain supervision in certain circumstances. (BDR 15-14)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 315.

Bill read second time and ordered to third reading.

Senate Bill No. 346.

Bill read second time and ordered to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 796.

Amend sec. 4, page 2, by deleting lines 13 through 21 and inserting:

“Sec. 4. “*Vulnerable person*” means a person who:

1. *Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or*

2. *Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.”.*

Amend sec. 10, pages 5 and 6, by deleting lines 33 through 43 on page 5 and lines 1 through 8 on page 6, and inserting:

~~“2. [In addition to any other penalty, the court shall order a public officer or public employee convicted of violating subsection 1 to pay restitution, including without limitation any attorney’s fees and costs incurred to:~~

~~(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and~~

~~(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1.~~

~~3.] A public officer or public employee who violates subsection 1 by obtaining and using the personal identifying information of an older person or a vulnerable person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$100,000.~~

3. *Except as otherwise provided in subsection 4, a public”.*

Amend sec. 10, page 6, line 20, by deleting “~~{4-} 5.~~” and inserting “4.”.

Amend sec. 10, page 6, line 21, by deleting “4” and inserting “3”.

Amend sec. 10, page 6, by deleting line 28 and inserting:

“5. *Except as otherwise provided in subsection 6, a public”.*

Amend sec. 10, page 6, line 33, by deleting “7.” and inserting “6.”.

Amend sec. 10, page 6, line 34, by deleting “6” and inserting “5”.

Amend sec. 10, page 6, line 42, by deleting “8.” and inserting “7.”.

Amend sec. 10, page 7, between lines 2 and 3, by inserting:

“8. *In addition to any other penalty, the court shall order a public officer or public employee convicted of violating any provision of this section to pay restitution, including, without limitation, any attorney’s fees and costs incurred to:*

(a) Repair the credit history or rating of the person whose personal identifying information the public officer or public employee obtained and used in violation of subsection 1; and

(b) Satisfy a debt, lien or other obligation incurred by the person whose personal identifying information the public officer or public employee obtained and used in violation of this section.”.

Amend sec. 14, page 9, line 10, after “3.” by inserting: “An issuer that is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

4.”.

Amend sec. 17, page 10, line 21, by deleting “26,” and inserting “28,”.

Amend sec. 21, page 11, by deleting lines 6 and 7 and inserting: “lawfully made available to the general public.”.

Amend the bill as a whole by renumbering sections 25 through 28 as sections 27 through 30 and adding new sections designated sections 25 and 26, following sec. 24, to read as follows:

“Sec. 25. A data collector who provides the notification required pursuant to section 24 of this act may commence an action for damages against a person that unlawfully obtained or benefited from personal information obtained from records maintained by the data collector. A data collector that prevails in such an action may be awarded damages which may include, without limitation, the reasonable costs of notification, reasonable attorney’s fees and costs and punitive damages when appropriate. The costs of notification include, without limitation, labor, materials, postage and any other costs reasonably related to providing the notification.

Sec. 26. In addition to any other penalty provided by law for the breach of the security of the system data maintained by a data collector, the court may order a person who is convicted of unlawfully obtaining or benefiting from personal information obtained as a result of such breach to pay restitution to the data collector for the reasonable costs incurred by the data collector in providing the notification required pursuant to section 24 of this act, including, without limitation, labor, materials, postage and any other costs reasonably related to providing such notification.”.

Amend sec. 27, page 13, by deleting lines 23 through 26 and inserting:

“1. A business in this State shall not transfer any personal information of a customer through an electronic transmission other than a facsimile to a person outside of the secure system of the business unless the business uses encryption to ensure the security of the electronic transmission. A secure system must not be accessible to any person outside of the business.”.

Amend sec. 28, page 13, line 34, by deleting “27,” and inserting “28,”.

Amend sec. 28, page 13, after line 35, by inserting:

“3. Section 29 of this act becomes effective on October 1, 2008.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 852.

Amend sec. 3, page 2, lines 22 and 25, after “Foundation” by inserting:
“or any successor organization”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 354.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 838.

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

“Section 1. NRS 386.580 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(a) With disabilities;

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

(c) Who are at risk.

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

Amend sec. 2, page 4, line 18, after “school” by inserting: “*that is designed exclusively for the enrollment of pupils with disciplinary problems*”.

Amend sec. 3, page 4, line 36, after “district” by inserting: “*or a charter school, if the charter school offers the applicable program,*”.

Amend sec. 3, page 5, line 5, after “district” by inserting: “*or charter school*”.

Amend sec. 3, page 5, line 8, after “district” by inserting: “*or the governing body of the charter school*”.

Amend sec. 3, page 5, line 17, after “school” by inserting: “*that is designed exclusively for the enrollment of pupils with disciplinary problems*”.

Amend the title of the bill, first line, after “pupils;” by inserting: “removing the requirement that a charter school formed for pupils with disciplinary problems be designed for a single gender;”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

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

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 882.

Amend section 1, pages 2 and 3, by deleting lines 39 through 45 on page 2 and lines 1 through 4 on page 3, and inserting:

“(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed ~~[\$1,000.]~~ \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the ~~[\$1,000.]~~ \$15,000 bears to the whole annual premium paid.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 814.

Amend the bill as a whole by renumbering sections 1 through 8 as sections 2 through 9 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) *A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;*

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

~~[(d)]~~ (e) A temporary or extended order issued pursuant to NRS 200.591, shall be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a term equal to and in addition to the term of imprisonment prescribed by statute for that crime. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. The sentence prescribed by this section runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

2. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, or battery which results in substantial bodily harm if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.”

Amend sec. 3, page 3, line 24, by deleting “1.”.

Amend sec. 3, pages 3 and 4, by deleting lines 28 through 43 on page 3 and lines 1 through 3 on page 4.

Amend sec. 5, page 6, line 2, by deleting “1.” and inserting “[1.]”.

Amend sec. 5, page 6, by deleting lines 5 through 26 and inserting:
“by law for the act that constitutes the violation of the order. ~~If the violation is accompanied by a violent physical act by that person against a person protected by the order, the court shall:~~

~~(a) Impose upon the person who violated the order a fine of \$1,000 or require him to perform a minimum of 200 hours of community service;~~

~~(b) Sentence the person who violated the order to imprisonment for not fewer than 5 days nor more than 6 months;~~

~~(c) Order the person who violated the order to reimburse the employer, in an amount determined by the court, for all costs and attorney’s fees incurred by the employer in seeking to enforce the order, and for all medical expenses~~

of the employer and any person protected by the order that were incurred as a result of the violent physical act; and

~~(d) Order the person who violated the order to participate in an complete a program of professional counseling, at his own expense, if such counseling is available.~~

~~2. The person who violates a temporary or extended order for protection against harassment in the workplace shall comply with the order for reimbursement of the employer or any other person protected by the order before paying a fine imposed pursuant to this section.]”.~~

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 795.

Amend section 1, page 2, by deleting lines 8 through 19 and inserting:

“(b) The Attorney General or his designee;

(c) The Director of the Department of Corrections or his designee;

(d) One member who is a representative of the Judicial Branch of State Government, appointed by the Chief Justice of the Supreme Court;

(e) One member appointed by the Nevada Sheriffs and Chiefs Association, or a successor organization;

(f) One member appointed by the Nevada District Attorneys Association, or a successor organization;

(g) One member appointed by the Director of the Department who uses the Central Repository to obtain information relating to records of criminal history for purposes other than criminal justice, which may include, without limitation, for purposes of determining eligibility of persons for employment or licensure;”.

Amend section 1, page 2, line 20, by deleting “(f)” and inserting “(h)”.

Amend section 1, page 2, line 22, by deleting “(g)” and inserting “(i)”.

Amend section 1, page 2, by deleting lines 31 through 33 and inserting:

“4. Each member that is appointed to the Advisory Committee pursuant to subsection 2, other than a member of the Senate or the Assembly, shall serve a term of 3 years. A member of the Senate and the Assembly appointed to the Advisory Committee shall serve until a replacement is appointed. Any vacancy occurring in the membership of the Advisory”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 134.

Bill read second time.

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

Amendment No. 760.

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

“Sec. 10. If a person engages in the practice of interpreting pursuant to subsection 4 of NRS 656A.100 on or before the effective date of this section:

1. Any applicable 3-year limitation prescribed in subsection 4 of NRS 656A.100 that would have expired before July 1, 2007, is extended for that person until July 1, 2007; and

2. The provisions of NRS 656A.800, as amended by this act, do not apply to that person until July 1, 2007,

if the person makes satisfactory and deliberate progress, as determined by the school district, charter school or private school that employs the person, toward complying with the requirements of paragraph (a) or (b) of subsection 3 of NRS 656A.100 during the period of his employment.

Sec. 11. 1. The Legislative Committee on Persons with Disabilities shall, during the 2005–2007 interim, conduct a study to determine:

(a) The manner by which school districts can adequately and successfully meet the needs of pupils who are deaf and pupils who are hearing impaired, including, without limitation, ensuring that persons who provide interpreting services to those pupils are certified pursuant to NRS 656A.100;

(b) The manner by which community service agencies in this State can adequately and successfully meet the needs of the residents of this State who are deaf and the residents who are hearing impaired, including, without limitation, the provision of accessible communications;

(c) The feasibility of developing alternative methods of pooling resources among various agencies to better serve the needs of the deaf and hearing impaired community; and

(d) Methods by which this State and the local governments of this State can meet the growing demand for trained and certified interpreters and communication facilitators who facilitate accessible communications.

2. In conducting the study pursuant to subsection 1, the Legislative Committee on Persons with Disabilities shall work in consultation with and solicit advice and recommendations from the Department of Human Resources, the Office of Disability Services of the Department of Human Resources and the Deaf and Hard of Hearing Advocacy Resource Center.

3. The Legislative Committee on Persons with Disabilities shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 12. The boards of trustees of the school districts in this State shall review the salaries paid to persons who provide interpreting services for

pupils who are deaf and pupils who are hearing impaired, including, without limitation, a comparison of whether those salaries are commensurate with the salaries that are paid to similarly qualified persons employed by school districts in this State as well as salaries that are paid to persons in other states who provide interpreting services to pupils.

Sec. 13. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 11 and 12 of this act become effective on July 1, 2005.

3. Sections 1 to 9, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, fourth line, after “penalty;” by inserting: “extending the effective date for the application of penalties to certain persons who engage in the practice of interpreting in public schools and private schools; requiring the Legislative Committee on Persons with Disabilities to study certain issues related to the provision of communication services for pupils who are deaf or hearing impaired and for all residents of this State who are deaf or hearing impaired; requiring the boards of trustees of school districts to review certain information related to the salaries of persons who provide interpreting services in public schools;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires providers of Communication Access Realtime Translation to be qualified and makes various changes related to practice of interpreting. (BDR 54-142)”.

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. 146.

Bill read second time.

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

Amendment No. 940.

Amend sec. 6, page 4, line 16, before “An” by inserting “1.”.

Amend sec. 6, page 4, between lines 35 and 36, by inserting:

“2. *In adopting regulations setting forth the criteria and colors to be used pursuant to this section, the Public Utilities Commission of Nevada shall use nationally accepted standards for the identifying criteria and colors for marking subsurface installations.*”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 152.

Bill read second time.

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

Amendment No. 720.

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

“Sec. 7. NRS 640.275 is hereby amended to read as follows:

640.275 1. The Board may issue, without examination, a temporary license to practice as a physical therapist’s assistant to a person who:

- (a) Meets all of the other qualifications of NRS 640.230; and
- (b) Certifies that he has been assigned to the State of Nevada on a temporary basis to assist in a medical emergency.

2. The Board may charge a fee, not to exceed \$100, for the issuance of a temporary license.

3. A student who is enrolled in a program to become a physical therapist’s assistant is not required to be licensed during his clinical training if his work is performed under the direct supervision of a physical therapist.

4. *A person who has applied for licensure as a physical therapist’s assistant and who meets the qualifications set forth in NRS 640.230, except subsection 5 thereof, is temporarily exempt from licensure and may practice as a physical therapist’s assistant during the period of the temporary exemption if:*

(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;

(b) The Board has approved the person to sit for the examination required pursuant to NRS 640.230;

(c) The person has not previously failed an examination for licensure as a physical therapist’s assistant;

(d) The person practices as a physical therapist’s assistant under the direct supervision of a supervising physical therapist and in accordance with the provisions of this chapter and the regulations of the Board; and

(e) The person complies with any other requirements of the Board to practice as a physical therapist’s assistant during the period of the temporary exemption.

5. *The temporary exemption authorized by subsection 4 begins on the date on which the Board notifies the person that he may practice as a physical therapist’s assistant under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person:*

(a) Shall not use as his title or professional credentials the words, letters or insignia “P.T.A.” or “Physical Therapist’s Assistant,” or any other letters, words or insignia indicating or implying that he is a licensed physical therapist’s assistant.

(b) Is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed physical therapist’s assistant.”.

Amend sec. 7, page 5, line 17, by deleting: “5 and 6” and inserting: “5, 6 and 7”.

Amend the title of the bill by deleting the fifth line and inserting: “physical therapy or to practice as a physical therapist’s assistant under a temporary exemption from”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 857.

Amend sec. 3, page 2, by deleting lines 9 through 18 and inserting:

“Sec. 3. 1. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.

2. All sales of real property must be made:

(a) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.

(b) In a county with a population of 100,000 or more, at the public location in the county designated by the governing body of the county for that purpose.”.

Amend sec. 7, page 7, by deleting lines 17 through 20 and inserting: ~~“the trustee or not.”~~ by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;”.

Amend sec. 7, page 7, by deleting lines 27 and 28 and inserting: *“the county where the property is situated.”.*

Amend sec. 7, page 7, line 32, after “redemption.” by inserting: *“A person who purchases property pursuant to this section is not a bona fide purchaser, and the sale may be declared void if the trustee or other person authorized to make the sale does not substantially comply with the provisions of this section.”.*

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed,

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

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 226.

Bill read second time.

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

Amendment No. 705.

Amend sec. 2, page 3, by deleting lines 31 and 32 and inserting:

“2. The provisions of subsection 1 apply only to treatment or other services provided by the”.

Amend sec. 2, page 3, by deleting lines 38 through 41.

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

“Sec. 6. Sections 1, 2, 3 and 4 of Senate Bill No. 121 of this session are hereby repealed.”.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 6, to read as follows:

“TEXT OF REPEALED SECTIONS

Section 1. NRS 616C.135 is hereby amended to read as follows:

616C.135 1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any services that are not related to the employee’s industrial injury or occupational disease.

2. The insurer is liable for the charges for approved services related to the industrial injury or occupational disease if the charges do not exceed:

(a) The fees established in accordance with NRS 616C.260 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer or the contract between the provider of health care and the organization for managed care.

3. A provider of health care may accept payment from an injured employee who is paying in protest or from a health or casualty insurer paying on behalf of the injured employee pursuant to NRS 616C.138 for treatment or other services that the injured employee alleges are related to the industrial injury or occupational disease.

4. If a provider of health care, an organization for managed care, an insurer or an employer violates the provisions of this section, the

Administrator shall impose an administrative fine of not more than \$250 for each violation.

Sec. 2. NRS 616C.138 is hereby amended to read as follows:

616C.138 1. If:

~~{1.}~~ (a) An insurer, an organization for managed care, a third-party administrator or an employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies authorization or responsibility for payment for treatment or other services provided by a provider of health care that the injured employee alleges are related to an industrial injury or occupational disease;

~~{2.}~~ (b) The injured employee pays in protest for the treatment or other services ~~}; and~~

~~3.}~~ or a health or casualty insurer pays for the treatment or other services on behalf of the injured employee; and

(c) A hearing officer or appeals officer ultimately determines that the treatment or other services should have been covered, or the insurer, organization for managed care, third-party administrator or employer who provides accident benefits subsequently accepts responsibility for payment,

the hearing officer or appeals officer shall order the insurer, organization for managed care, third-party administrator or employer who provides accident benefits to pay to the ~~{provider of health care}~~ injured employee or the health or casualty insurer the amount which ~~the injured employee or the health or casualty insurer paid~~ that is allowed for the treatment or other services set forth in the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract.

2. *If the injured employee or the health or casualty insurer paid the provider of health care any amount in excess of the amount that the provider would have been entitled to be paid pursuant to subsection 1, the injured employee or the health or casualty insurer is entitled to recover the excess amount from the provider. Within 30 days after receiving ~~{the payment,}~~ notice of such an excess amount, the provider of health care shall reimburse the injured employee or the health or casualty insurer for the excess amount. ~~{paid in protest by him.}~~*

3. *As used in this section:*

(a) "Casualty insurer" means an insurer or other organization providing coverage or benefits under a policy or contract of casualty insurance in the manner described in subsection 2 of NRS 681A.020.

(b) "Health insurer" means an insurer or other organization providing health coverage or benefits in accordance with state or federal law.

Sec. 3. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay *to the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

7. The hearing officer shall render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

8. The hearing officer shall render his decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

9. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

10. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

Sec. 4. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator

pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

5. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay *to the appropriate person* the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

6. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

7. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

8. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.”.

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. 381.

Bill read second time.

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

Amendment No. 761.

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

“design, approval or modification of manufactured homes, mobile homes or commercial coaches.”.

Amend section 1, page 1, line 12, after *“permit,”* by inserting *“and”*.

Amend section 1, page 1, line 14, by deleting *“permits; and”* and inserting *“permits.”.*

Amend section 1, page 2, by deleting lines 1 and 2.

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

“Sec. 2. NRS 489.287 is hereby amended to read as follows:

489.287 1. Except as otherwise provided in subsection 2, a city or county building department [shall] *may, with the written approval of the Division,* enforce all regulations adopted pursuant to this chapter and make all inspections within its jurisdiction required by those regulations regarding the installation and tie down of manufactured homes, mobile homes or commercial coaches. Those inspections must be conducted in compliance

with the provisions of this chapter and the regulations adopted pursuant to this chapter.

2. If a city or county building department fails to enforce the regulations adopted pursuant to this chapter or make the inspections required by subsection 1, the Division shall enforce those regulations and make the inspections in that jurisdiction, and may, at no cost to the local governing body, engage an independent contractor to perform any inspection.

Sec. 3. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as *otherwise* provided by NRS 489.331, no person may engage in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State, or be entitled to any other license or permit required by this chapter, until he has applied for and has been issued a license by the Division.

2. *For the purposes of this section, a person engages in the business of a dealer, manufacturer, rebuilder, serviceman or installer in this State if he, without limitation, submits a bid to perform any activity requiring a license pursuant to this section.*

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.”.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: “relating to manufactured homes, mobile homes or commercial coaches; requiring that a city or county building department have the written approval of the Division before enforcing regulations and making inspections regarding the installation and tie down of certain structures; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to manufactured homes, mobile homes and commercial coaches. (BDR 43-1325)”.

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. 389.

Bill read second time.

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

Amendment No. 909.

Amend section 1, page 1, line 3, by deleting “32,” and inserting “33.”.

Amend sec. 14, page 2, line 33, by deleting “26” and inserting “27”.

Amend sec. 15, pages 2 and 3, by deleting lines 36 through 45 on page 2 and lines 1 through 7 on page 3, and inserting:

“1. *In the case of counties:*

(a) *A drainage and flood control project, as defined in NRS 244A.027;*

(b) *An overpass project, as defined in NRS 244A.037;*

(c) *A sewerage project, as defined in NRS 244A.0505;*

(d) A street project, as defined in NRS 244A.053;

(e) An underpass project, as defined in NRS 244A.055; or

(f) A water project, as defined in NRS 244A.056.

2. In the case of cities:

(a) A drainage project or flood control project, as defined in NRS 268.682;

(b) An overpass project, as defined in NRS 268.700;

(c) A sewerage project, as defined in NRS 268.714;

(d) A street project, as defined in NRS 268.722;

(e) An underpass project, as defined in NRS 268.726; or

(f) A water project, as defined in NRS 268.728.”.

Amend the bill as a whole by deleting sec. 16 and adding:

“Sec. 16. (Deleted by amendment.)”.

Amend sec. 17, pages 3 and 4, by deleting lines 39 through 45 on page 3 and lines 1 through 12 on page 4, and inserting:

“Sec. 17. 1. Except as otherwise provided in subsections 2, 3 and 4, the governing body of a municipality, on the behalf and in the name of the municipality, may designate a tax increment area comprising any specially benefited zone within the municipality designated for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of an undertaking, including, without limitation, the condemnation of property for an undertaking, as supplemented by the Local Government Securities Law, except as otherwise provided in this chapter.”.

Amend sec. 17, page 4, line 13, by deleting “3.” and inserting “2.”.

Amend sec. 17, page 4, line 18, by deleting “4.” and inserting “3.”.

Amend sec. 17, page 4, line 22, by deleting “5.” and inserting “4.”.

Amend sec. 25, page 10, line 20, by deleting “26” and inserting “27”.

Amend the bill as a whole by renumbering sections 26 through 35 as sections 27 through 36 and adding a new section designated sec. 26, following sec. 25, to read as follows:

“Sec. 26. The provisions of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to this chapter.”.

Amend sec. 26, page 12, between lines 8 and 9 by inserting:

“(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

4. The provisions of paragraph (a) of subsection 3 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.”.

Amend sec. 26, page 12, line 9, by deleting “4.” and inserting “5.”.

Amend sec. 29, page 13, line 43, by deleting “26” and inserting “27”.

Amend sec. 33, page 15, line 2, by deleting “32,” and inserting “33.”.

Amend sec. 34, page 15, line 10, by deleting “27” and inserting “28”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for creation of tax increment areas by municipalities to defray costs of certain undertakings. (BDR 22-815)”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 956.

Amend section 1, page 2, line 36, by deleting “*section,*” and inserting: “*section in an establishment for which a nonrestricted license has been issued,*”.

Amend section 1, page 2, by deleting lines 39 through 41 and inserting:

“(4) *Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.*

(5) *Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.*

(6) *Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin or disability of the*”.

Amend section 1, page 3, line 3, after “*licensee*” by inserting: “*who holds a nonrestricted license*”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 881.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 36 as sections 1 through 35.

Amend sec. 11, page 10, lines 7 and 12, by deleting “8” and inserting “7”.

Amend sec. 12, page 10, lines 25 and 30, by deleting “9” and inserting “8”.

Amend sec. 13, page 10, line 36, by deleting “9” and inserting “8”.

Amend sec. 14, page 11, lines 20, 24, 26 and 29, by deleting “10” and inserting “9”.

Amend the bill as a whole by deleting sections 37 through 40, renumbering sections 41 and 42 as sections 36 and 37.

Amend sec. 41, pages 41 and 42, by deleting lines 41 through 45 on page 41 and lines 1 through 3 on page 42.

Amend the bill as a whole by renumbering sec. 43 as sec. 47 and adding new sections designated sections 38 through 46, following sec. 42, to read as follows:

“Sec. 38. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. 1. *A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:*

(a) Is known to the notary public; or

(b) If unknown to the notary public, provides documentary evidence of identification to the notary public.

2. *A person who:*

(a) Violates the provisions of subsection 1; or

(b) Aids and abets a notary public to commit a violation of subsection 1, is guilty of a gross misdemeanor.

Sec. 40. 1. *Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication to verify that the signature of the notarial officer on a document is genuine and that the notarial officer holds the office indicated on the document. If the document:*

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in the United States or in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. *The Secretary of State shall not issue an authentication pursuant to subsection 1 if:*

(a) The document has not been notarized in accordance with the provisions of this chapter; or

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or unlawful purpose.

Sec. 41. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act*, unless the context otherwise requires, the words and terms

defined in NRS 240.002 to 240.005, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to an agency of this State or a political subdivision of this State.

Sec. 43. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

3. A notary public may cancel his appointment by submitting a written notice to the Secretary of State.

4. It is unlawful for a person to:

(a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

5. *The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.*

Sec. 44. NRS 240.033 is hereby amended to read as follows:

240.033 1. The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the notary public which violates a provision of NRS 240.001 to 240.169, inclusive ~~[]~~, *and sections 39 and 40 of this act*. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days' written notice to the Secretary of State and notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the notary public in writing that his appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of a notary public whose appointment has been suspended pursuant to subsection 5, if the notary public, before his current term of appointment expires:

(a) Submits to the Secretary of State:

(1) An application for an amended certificate of appointment as a notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk.

(b) Pays to the Secretary of State a fee of \$10.

Sec. 45. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, *and section 40 of this act* may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 46. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; or
- (c) A person authorized by the law of that jurisdiction to perform notarial acts.

~~2. [An "apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.]~~

~~3.]~~ A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

~~[4.]~~ 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

~~[5.]~~ 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

~~[6.]~~ 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.”.

Amend the title to read as follows:

“AN ACT relating to entities regulated by the Secretary of State; revising various provisions concerning the timing, form and contents of certain filings by various business entities; clarifying that certain corporations and associations which are homeowners’ associations must comply with certain requirements; prohibiting a notary public from willfully notarizing the signature of a person in certain circumstances; making various other changes concerning notaries public; providing that a person who knowingly files a forged or false record is subject to civil liability under certain circumstances; establishing certain fees for services provided to business entities; making

various other changes concerning business entities; providing a penalty; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning business entities and notaries public. (BDR 7-576)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 955.

Amend section 1, page 1, line 3, after “*person*,” by inserting:

“*other than a party to the lease contract, retail installment contract or security agreement*,”.

Amend section 1, page 2, by deleting lines 2 through 7 and inserting: “*contract or agreement*.”.

Amend section 1, page 2, by deleting lines 15 and 16 and inserting: “*provisions of this section is guilty of a gross misdemeanor*.”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which were referred Assembly Bill No. 498; Senate Bill No. 125, 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 Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bills Nos. 118, 282, 296, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 153, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 385, 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 Ways and Means, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegura moved that Assembly Bills Nos. 403, 498; Senate Bills Nos. 115, 118, 125, 153, 218, 219, 282, 296, 420, 445 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

SECOND READING AND AMENDMENT

Assembly Bill No. 403.

Bill read second time.

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

Amendment No. 966.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting: "of NRS 389.015 to the contrary, the Department of Education shall:

(a) On or before September 1, 2005, release one form of the mathematics portion of the high school proficiency examination; and

(b) On or before May 1, 2006, release one form of the reading portion of the high school proficiency examination.

Each form that is released must be obtained from a current version".

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 498.

Bill read second time.

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

Amendment No. 922.

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

“Sec. 3. Section 10 of Assembly Bill No. 489 of this session is hereby amended to read as follows:

Sec. 10. 1. The Legislative ~~{Commission}~~ *Committee for Local Government Taxes and Finance* shall conduct an interim study of the taxation of real property in this State.

2. ~~{A subcommittee must be appointed for the study consisting of three members of the Senate appointed by the Majority Leader of the Senate and three members of the Assembly appointed by the Speaker of the Assembly.}~~

~~3.}~~ The study must include, without limitation:

(a) A review of the laws of this State governing the valuation, assessment and taxation of real property;

(b) An examination of:

(1) The factors which have contributed to the increasing amount of taxes paid by property owners in this State, including, without limitation, changes in population and property values; and

(2) The manner and extent to which those factors may impose an excessive burden on the taxpayers in any county of this State; and

(c) A determination of how those laws could be amended to ease the burdens resulting from those factors in a fair and equitable manner.

~~{4.}~~ 3. In conducting the study, the ~~{subcommittee}~~ *Legislative Committee for Local Government Taxes and Finance* shall seek information and suggestions from experts in the assessment and taxation of real property.

~~{5.}~~ 4. Any recommended legislation proposed by the ~~{subcommittee}~~ *Legislative Committee for Local Government Taxes and Finance* must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the ~~{subcommittee}~~

~~6.}~~ *Legislative Committee for Local Government Taxes and Finance.*

5. The Legislative ~~{Commission}~~ *Committee for Local Government Taxes and Finance* shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Sec. 4. 1. The Legislative Committee for Local Government Taxes and Finance shall conduct an interim study concerning the feasibility of consolidating local governmental entities and services within the urbanized areas of a county.

2. In conducting the study, the Legislative Committee for Local Government Taxes and Finance shall:

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

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

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

(d) Consider any other matter that the Legislative Committee for Local Government Taxes and Finance determines is relevant to the study.

3. Any recommended legislation proposed by the Legislative Committee for Local Government Taxes and Finance must be approved by a majority of the members of the Senate and a majority of the members of the Assembly who are appointed to the Legislative Committee for Local Government Taxes and Finance.

4. The Legislative Committee for Local Government Taxes and Finance shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill, third line, after “Finance;” by inserting:

“directing the Committee to conduct an interim study of the taxation of real property; directing the Committee to conduct an interim study of the feasibility of consolidating certain local governmental entities and services;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning the Legislative Committee for Local Government Taxes and Finance. (BDR S-421)”.

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. 115.

Bill read second time.

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

Amendment No. 821.

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

“(a) *Receive security briefings relating to acts of terrorism;*

(b) *Discuss procedures for responding to acts of terrorism;*”.

Amend section 1, page 2, line 11, by deleting “*infrastructure,*” and inserting: “*infrastructure relating to acts of terrorism; or*

(d) *Discuss a response plan, as described in NRS 239C.250;*”.

Amend section 1, page 2, line 34, after “5.” by inserting: “*The governing body of a local government or an advisory body to such a governing body shall provide a copy of all minutes and audiovisual, electronic or other reproductions of a meeting or portion of a meeting closed pursuant to subsection 1 to the Nevada Commission on Homeland Security not later than 30 days after such meeting or portion of a meeting.*

6.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 118.

Bill read second time.

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

Amendment No. 793.

Amend section 1, page 2, line 3, by deleting “A” and inserting: “*If a board of county commissioners creates an account for the support of the county coroner pursuant to section 5 of this act, a*”.

Amend section 1, page 2, line 4, after “*death*” by inserting: “*originating in that county*”.

Amend section 1, page 2, line 7, by deleting “*the*” and inserting “*any*”.

Amend sec. 2, page 2, line 20, by deleting “*The*” and inserting “*Any*”.

Amend sec. 2, page 2, line 22, after “*various*” by inserting “*participating*”.

Amend sec. 2, page 2, line 23, after “*to*” by inserting “*their*”.

Amend sec. 3, page 3, line 18, by deleting:

“death.....~~[10]~~ 11” and inserting:
“*death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to section 5 of this act.....10*”.

Amend sec. 3, page 3, between lines 18 and 19, by inserting:

“*For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to section 5 of this act.....11*”.

Amend sec. 3, page 3, line 45, after “*death*” by inserting: “*originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to section 5 of this act*”.

Amend sec. 5, page 4, line 34, by deleting “*shall*” and inserting “*may*”.

Amend sec. 5, page 5, line 20, after “259.010” by inserting: “*and which has created an account for the support of the office of the county coroner pursuant to subsection 1*”.

Amend sec. 5, page 5, line 24, after “259.010” by inserting: “*and for which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to subsection 1*”.

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

“AN ACT relating to county coroners; authorizing a board of county commissioners to create an account for the support of the office of the county coroner; increasing the fee to obtain a certified copy of a death certificate originating in that county if the board of county commissioners creates such

an account to provide financial support for the office of the county coroner; authorizing”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 125.

Bill read second time.

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

Amendment No. 901.

Amend the bill as a whole by deleting sections 1 through 22 and adding new sections designated sections 1 through 26, following the enacting clause, to read as follows:

“Section 1. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. ~~In addition to any other requirement~~ *Except as otherwise* provided by law, no person may be a candidate for any office unless, for at least the ~~30~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~{30}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[30]~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

5. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

6. The receipt of information by the Attorney General or district attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 3. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election ~~{,}~~ unless the person named has filed a declaration of candidacy or an

acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~{30}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including, without limitation, a check, which indicates the candidate's name and address.

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

5. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

6. The receipt of information by the city attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 4. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. ~~[In addition to any other requirement]~~ *Except as otherwise provided by law, no person may be a candidate for a city office unless, for at least the ~~[30]~~ 90 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has , in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.*

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

Sec. 5. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, it or he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days immediately preceding the date of the appointment:*

(a) *In this State; and*

(b) *If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.*

2. *The provisions of subsection 1 do not apply if:*

(a) *A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or*

(b) *The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.*

Sec. 6. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days immediately preceding the date of the appointment:*

(a) *In this State; and*

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. *The provisions of subsection 1 do not apply if:*

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 7. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. *Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 90 days immediately preceding the date of the appointment:*

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

~~{2.}~~ 3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

~~{3.}~~ 4. Any vacancy ~~{shall}~~ must be filled by the Governor for the remainder of the unexpired term.

~~{4.}~~ 5. A member appointed to a board, commission or similar body as a representative of the general public ~~{shall}~~ must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. *The provisions of subsection 1 do not apply if:*

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 8. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.*

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possesses his civil rights.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his appointment, he shall, within 90 days after his lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that he is lawfully readmitted for permanent residency as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.* If the person fails to submit such evidence within the prescribed time, his appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his term of appointment as a notary public expires, an affidavit which contains the information required pursuant to subsection 2 of NRS 240.030.

Sec. 9. NRS 248.005 is hereby amended to read as follows:

248.005 1. ~~[No]~~ *In addition to any other requirement or restriction provided by law, no person is eligible to the office of sheriff unless:*

(a) He will have attained the age of 21 years on the date he would take office if so elected; and

(b) He is a qualified elector.

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

Sec. 10. NRS 258.005 is hereby amended to read as follows:

258.005 1. ~~[No]~~ *In addition to any other requirement or restriction provided by law, no person is eligible to the office of constable unless:*

(a) He will have attained the age of 21 years on the date he would take office if so elected or appointed; and

(b) He is a qualified elector.

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

Sec. 11. Section 2.010 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

Sec. 2.010 Board of Supervisors: Qualifications; election; term of office.

1. The legislative power of Carson City is vested in a Board of Supervisors consisting of five Supervisors, including the Mayor.

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents, except that changes effected in the boundaries of a ward pursuant to the provisions of section 1.060 do not affect the right of any elected Supervisor to continue in office for the term for which he was elected.

4. All Supervisors, including the Mayor, must be voted upon by the registered voters of Carson City at large and shall serve for terms of 4 years.

Sec. 12. Section 4.030 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 96, Statutes of Nevada 1997, at page 182, is hereby amended to read as follows:

Sec. 4.030 Municipal Court: Judges.

1. The justices of the peace of Carson City are ex officio judges of the Municipal Court of Carson City which consists of at least two departments.

2. The Board of Supervisors may by ordinance establish a third department of the Municipal Court. The judge of this department must be:

(a) A resident of Carson City for a continuous 6-month period immediately preceding ~~this election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector.

3. If a third department of the Municipal Court is established, the municipal judge elected for that department serves for a term of 6 years.

4. The Board may appoint a municipal judge for a part-time or temporary position. The Board shall establish the hours of service for this position.

5. The salary of the judges of the Municipal Court must be fixed by the Board and be paid in the same manner as provided for other elected officers.

Sec. 13. Section 2.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least ~~{30}~~ 90 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 14. Section 2.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~{30}~~ 90 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than ~~{30}~~ 90 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.

4. The respective salaries of the Mayor and Councilmen must be fixed by ordinance.

Sec. 15. Section 4.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as amended by Chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~30~~ 90 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the Master Judge must be chosen from among them by the City Council. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 16. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding ~~his election~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least ~~30~~ 90 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 ~~of this Charter~~ will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the ~~office~~ *offices* of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large, and their terms of office are 4 years.

6. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 17. Section 4.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Residency requirement of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately preceding ~~his election~~ *the date of the close of the filing of declarations of candidacy for this office.*

2. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

3. The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

Sec. 18. Section 2.010 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Councilmen and a Mayor.

2. The Mayor and ~~{Councilmen}~~ *one Councilman represent the City at large. The Mayor and that Councilman must be qualified electors who have resided within the City* ~~{. Each Councilman elected from a}~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

3. *One Councilman represents each ward. Each Councilman elected from a ward must* ~~{continue}~~ *:*

(a) *Be a qualified elector who has resided in the ward he represents for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

(b) *Continue to live in that ward for as long as he represents the ward.*

~~{3. The Mayor and one Councilman represent the City at large and one Councilman represents each ward.}~~

4. The Mayor and Councilmen serve for terms of 4 years.

~~{4.}~~ 5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 19. Section 3.060 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector *who has resided within the City* ~~{.}~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.* Once elected, he shall hold office for a term of 4 years and until his successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

- (a) Perform such duties as may be designated by ordinance;
- (b) Be present at all meetings of the City Council;
- (c) Be counsel for the Civil Service Commission;
- (d) Devote his full time to the duties of the office; and
- (e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he may require in the discharge of the duties of his office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it may deem proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 20. Section 4.020 of the Charter of the City of Reno, being Chapter 662, Statutes of Nevada 1971, as last amended by Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

- (a) An attorney licensed to practice law in the State of Nevada.

(b) A qualified elector *who has resided* within the City ~~[-]~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 21. Section 1.060 of the Charter of the City of Sparks, being Chapter 470, Statutes of Nevada 1975, as last amended by Chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:

Sec. 1.060 Elective officers: Qualifications; salaries.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) Five members of the Council.

(c) A City Attorney.

(d) Municipal Judges, the number to be determined pursuant to section 4.010.

2. All elective officers of the City must be:

(a) Bona fide residents of the City for at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.

(c) Registered voters within the City.

3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for the office ~~[-, or, in the case of appointment, 30 days immediately]~~ or preceding the day the office became vacant.

4. The City Attorney must be a licensed member of the State Bar of Nevada.

5. Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.

Sec. 22. Section 2.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen.

2. The Councilmen ~~{shall}~~ *must* be:

(a) Bona fide residents of the City for at least 6 months immediately preceding ~~{their election.}~~ *the date of the close of the filing of declarations of candidacy for these offices.*

(b) Qualified electors in the City.

3. All Councilmen ~~{shall}~~ *must* be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

4. The Councilmen shall receive a salary in an amount fixed by the City Council.

Sec. 23. Section 3.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties.

1. The Mayor ~~{shall}~~ *must* be:

(a) A bona fide resident of the City for at least 6 months immediately preceding ~~{his election.}~~ *the date of the close of the filing of declarations of candidacy for this office.*

(b) A qualified elector in the City.

2. The Mayor shall:

(a) Serve as the Chief Executive and Administrative Officer of the City.

(b) Preside over the meetings of the City Council. He shall not be entitled to vote on any matter before the Council except in case of a tie.

(c) Have the right of veto on any matter passed by the City Council. A three-fourths vote of the Council is necessary to override such a veto.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 24. Section 6 of the Moapa Valley Water District Act, being Chapter 477, Statutes of Nevada 1983, as last amended by Chapter 218, Statutes of Nevada 2001, at page 991, is hereby amended to read as follows:

Sec. 6. Board: Qualifications of members; vacancy.

1. Each member of the Board must:

(a) Actually, as opposed to constructively, reside in the election area represented for at least ~~{30}~~ 90 days immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;

(b) Be a qualified elector of the election area represented; and

(c) Take office upon qualification therefor as provided in subsection 2 ~~{or}~~ or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy on the Board must be filled by an appointment made by the remaining members of the Board. The person so appointed must be, for the 30 days immediately preceding the date of appointment, a resident and elector of the election area represented ~~by~~ and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve until the first Monday in January following the next general district election. If that general district election precedes the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general district election in the same manner as prescribed for the election of other members of the Board. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 25. Section 7 of the Virgin Valley Water District Act, being Chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. Governing Board: Members; vacancies.

1. Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:

(a) Reside in the District for at least 6 months before his appointment or the ~~election at which the member is elected;~~ *date of the close of the filing of declarations of candidacy for this office;*

(b) Be a qualified elector of the District;

(c) If he is elected to office, be elected by a plurality of the qualified electors of the District; and

(d) Take office upon qualification therefor as provided in subsection 3 ~~by~~ or on the first Monday in January next following the member's election or appointment, whichever is later, and leave office upon the first Monday in January next following the election or appointment of the member's successor in office.

2. If the Board establishes various election areas within the District, each member who is elected to the Board must:

(a) Reside in the election area represented for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the election area represented;

(c) Be elected by a plurality of the qualified electors of the election area represented; and

(d) Take office in the manner prescribed in paragraph (d) of subsection 1.

3. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

4. A vacancy in the office of a member who is elected to the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District $\frac{1}{2}$ or , if the board has established various election areas, the election area represented $\frac{1}{2}$ and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his appointment.

Sec. 26. The amendatory provisions of this act do not abrogate or affect the current term of office of any public officer or member of a board, commission, committee, council, authority or similar body who is serving in that term on October 1, 2005.”.

Amend the title of the bill to read as follows:

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

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-153)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 885.

Amend sec. 3, page 4, by deleting lines 30 and 31 and inserting: “*manager, performs or offers to perform any act associated with the foreclosure of a lien*”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Pierce moved that Senate Bill No. 218 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 875.

Amend section 1, page 2, by deleting lines 6 through 11 and inserting: “~~for~~ in the county with respect to ~~highways under its jurisdiction shall, upon application in writing,~~ roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load ~~[, having a width exceeding]~~ that exceeds the legal maximum width ~~but not exceeding 120 inches in width on a highway,~~ , length or height for the vehicle, unless the Department or governing body determines”.

Amend section 1, page 2, line 18, by deleting: “*shall, upon application in writing,*” and inserting: “*may, upon request,*”.

Amend section 1, page 2, lines 19 and 21, by deleting “*highway*” and inserting “*roadway*”.

Amend section 1, page 2, lines 28 and 29, by deleting: “*application in writing,*” and inserting “*request,*”.

Amend section 1, page 3, line 7, after “3.” by inserting: “*Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.*”

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5.”.

Amend section 1, page 3, line 10, by deleting “*highways*” and inserting “~~[highways]~~ roadways”.

Amend section 1, page 3, by deleting line 12 and inserting: “vehicle with a load exceeding ~~{120}~~ 102 inches in width , 14 feet in height or 70 feet in length,”.

Amend section 1, page 3, line 17, after “consistent” by inserting: “, to the greatest extent practicable,”.

Amend section 1, page 3, line 19, by deleting “4.” and inserting “6.”.

Amend section 1, page 3, line 31, by deleting “5.” and inserting “7.”.

Amend section 1, page 3, line 32, after “shall” by inserting: “, to the greatest extent practicable,”.

Amend section 1, page 3, line 33, by deleting “the permit:” and inserting: “a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:”.

Amend section 1, page 3, line 35, by deleting “an application” and inserting “a request”.

Amend section 1, page 3, line 37, by deleting “168” and inserting “144”.

Amend section 1, page 3, line 39, by deleting “an application” and inserting “a request”.

Amend section 1, page 3, line 41, after “than” by inserting: “144 inches but not more than”.

Amend the title of the bill to read as follows:

“AN ACT relating to traffic; authorizing the Department of Transportation and the governing body of a city or county to issue a permit to operate an oversized vehicle under certain circumstances; requiring certain regulations adopted by the governing body of a city or county relating to the issuance of permits for oversized vehicles to be consistent with regulations adopted by the Department; requiring the Department and certain governing bodies to establish an expedited procedure for issuing permits for oversized vehicles under certain circumstances; and providing other matters properly relating thereto.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

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

Senate Bill No. 282.

Bill read second time.

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

Amendment No. 941.

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

Amend sec. 12, page 10, line 28, by deleting “11,” and inserting “10.”.

Amend sec. 13, page 10, line 35, by deleting “12” and inserting “11”.

Amend sec. 13, page 10, line 37, by deleting “11,” and inserting “10.”.

Amend the title of the bill by deleting the nineteenth through twenty-first lines and inserting: "seller, lessor or landlord; providing a".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 296.

Bill read second time.

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

Amendment No. 942.

Amend sec. 2, page 2, by deleting lines 26 through 30 and inserting: "*(a) If the person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and*

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,".

Amend the title of the bill, fifth and sixth lines, by deleting: "a person who is" and inserting: "whether a person has been".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 420.

Bill read second time.

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

Amendment No. 945.

Amend section 1, page 1, by deleting line 11 and inserting: "*pursuant to 42 U.S.C. § 1396r-8(g)(2)(B). Notwithstanding any other provision of law to the contrary, with respect to a meeting closed pursuant to this subsection:*

(a) The Board is not required to provide or cause to be provided notice in any form or manner to the person or persons who will be the subject of the closed meeting; and

(b) The person or persons who will be the subject of the closed meeting need not be identified on the agenda for the meeting.

The provisions of this".

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 851.

Amend sec. 3, page 4, line 21, by deleting “may” and inserting: “[~~may~~] must not be required to”.

Amend sec. 3, page 4, by deleting lines 25 and 26 and inserting: “as proof that he has been restored to ~~the civil rights set forth in subsection 4.]~~ his civil right to vote.”.

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

“Sec. 4. NRS 213.154 is hereby amended to read as follows:

213.154 1. ~~{The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:~~

~~(a) Fulfilled the conditions of his parole for the entire period of his parole; or~~

~~(b) Demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.~~

2.] The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to ~~subsection 1.~~

3.] NRS 213.155.

2. Any amount of restitution that remains unpaid by a person after he has been *dishonorably* discharged from parole constitutes a civil liability as of the date of discharge.

3. *A dishonorable discharge from parole releases the parolee from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution, but does not entitle the parolee to any privilege conferred by NRS 213.155.*

Sec. 5. NRS 213.155 is hereby amended to read as follows:

213.155 1. *The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:*

(a) Fulfilled the conditions of his parole for the entire period of his parole; or

(b) *Demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.*

2. *Any amount of restitution that remains unpaid by a person after he has been honorably discharged from parole constitutes a civil liability as of the date of discharge.*

3. Except as otherwise provided in subsection ~~{2,}~~ 4, a person who receives an honorable discharge from parole : ~~{pursuant to NRS 213.154:}~~

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

(1) The right to vote; and

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

(b) Four years after the date of his honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

~~{2,}~~ 4. Except as otherwise provided in this subsection, the civil rights set forth in subsection ~~{1}~~ 3 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

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

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

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

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

A person described in this subsection may petition ~~{the court in which the person was convicted}~~ a court of competent jurisdiction for an order granting the restoration of his civil rights as set forth in subsection ~~{1,}~~ 3.

~~{3,}~~ 5. Except for a person subject to the limitations set forth in subsection ~~{2,}~~ 4, upon his honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from parole;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from parole;

(c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection ~~{1,}~~ 3; and

(d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection ~~{1,}~~ 3.

~~{4-}~~ 6. Subject to the limitations set forth in subsection ~~{2-}~~ 4, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection ~~{1-}~~ 3, the court shall issue an order restoring the person to the civil rights set forth in subsection ~~{1-}~~ 3. A person must not be required to pay a fee to receive such an order.

~~{5-}~~ 7. A person who has been honorably discharged from parole in this State or elsewhere ~~{may}~~ *must not be required to* present:

(a) Official documentation of his honorable discharge from parole ~~{, if it contains the provisions set forth in subsection 3-}~~; or

(b) A court order restoring his civil rights,
as proof that he has been restored to the civil ~~{rights set forth in subsection 1-}~~

~~6-}~~ *right to vote.*

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

Sec. 6. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2, a person convicted of a felony in the State of Nevada who has served his sentence and has been released from prison:

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

(1) The right to vote; and

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

(b) Four years after the date of his release from prison, is restored to the right to hold office.

(c) Six years after the date of his release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

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

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

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

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as

another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

A person described in this subsection may petition ~~the court in which the person was convicted~~ *a court of competent jurisdiction* for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

- (a) That he has been released from prison;
- (b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison;
- (c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and
- (d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere ~~may~~ *must not be required to* present:

- (a) Official documentation of his release from prison ~~if it contains the provisions set forth in subsection 3;~~ ; or
- (b) A court order restoring his civil rights,
as proof that he has been restored to the civil ~~rights set forth in subsection 1;~~ *right to vote*.

Sec. 7. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of his probation for the entire period thereof;
- (b) Is recommended for earlier discharge by the Division; or
- (c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court,
may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

- (a) Is free from the terms and conditions of his probation.
- (b) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (c) Four years after the date of his honorable discharge from probation, is restored to the right to hold office.
- (d) Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
- (e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.
- (f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.
- (g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.
- (h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.
- (i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

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

A person described in this subsection may petition ~~the court in which the person was convicted~~ a court of competent jurisdiction for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

- (a) That he has received an honorable discharge from probation;
- (b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation;
- (c) The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and
- (d) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (d) of subsection 3.

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

8. A person who has been honorably discharged from probation in this State or elsewhere ~~may~~ *must not be required to* present:

- (a) Official documentation of his honorable discharge from probation ~~if it contains the provisions set forth in subsection 6;~~ ; or
- (b) A court order restoring his civil rights,
as proof that he has been restored to the civil ~~rights set forth in subsection 3;~~ *right to vote.*

Sec. 8. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

- (a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (c) A category E felony after ~~10~~ 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;
- (d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;
- (e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony,

after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after ~~{3}~~ 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of *Criminal* Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court

may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 9. NRS 179.285 is hereby amended to read as follows:

179.285 1. Except as otherwise provided in NRS 179.301 ~~+~~

~~4.—H~~, if the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this State or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this State or ~~any other state may~~ *elsewhere must not be required to* present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the *civil* right to vote . ~~[, to hold office and to serve as a juror.]~~

Sec. 10. Section 71 of Chapter 447, Statutes of Nevada 2003, at page 2735, is hereby amended to read as follows:

Sec. 71. 1. Any person residing in this state who, before July 1, 2003, was:

- (a) Honorably discharged from probation pursuant to NRS 176A.850;
- (b) Pardoned pursuant to NRS 213.090;
- (c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison pursuant to NRS 213.157, in this state or elsewhere, who is not on probation or parole or serving a sentence of imprisonment on July 1, 2003, and who has not had his civil rights restored is hereby restored to the civil rights set forth in subsection 2.

2. A person listed in subsection 1:

- (a) Is immediately restored to the following civil rights:
 - (1) The right to vote; and
 - (2) The right to serve as a juror in a civil action.
- (b) Four years after the date on which he is released from his sentence of imprisonment, is restored to the right to hold office.

(c) Six years after the date on which he is released from his sentence of imprisonment, is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his civil rights restored pursuant to subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person qualifies to have his civil rights restored pursuant to subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 2. A person must not be required to pay a fee to receive such an order.

4. A person who is restored to his civil rights pursuant to this section ~~[may] must not be required~~ to present official documentation that he qualifies to have his civil rights restored pursuant to subsection 1 or a court order restoring his civil rights as proof that he has been restored to the civil ~~[rights set forth in subsection 2.] right to vote.~~

Sec. 11. 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2, a person who was dishonorably discharged from probation or parole before the effective date of this act, until July 1, 2008, may apply to the Division of Parole and Probation of the Department of Public Safety, in accordance with the regulations adopted by the Division pursuant to the provisions of this section, to request that his dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole.

2. A person who was dishonorably discharged from probation or parole may not apply to change his discharge to an honorable discharge pursuant to this section if his dishonorable discharge was based, in whole or in part, upon:

(a) The fact that he committed a new crime, other than a violation of a traffic law for which he was issued a citation, during the period of his probation or parole;

(b) The fact that his whereabouts were unknown at the time of his discharge from probation or parole; or

(c) Any incident involving his commission of a violent act or an act that threatened public safety during the period of his probation or parole.

3. The Division shall adopt regulations establishing guidelines and procedures to be used to carry out the provisions of this section. The regulations must include, without limitation, provisions requiring that to be granted a change of discharge pursuant to this section, if an applicant failed to make full restitution as ordered by the court or failed to pay the fees to defray the cost of his supervision as required pursuant to NRS 213.1076, the applicant must have made or must be making an effort in good faith and satisfactory progress towards paying the restitution ordered or fees owed, as determined by the Division.

4. A person whose application for a change of discharge is granted by the Division and whose discharge from probation or parole is changed to an honorable discharge from probation or parole pursuant to this section:

(a) Shall be deemed to have been issued an honorable discharge from probation or parole effective as of the date of his original dishonorable discharge from probation or parole;

(b) Is subject to, and must be restored to his civil rights in accordance with, the provisions of NRS 176A.850 or 213.155, as amended by this act; and

(c) Must be given an official document which:

(1) Provides that he has received an honorable discharge from probation or parole;

(2) States, as applicable, the dates on which his civil rights to vote, to serve as a juror in a civil action, to hold office and to serve as a juror in a criminal action will be restored to him.

5. The Division shall, on or before January 1, 2009, submit a written report to the Director of the Legislative Counsel Bureau that includes, without limitation, the following information:

(a) The number of persons who applied for a change of discharge pursuant to this section;

(b) The number of applications that were granted or denied and the general reasons for denial of the applications;

(c) The estimated amount of restitution and fees for supervision paid as the result of the enactment of this section;

(d) Any recommendations and conclusions concerning the desirability of extending the application of the provisions of this section; and

(e) Any other information deemed appropriate by the Division.”.

Amend the title of the bill to read as follows:

“AN ACT relating to rights of convicted persons; revising the procedures pertaining to applications for clemency submitted to the State Board of Pardons Commissioners; revising the provisions relating to the granting of pardons and restoration of civil rights by the Board; revising the provisions relating to the restoration of civil rights to persons who have been dishonorably discharged from parole and probation; allowing certain persons who have been dishonorably discharged from probation or parole to apply to the Division of Parole and Probation of the Department of Public Safety to request that his dishonorable discharge be changed to an honorable discharge for a limited period; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises various provisions related to granting of pardons and restoration of civil rights. (BDR 16-659)”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Pierce moved that Senate Bill No. 218 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 218.

Bill read second time.

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

Amendment No. 822.

Amend section 1, page 2, line 29, after "*Rules*;" by inserting "*and*".

Amend section 1, page 2, by deleting lines 30 through 32.

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

Amend sec. 2, page 4, line 19, after "*Rules*;" by inserting "*and*".

Amend sec. 2, page 4, by deleting lines 20 through 22.

Amend sec. 2, page 4, line 23, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 4, page 6, line 27, after "*Rules*;" by inserting "*and*".

Amend sec. 4, page 6, by deleting lines 28 through 30.

Amend sec. 4, page 6, line 31, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 5, page 9, line 18, after "*Rules*;" by inserting "*and*".

Amend sec. 5, page 9, by deleting lines 19 through 21.

Amend sec. 5, page 9, line 22, by deleting "*(c)*" and inserting "*(b)*".

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 Assembly Bill No. 385 just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 235 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 120 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 385.

Bill read third time.

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

Amendment No. 782.

Amend sec. 3, page 2, by deleting lines 38 through 40 and inserting:

“1. Each occupied public building constructed, sponsored or financed by this State must be certified at the silver level or higher in”.

Amend sec. 3, page 2, line 42, by deleting: *“System or its equivalent,”* and inserting: *“System, or constructed to an equivalent standard,”*.

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

“2. Each occupied public building constructed, sponsored or financed by a local”.

Amend sec. 3, page 3, lines 5 and 6, by deleting: *“System or its equivalent,”* and inserting: *“System, or constructed to an equivalent standard,”*.

Amend sec. 3, page 3, between lines 7 and 8, by inserting:

“3. As used in this section, “occupied public building” means a public building used primarily as an office space or work area for persons employed by this State or a local government. The term does not include a public building used primarily as a storage facility or warehouse or for similar purposes.”.

Amend sec. 5, page 3, by deleting line 11 and inserting: *“occupied public building which is larger than 20,000 square feet, each”.*

Amend sec. 5, page 3, by deleting lines 22 and 23 and inserting:

“(2) Conservation of energy ~~to~~ and

~~(b)~~ and energy efficiency measures that will generate cost savings within 10 years that are equal to or greater than the cost of implementation; and

(3) Use of types of energy which are alternatives to fossil”.

Amend sec. 5, page 3, line 29, before *“building”* by inserting *“public”*.

Amend sec. 5, page 3, line 32, by deleting *“incorporate”* and inserting *“consider”*.

Amend sec. 5, page 3, line 36, after *“4.”* by inserting: *“The State may select, through the bidding process, a contractor to conduct the analysis required pursuant to this section. If a contractor is selected to conduct the analysis, any contract for the purchase, lease or rental of cost-saving measures must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, be made from the cost savings.*

5.”.

Amend sec. 7, page 4, line 27, by deleting *“or remodel”*.

Amend sec. 8, page 5, by deleting lines 35 and 36 and inserting: *“Design Professional Accreditation Exam or its equivalent.”.*

Amend sec. 8.2, pages 5 and 6, by deleting lines 42 through 44 on page 5 and lines 1 through 13 on page 6, and inserting:

“1. “Apprentice photovoltaic installer” means a person actually engaged in a course of training and apprenticeship which:

(a) *Incorporates photovoltaic installation; and*
 (b) *Is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.*

2. *“Photovoltaic installer” means a person actually engaged in work directly related to the placement and installation of a photovoltaic system project in a capacity other than as an inspector, management planner, consultant, project designer, contractor or supervisor engaged in a photovoltaic system project.*

3. *“Photovoltaic system” means a facility or energy system for the generation of electricity that uses photovoltaic cells and solar energy to generate electricity.*

4. *“Photovoltaic system project” means a project related to:*

- (a) The installation of a photovoltaic system; or*
- (b) The maintenance of a photovoltaic system.”.*

Amend the bill as a whole by deleting sections 8.3 through 8.5 and adding new sections designated sections 8.3 through 8.5, following sec. 8.2, to read as follows:

“Sec. 8.3. The Division shall issue a license to each qualified applicant for licensure as an apprentice photovoltaic installer or a photovoltaic installer.

Sec. 8.4. 1. Except as otherwise provided in subsection 2, a person shall not engage in a photovoltaic system project unless he holds a valid license issued by the Division.

2. A person is not required to obtain a license from the Division to install or maintain a photovoltaic system on property that the person owns and occupies as a residence.

3. A person who:

- (a) Engages in a photovoltaic system project without a license; or*
- (b) Employs a person to engage in a photovoltaic system project as a photovoltaic installer who does not hold a license issued by the Division,*
is guilty of a misdemeanor and may be fined a reasonable amount as determined by the Division by regulation.

Sec. 8.5. A person applying for a license as an apprentice photovoltaic installer or a photovoltaic installer must:

- 1. Submit an application, on a form prescribed and furnished by the Division, and all required fees;*
- 2. Successfully complete a course of training and apprenticeship which incorporates photovoltaic installation that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS;*
- 3. Pass an examination approved or administered by the Division for a photovoltaic installer;*
- 4. If he is a contractor, provide proof to the Division that he has been issued a license of the appropriate classification by the State Contractors’ Board pursuant to chapter 624 of NRS; and*
- 5. Meet any additional requirements established by the Division.”.*

Amend sec. 8.6, page 7, line 27, by deleting: “*certificate in an occupation,*” and inserting: “*license as an apprentice photovoltaic installer or photovoltaic installer,*”.

Amend sec. 8.6, page 7, by deleting lines 35 through 38 and inserting: “*education or training of a person for issuance or renewal of a license as an apprentice photovoltaic installer or a photovoltaic installer.*”.

Amend sec. 8.7, page 7, line 41, by deleting: “*certificate in an occupation*” and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer*”.

Amend sec. 8.7, page 8, line 4, by deleting “*certificate,*” and inserting “*license,*”.

Amend sec. 8.7, page 8, line 6, by deleting: “*certificate in an occupation*” and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer*”.

Amend sec. 8.8, page 8, by deleting line 28 and inserting: “*license as an apprentice photovoltaic installer or a photovoltaic installer, the Division shall deem the license*”.

Amend sec. 8.8, page 8, lines 33 and 36, by deleting “*certificate*” and inserting “*license*”.

Amend sec. 8.8, page 8, by deleting line 40 and inserting: “*license was suspended stating that the person whose license*”.

Amend the bill as a whole by deleting sec. 8.9 and adding:

“Sec. 8.9. (Deleted by amendment.)”.

Amend sec. 8.10, page 9, line 5, by deleting “*worker,*” and inserting “*photovoltaic installer,*”.

Amend sec. 8.10, page 9, by deleting lines 13 and 14 and inserting:

“(2) *If he is licensed pursuant to sections 8.2 to 8.12, inclusive, of this act, suspend or revoke his license and require*”.

Amend sec. 8.10, page 9, line 16, by deleting “*certificate*” and inserting “*license*”.

Amend sec. 8.10, page 9, by deleting lines 19 and 20 and inserting: “*photovoltaic system project without a license.*”

3. *If the license of a contractor for photovoltaic system*”.

Amend sec. 8.10, page 9, line 23, by deleting “*certified*” and inserting “*licensed*”.

Amend sec. 8.11, page 9, line 29, by deleting “*certificate,*” and inserting “*license,*”.

Amend sec. 8.11, page 9, line 33, by deleting “*certificate.*” and inserting “*license.*”.

Amend sec. 8.12, page 9, line 41, by deleting “*solar energy*” and inserting “*photovoltaic*”.

Amend sec. 8.12, page 10, by deleting line 2 and inserting: “*engaging in a photovoltaic system project without a license.*”.

Amend sec. 11, page 10, by deleting lines 6 through 12 and inserting:

“Sec. 11. 1. The Director, in consultation with the State Public Works Board and any other interested agency, shall:

(a) In cooperation with representatives of the building and development industry, adopt guidelines establishing Green Building Standards for all new building projects of occupied public buildings.

(b) Adopt the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent, pursuant to subsection 4.”.

Amend sec. 11, page 10, between lines 22 and 23, by inserting:

“3. If standards equivalent to the Leadership in Energy and Environmental Design Green Building Rating System are adopted, the standards adopted must provide reasonable exceptions based on the size, location and use of the building.

4. The Director shall establish a process for adopting the Leadership in Energy and Environmental Design Green Building Rating System, or its equivalent. The process must include, without limitation:

(a) The gathering and development of scientific data;

(b) Comment from representatives of the building industry;

(c) Consensus from representatives of the building industry;

(d) A method by which the Director, the State Public Works Board and other interested agencies may cast ballots on the proposed standards;

(e) A pilot program for the purpose of refining the standards; and

(f) A process by which an aggrieved person may file an appeal of the standards adopted.”.

Amend sec. 13, page 10, line 33, before “Code,” by inserting: *“Code that will not materially lessen the effective energy savings requirements of the Code and are deemed necessary to support effective compliance and enforcement of the”.*

Amend sec. 13, page 10, line 41, by deleting “Code” and inserting: *“Code, and any amendments thereto,”.*

Amend sec. 13, page 11, lines 5 and 7, after “energy” by inserting: *“and energy efficiency”.*

Amend sec. 16, pages 12 and 13, by deleting line 45 on page 12 and lines 1 through 9 on page 13, and inserting:

“standard pursuant to NRS 704.7821, a renewable energy system shall be deemed to have generated 1.5 kilowatt-hours of renewable energy credits for each 1 kilowatt-hour of actual electricity generated from a renewable energy project if:

(a) The components used in the renewable energy system are manufactured in an expanded production line at an existing facility or at a new manufacturing facility; and

(b) The employees of the manufacturing facility that produced the components of the renewable energy system are trained and licensed to the highest standard for the manufacturing activity.”.

Amend sec. 16, page 13, line 12, by deleting: *“50 megawatt hours.”* and inserting *“200 megawatt-hours.”.*

Amend sec. 17, page 13, by deleting lines 16 through 29 and inserting: “standard pursuant to NRS 704.7821, a solar energy system shall be deemed to have generated 1.5 kilowatt-hours of renewable energy credits for each 1 kilowatt-hour of actual electricity generated from the solar energy system if:

(a) The employees of the manufacturing facility that produced the components of the solar energy system are trained and licensed to the highest standard for the manufacturing activity; and

(b) The average price paid for electricity generated by the solar energy system is substantially less than the average price paid for energy delivered by a provider of electric service during peak hours.

2. The Commission shall annually establish and publish the market rate for solar energy in this State. The market rate must be equal to the weighted average price set in solar energy contracts executed with owners of solar energy systems in this State, except that the Commission may use the weighted average price set in solar energy contracts executed in another state if a sufficient number of solar energy contracts have not been executed in this State. The weighted average price must be determined using the price and kilowatt capacity specified in the solar energy contracts such that the weight given to the price of each contract is proportionate to the kilowatt capacity of that contract.

3. A solar energy system installed pursuant to this section is eligible for a monetary incentive of not more than 10 percent of the market price of solar energy, as determined by the Commission pursuant to subsection 2, if the owner of the solar energy system executes a 10-year solar energy contract with a provider of electric service. Such an incentive is in addition to the price of solar energy specified in the contract executed with the provider.

4. The total amount of electricity deemed to have been”.

Amend sec. 17, page 13, lines 30 and 31, by deleting: “20 megawatt hours.” and inserting “30 megawatt-hours.”.

Amend sec. 17, page 13, line 32, by deleting “3.” and inserting “5.”.

Amend the bill as a whole by deleting sections 18 through 18.4 and inserting:

“Secs. 18-18.4. (Deleted by amendment.)”.

Amend the bill as a whole by deleting section 18.8 and inserting:

“Sec. 18.8. (Deleted by amendment.)”.

Amend sec. 19.6, page 19, line 6, by deleting: “commercial standards for” and inserting: “standards for commercial”.

Amend sec. 20, page 19, by deleting line 20 and inserting:

“2. Sections 1, 2, 4 to 8, inclusive, 9 to 18.8, inclusive, and 19.2 to 19.8,”.

Amend sec. 20, page 19, line 26, after “3.” by inserting: “Sections 8.1 to 8.12, inclusive, of this act become effective:

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

(b) On July 1, 2006, for all other purposes.

4. Section 3 of this act becomes effective on July 1, 2007, and applies to buildings constructed, sponsored or financed on or after that date.

5.”.

Amend the preamble of the bill, page 2, between lines 10 and 11, by inserting:

“WHEREAS, The Nevada Legislature encourages a sound financial economy, the reduction of usage and demand of fossil fuels, and a reduction of harmful emissions; and”.

Amend the title of the bill by deleting the eighth through the tenth lines and inserting: “purchases; providing for the licensure of persons engaged in photovoltaic system projects; making various changes concerning portfolio standards;”.

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. 3.

Bill read third time.

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

Amendment No. 791.

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. 1. The Legislative Auditor shall conduct a performance audit of the following entities within the University and Community College System of Nevada:

(a) The College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno; and

(b) The School of Dental Medicine at the University of Nevada, Las Vegas.

2. The audit of the College of Agriculture, Biotechnology and Natural Resources must include, without limitation, an examination of the financial and administrative practices of the College, including:

(a) The accuracy and reliability of its information and reports;

(b) The effectiveness of its system of management controls;

(c) The extent to which its operations are conducted in accordance with applicable law and regulations; and

(d) The extent to which its operations are conducted in accordance with contractual obligations.

3. The audit of the School of Dental Medicine must include, without limitation, an examination of the financial activities and treatment programs of the School, including:

(a) An analysis of information relating to treatments, including:

(1) A comparison of scheduled procedures with actual procedures performed;

(2) A comparison of the number of patient visits recommended for the completion of an established treatment plan with the actual number of such patient visits;

(3) The number of patients examined and treated by dental students;

(4) The number of extractions performed and the ages of patients undergoing the extractions; and

(5) The use of local dental practitioners to provide dental services through the School, including the number of hours worked by such providers, the number of patients treated and the services provided.

(b) An analysis of information relating to patients and the costs of services provided, including:

(1) For patients who are recipients of Medicaid, the number of patients treated, their age and sex and the types of treatments provided;

(2) For patients who are not recipients of Medicaid, the number of patients treated, their income levels, the types of treatments provided, and whether they are covered by insurance plans;

(3) The cost of providing services to patients who are eligible to receive Medicaid and the amount of Medicaid reimbursements received; and

(4) The cost of providing services to patients who are not recipients of Medicaid and the amounts of insurance and other payments received.

(c) An analysis of the “Crackdown on Cancer” program operated by the School, including:

(1) The number of students screened;

(2) The number of eligible students not screened;

(3) Methods used to ensure the accuracy of the screening numbers reported, including the methods used to eliminate duplicates;

(4) The cost of the various components of the screening program; and

(5) The number of screenings that result in the detection of lesions and the number of students that receive treatment for this condition.

(d) An analysis of financial operations and financial planning, including:

(1) Overall cost of operations;

(2) Overall revenues, including appropriations made from the State General Fund;

(3) The extent to which the School plans to finance future operations with appropriations made from the State General Fund; and

(4) The adequacy of financial planning, including an evaluation of policies to ensure that programs are self-sustaining.

4. The Legislative Auditor shall prepare a written report of each performance audit and present the report to the Audit Subcommittee of the Legislative Commission not later than February 5, 2007.

5. The provisions of NRS 218.737 to 218.893, inclusive, apply to each performance audit conducted pursuant to this section.

Sec. 2. 1. Upon the request of the Legislative Auditor, the University and Community College System of Nevada shall transfer from its budget to the Audit Division of the Legislative Counsel Bureau:

(a) The sum of \$50,000 to conduct the audit of the College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno, required in section 1 of this act.

(b) The sum of \$50,000 to conduct the audit of the School of Dental Medicine at the University of Nevada, Las Vegas required in section 1 of this act.

2. Any remaining balance of the sums transferred pursuant to subsection 1 must not be committed for expenditure after February 5, 2007, and reverts to the University and Community College System of Nevada as soon as all payments of money committed have been made.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the University and Community College System of Nevada; requiring the Legislative Auditor to conduct performance audits of the College of Agriculture, Biotechnology and Natural Resources at the University of Nevada, Reno, and the School of Dental Medicine at the University of Nevada, Las Vegas; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires Legislative Auditor to conduct performance audits of College of Agriculture, Biotechnology and Natural Resources at University of Nevada, Reno, and School of Dental Medicine at University of Nevada, Las Vegas. (BDR S-493)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Assembly Bill No. 35.

Bill read third time.

Roll call on Assembly Bill No. 35:

YEAS—42.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—42.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154.

Bill read third time.

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

Amendment No. 933.

Amend sec. 9, page 9, by deleting lines 11 through 16 and inserting:
“school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.”.

Amend sec. 10, page 15, by deleting lines 18 through 23 and inserting:
“school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.”.

Amend the bill as a whole by renumbering sections 21 and 22 as sections 22 and 23 and adding a new section designated sec. 21, following sec. 20, to read as follows:

“Sec. 21. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury ~~[to the credit of the General Fund.]~~ *for credit to the appropriate account of the Department of Education*, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license, an application for an agent’s permit or for renewal of the permit, or a filing for an exemption or for renewal of the exemption, in accordance with the following schedule:

1. The application fee for an elementary or secondary educational institution is \$300.

2. The renewal fee for an elementary or secondary educational institution is \$250.

3. The application fee for a new license by reason of a change of ownership is \$250.

4. The fee for an agent’s permit or for renewal of the permit is \$50.”.

Amend the bill as a whole by deleting sections 23 and 24 and renumbering sec. 25 as sec. 24.

Amend the bill as a whole by deleting sec. 26 and renumbering sec. 27 as sec. 25.

Amend sec. 27, page 41, line 4, by deleting “25” and inserting “24”.

Amend sec. 27, page 41, by deleting line 10 and inserting:

“3. Sections 1, 5 to 10, inclusive, and 12 to 23, inclusive, of”.

Amend the title of the bill by deleting the thirteenth through seventeenth lines and inserting:

“and science examinations; requiring that fees collected pursuant to the Private Elementary and Secondary Education Authorization Act be deposited for credit to the appropriate account of the Department of Education; and providing other matters properly relating”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing statewide system of accountability for school districts and public schools. (BDR 34-484)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

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

Assembly Bill No. 338.

Bill read third time.

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

Amendment No. 874.

Amend sec. 7, page 2, line 37, before “*applicant*,” by inserting: “*discount health plan of the*”.

Amend sec. 7, page 3, line 1, by deleting: “*any other business enterprise*,” and inserting: “*the discount health plan*,”.

Amend sec. 7, page 3, line 10, after “*independent*” by inserting “*certified*”.

Amend sec. 7, page 3, by deleting lines 23 and 24 and inserting:

“3. *An administrator registered pursuant to NRS 683A.0805 to 683A.0893, inclusive, or an insurer, health maintenance organization or prepaid limited health service organization organized pursuant to this title is not required to pay*”.

Amend sec. 9, page 4, line 3, before “*The*” by inserting “*I*”.

Amend sec. 9, page 4, line 7, by deleting “*I*.” and inserting “*(a)*”.

Amend sec. 9, page 4, line 8, by deleting “*2*.” and inserting “*(b)*”.

Amend sec. 9, page 4, line 10, by deleting “*3*.” and inserting “*(c)*”.

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

Amend sec. 9, page 4, line 15, by deleting “*5*.” and inserting “*(e)*”.

Amend sec. 9, page 4, line 17, by deleting “*6*.” and inserting “*(f)*”.

Amend sec. 9, page 4, between lines 18 and 19, by inserting:

“2. *The disclosures required pursuant to this section may be provided orally or electronically if written disclosures are provided not later than the earlier of:*

(a) Ten days after the prospective member elects to accept the discount health plan; or

(b) The date on which any other written material is provided by the discount health plan to the member.”.

Amend sec. 12, page 4, line 27, by deleting “*a civil*” and inserting “*an administrative*”.

Amend sec. 13, page 5, line 16, by deleting “*a civil*” and inserting “*an administrative*”.

Amend sec. 45, page 10, line 16, by deleting “*of*.” and inserting: “*of or credit for*.”.

Amend sec. 45, page 10, line 17, by deleting “*that*” and inserting “*than*”.

Amend sec. 45, page 10, by deleting line 29 and inserting:

“(g) *If the premium or charge for the insurance is financed*,”.

Amend sec. 45, page 10, line 30, by deleting “*that*”.

Amend sec. 47, page 11, line 35, by deleting “*of coverage*” and inserting “*term*”.

Amend sec. 47, page 11, line 36, by deleting “*exclusions;*” and inserting: “*exclusions of coverage;*”.

Amend sec. 49, page 13, line 4, by deleting “*less*” and inserting “*more*”.

Amend the bill as a whole by deleting sec. 51 and adding:

“Sec. 51. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 53 and adding:

“Sec. 53. (Deleted by amendment.)”.

Amend sec. 58, page 14, line 41, by deleting “*of*” and inserting “*by*”.

Amend sec. 59, page 14, line 43, by deleting “*90*” and inserting “*60*”.

Amend sec. 59, page 15, line 1, by deleting “*90*” and inserting “*60*”.

Amend sec. 60, page 15, line 8, by deleting “*chapter;*” and inserting: “*chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;*”.

Amend sec. 61, page 15, line 19, after “*Revocation*” by inserting: “*, suspension or limitation*”.

Amend the bill as a whole by deleting sections 62 and 63 and adding:

“Secs. 62 and 63. (Deleted by amendment.)”.

Amend sec. 64, page 20, line 43, after “*the*” by inserting “*Insurance*”.

Amend sec. 64, page 22, by deleting line 8 and inserting:

“(a) Initial registration and review of an application.....2450”.

Amend sec. 64, page 22, line 10, by deleting “*250*” and inserting “*2450*”.

Amend the bill as a whole by deleting sec. 65 and adding:

“Sec. 65. (Deleted by amendment.)”.

Amend sec. 70, page 25, lines 15 and 25, by deleting “*of*” and inserting: “*established by the Commissioner of not more than*”.

Amend the bill as a whole by adding new sections designated sections 70.3 and 70.7, following sec. 70, to read as follows:

“Sec. 70.3. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, he shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account are paid for each license and each affiliation with a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice the renewal fee is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where he principally conducts transactions under his license. The place of business may be in his residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which he conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which he conducts business as a producer of insurance or his business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, he may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 70.7. NRS 683A.271 is hereby amended to read as follows:

683A.271 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a nonresident person if:

(a) He is currently licensed as a resident and in good standing in his home state;

(b) He has made the proper request for licensure and paid the fee prescribed for the license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account;

(c) He has sent to the Commissioner the application for licensure that he made in his home state, or a completed uniform application; and

(d) His home state issues nonresident licenses as producers of insurance to residents of this State pursuant to substantially the same procedure.

2. The Commissioner may participate with the National Association of Insurance Commissioners or a subsidiary in a centralized registry in which licensing and appointment of producers of insurance may be effected for all states that require licensing and participate in the registry. If he finds that participation is in the public interest, he may adopt by regulation any uniform standards and procedures necessary for participation, including central collection of fees for licensing and appointment that are handled through the registry.

3. A nonresident producer who moves from one state to another state shall file a change of address and certification from his new state of residence within 30 days after his change of legal residence. No fee or application for license is required.

4. A nonresident licensed as a producer for surplus lines in his home state must be issued a nonresident license of that kind in this State pursuant to subsection 1, subject in all other respects to chapter 685A of NRS. A nonresident licensed as a producer for limited lines in his home state is entitled to a nonresident license of that kind in this State pursuant to subsection 1, granting the same scope of authority as the license issued in the home state. As used in this subsection, insurance for limited lines is authority granted by the home state which is restricted to less than the total authority prescribed for the associated major lines pursuant to NRS 683A.261.”.

Amend the bill as a whole by adding new sections designated sections 71.1 through 71.9, following sec. 71, to read as follows:

“Sec. 71.1. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the Commissioner of not more than* \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant’s license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.

Sec. 71.3. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be made to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 and an additional fee *established by the Commissioner of not more than* \$15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305. The license fee and the additional fee are not refundable.

2. An applicant for an insurance consultant’s license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated.

Sec. 71.5. NRS 683C.035 is hereby amended to read as follows:

683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct

and complete to the best of his knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

- (a) Attained the age of 18 years.
- (b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.
- (c) Paid the fee prescribed for the license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded.
- (d) Passed each examination required for the license and successfully completed each course of instruction which the Commissioner requires by regulation, unless he is a resident of another state and holds a similar license in that state.

2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

- (a) Paid the fee prescribed for the license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and
- (b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.

3. The Commissioner may require any document reasonably necessary to verify information contained in an application.

4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance or until it is suspended, revoked or otherwise terminated.

5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.

Sec. 71.7. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

- (a) If the application is made:
 - (1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; or
 - (2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account;
- (b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and

(c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

Sec. 71.9. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

(1) On or before the expiration date of the license, the applicable renewal fee and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; or

(2) Not more than 30 days after the expiration date of the license, the applicable renewal fee plus any late fee required and an additional fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account; and

(b) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.”.

Amend the bill as a whole by adding new sections designated sections 75.3 through 75.7, following sec. 75, to read as follows:

“Sec. 75.3. NRS 684A.160 is hereby amended to read as follows:

684A.160 Before the issuance or continuation of an adjuster’s license the applicant must pay a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.

Sec. 75.5. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of the applicable fee for a license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305;

(b) Submitting the statement required pursuant to NRS 685A.127; and

(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. An application for a license must be submitted to the Commissioner on a form designated and furnished by him. The application must include the social security number of the applicant.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of the applicable fee for renewal and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:

- (a) The statement required pursuant to NRS 685A.127;
- (b) The applicable fee for renewal;
- (c) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (d) A fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.

Sec. 75.7. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself out as or be a surplus lines broker with respect to subjects of insurance resident, located or to be performed in this State or elsewhere unless he is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of the applicable fee for a license and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305; and

(b) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. Application for the license must be made to the Commissioner on forms designated and furnished by him.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed by payment of the applicable fee for renewal and a fee *established by the Commissioner of not more than* \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by:

- (a) The applicable fee for renewal;
- (b) A penalty in an amount that is equal to 50 percent of the applicable fee for renewal; and
- (c) A fee *established by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created by NRS 679B.305.*”.

Amend the bill as a whole by adding a new section designated sec. 76.5, following sec. 76, to read as follows:

“Sec. 76.5. Chapter 685B of NRS is hereby amended by adding thereto the provisions set forth as sections 77 and 78 of this act.”.

Amend sec. 77, page 29, lines 27 and 28, by deleting: “Chapter 685B of NRS is hereby amended by adding thereto a new section to read as follows:”.

Amend the bill as a whole by deleting sec. 78 and adding a new section designated sec. 78, following sec. 77, to read as follows:

“Sec. 78. *Any insurer who transacts any unauthorized insurance business as set forth in NRS 685B.030 is guilty of a category B felony and shall be punished as provided in NRS 193.130.*”.

Amend the bill as a whole by deleting sec. 80 and adding:

“Sec. 80. (Deleted by amendment.)”.

Amend sec. 97, page 41, line 39, by deleting “*debtor.*” and inserting: “*debtor or of the property used as security for the credit transaction.*”.

Amend sec. 101, page 42, line 25, after “*than*” by inserting: “*or equal to*”.

Amend sec. 101, page 42, line 32, by deleting “*that date.*” and inserting: “*the date of death.*”.

Amend sec. 101, page 43, by deleting line 21 and inserting:

“8. *Other types of insurance may be used if those types*”.

Amend sec. 104, page 45, line 6, by deleting “*of:*” and inserting: “*of or credit for:*”.

Amend sec. 104, page 45, by deleting line 14 and inserting: “*of the amount, term, exceptions, limitations and exclusions,*”.

Amend sec. 104, page 45, lines 33 and 34, by deleting: “*by the creditor*”.

Amend sec. 105, page 46, line 4, by deleting “*of coverage*” and inserting “*, term*”.

Amend sec. 105, page 46, line 5, by deleting “*exclusions;*” and inserting: “*exclusions of coverage;*”.

Amend sec. 105, page 46, line 9, before “*debtor;*” by inserting: “*debtor, to a beneficiary, other than the creditor, named by the debtor or to the estate of the*”.

Amend sec. 105, page 46, line 21, before “*delivery*” by inserting “*actual*”.

Amend sec. 108, page 47, line 40, by deleting “*less*” and inserting “*more*”.

Amend sec. 109, page 48, line 9, by deleting “*exceed*” and inserting “*differ from*”.

Amend sec. 112, page 48, line 29, by deleting “*charge*” and inserting “*contract*”.

Amend sec. 112, page 48, line 30, by deleting “*made to*” and inserting “*accepted by*”.

Amend sec. 114, page 48, line 36, by deleting “*chapter;*” and inserting: “*chapter and in accordance with the standards established in NRS 686B.050 and 686B.060;*”.

Amend sec. 121, page 50, line 42, after “drafts” by inserting: “, *electronic transfers*”.

Amend sec. 121, page 50, line 43, by deleting “of” and inserting “~~of~~ by”.

Amend sec. 123, page 51, line 14, by deleting “a civil” and inserting: “~~a civil~~ *an administrative*”.

Amend the bill as a whole by adding a new section designated sec. 123.5, following sec. 123, to read as follows:

“Sec. 123.5. NRS 692A.104 is hereby amended to read as follows:

692A.104 Before the issuance or renewal of a license as a title agent or escrow officer the applicant must pay a fee *established by the Commissioner* of *not more than* \$15 for deposit in the insurance recovery account created by NRS 679B.305.”.

Amend sec. 162, page 66, line 40, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 162, page 67, line 4, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 162, page 67, line 10, by deleting “~~125~~ \$125” and inserting “\$78”.

Amend sec. 162, page 67, line 11, by deleting “~~15~~ 15” and inserting “5”.

Amend sec. 162, page 67, line 12, by deleting “~~125~~ 125” and inserting “78”.

Amend sec. 163, page 67, line 18, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 163, page 67, line 26, by deleting “of” and inserting: “*established by the Commissioner of not more than*”.

Amend sec. 163, page 67, line 32, by deleting “~~125~~ \$125” and inserting “\$78”.

Amend sec. 163, page 67, line 33, by deleting “~~15~~ 15” and inserting “5”.

Amend sec. 163, page 67, line 34, by deleting “~~125~~ 125” and inserting “78”.

Amend sec. 165, page 67, by deleting lines 42 through 44 and inserting:

“Sec. 165. 1. This section and sections 62, 63, 65, 76.5 to 83, inclusive, 88, 89, 90, 124 to 159, inclusive, and 161 of this act become”.

Amend sec. 165, page 68, by deleting line 1 and inserting:

“2. Sections 64, 66 to 71.1, inclusive, 71.5, 71.7, 72, 73, 74, 75.3, 75.5, 76, 84 to 87, inclusive, 123.5, 160, 162 and 164 of this”.

Amend sec. 165, page 68, line 3, by deleting “17” and inserting “1”.

Amend sec. 165, page 68, line 9, by deleting “74” and inserting: “71.1, 71.7, 74, 75.5”.

Amend sec. 165, page 68, line 20, by deleting “75” and inserting: “71.3, 71.9, 75, 75.7”.

Amend the title of the bill, fourth and fifth lines, by deleting: “decreasing certain fees for risk retention groups;”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 71, 82, 174, 194, 201, 225, 229, 255, 269, 276, 280, 290, 295, 307, 318, 321, and 481 taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 465.

The following Senate amendment was read:

Amendment No. 672.

Amend section 1, page 1, by deleting line 6 and inserting:

“(a) Is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;

(b) Is being sold, exchanged, bartered, supplied,”.

Amend section 1, page 1, line 11, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 1, line 12, after “of” by inserting: “the provisions of”.

Amend section 1, page 2, between lines 5 and 6, by inserting:

“(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:”.

Amend section 1, page 2, lines 10 and 16, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 21, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 2, line 27, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 42, by deleting “The” and inserting: “*Except as otherwise provided in NRS 453.3363, the*”.

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

“Sec. 3. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, nolo contendere or similar plea to a charge pursuant to subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351 ~~or~~ *or subparagraph (1) of paragraph (a) of subsection 2 of section 1 of this act*, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or

acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 672 to Assembly Bill No. 465.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 676.

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

Amend the title of the bill, fourth line, by deleting: “other than marijuana”.

Amend the summary of the bill to read as follows:

“SUMMARY—Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances are committed. (BDR 40-112)”.

Assemblyman Anderson moved that the Assembly not concur in the Senate Amendment No. 676 to Assembly Bill No. 465.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 763.

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

“Section 1. 1. The Legislature hereby encourages the board of trustees of each school district in this State to adopt policies, or, if applicable, to revise existing policies and regulations, governing the use of school buildings and facilities by groups and organizations that are not part of the school district in a manner that will minimize costs to the school district as well as minimize costs to those groups and organizations that are dedicated to the furtherance and benefit of the mission of the school district.

2. The Legislature hereby recognizes that the boards of trustees of the school districts in this State have a vested interest in ensuring that the operations of the school district are consistent with the policies and regulations adopted by the board of trustees. Therefore, the Legislature hereby encourages the board of trustees of each school district to exercise such authority as is necessary to ensure that a policy or regulation adopted by

the board of trustees concerning the use of school buildings and facilities by groups and organizations that are not part of the school district be applied as consistently as possible by all schools located in that school district.”.

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

“WHEREAS, Communities benefit when public schools are recognized and respected as focal points for intellectual, social and cultural development; and

WHEREAS, Public schools are public facilities and, to the extent possible, should serve the public in as many ways as possible; and

WHEREAS, There are groups and organizations in our communities whose goals and efforts complement the goals and efforts of public schools and are of direct benefit to pupils enrolled in public schools; and

WHEREAS, It is beneficial for school districts to help support, to the extent possible, such groups and organizations, which may include, without limitation:

1. Youth-oriented groups and organizations that serve the pupils enrolled in a public school and help promote the fundamental missions of a school district; and

2. Adult groups and organizations that foster relationships between parents and schools; and

WHEREAS, School districts may help support those groups and organizations by:

1. Allowing the use of public school buildings and facilities by those youth-oriented groups and organizations that serve the pupils of a public school and promote the fundamental missions of the school district; and

2. Providing those groups and organizations the opportunity to perform service projects, upon the mutual agreement of the school district and the group or organization, in lieu of paying a fee for such use; and

WHEREAS, It remains vital for the school districts in this State to preserve per-pupil allocations for the operation of the public schools and to ensure that those dollars are not expended in support of groups and organizations whose missions do not directly support public education; now, therefore,”.

Amend the title of the bill to read as follows:

“AN ACT relating to school property; expressing the sense of the Legislature concerning the use of school buildings and facilities by groups and organizations that are not part of a school district; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Expresses sense of Legislature concerning use of school buildings and facilities by certain groups and organizations. (BDR S-842)”.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 70.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

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

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Ingram, Jill Brewer, Steve Crouch, Marcia Conway, Wendy Maxwell, Becky Ritter, Lourdes McGowan, Bob Evans, Guy Perry, Laurie Rumsey, Cathy Evans, Amy Armstrong, Josh Barham, Cody Barker, Kevin Conrad, Adam Conway, Alex Crouch, Zachary Devall, William Flores, Collin Grischott, Andria Love, Marlene Loza, Brenda Luquin, Maria Magana, Brittney Martin, Sharon Montiel, Joe Neubel, Tyler Parnell, Josh Paul, Chelsey Perkins, Mario Ramirez, Mark Rogers, Tyler Roll, Moises Romo, Alyssa Rumsey, Taron Santiago, Brennan Shaffer, Dylan Strom, Luis Viramontes, Stacia Woomer, Brittany Wyatt, David Yanez, Samantha Fishburn, Shelly Mason, Niko Brewer, Erik Atkinson, Luis Aguilar, Christian Anguiano, Autumn Barron, Jessica Calderon, Luke Cater, Michael Ceccarelli, Katie Cox, Cynthia Galicia, Brandon Gray, Cristian Guerra, Megan Hein, Guillermo Hernandez, Rayond Mansi, Brittani Maxwell, Rachel McHam, Jose Medrano, Neigena Mobaligh, Erika Newlin, Meagan Nuckolls, Alicia Paras, Katherine Pierrott, Kyle Ritter, Gerardo Rivera, Laura Sosa, Rachel Thorson, Justin Toombs, Ashley Turner, Richard Viveros, Kacie Sausedo, Allan Fromeyer, Raymond Jacobo, Raul Castro, Luke Echeverria, Anthony Romo, Brandon Saunders, Kenny Rees, Jackie Green, Brayn Akerley, Kellie Cox, Lizzy Davis, Aurora Duenas, Alyssa Fajayan, Chantel Good, Trevor Goodale, Elliott Grundy, Seth Hartley, Amber Ingram, Megan Jackson, Philip Martineau, Max Kilgore, Dom Mariani, Stephanie Medina, Craig Newsome, Eric Novak, Jasmine Olivares, Joish Peacock, Evan Pearson, Kyle Perry, Jonathan Ramirez, Olivia Roberts, Heather Saporito, Julian Tijerin, Monica Torres, Jonathan Tucker, Janelle Yount, Mariol Munoz, Brandon Baxter, Eric Gonzalez, Katie Cowperthwaite, Jose Ayala, Jake Painter, Nikolai Vasquez, Robert Powers, Bonnie Preston, Morgan Adams, Jennifer Borges, Michael Bretlinger, Chris Brewer, Lorena Cedano, Alejandra Contreras, Hannah Dudley, Nathan Eng, Daniel Gallegos, Jacob Houser, Justin Jones, Krystina Kane, Eddie Jones, Nhobelyn Kho, Samantha Lee, Justin Light, Juan Carlos Lopez, Mariah Martinez, Anna Martinez, Will Morrison, Amanda Otto, Ariel Sanchez, Caelan Sanders, Charlie Tucker, Lisa Villagra, Brittany Walker, Jared Wells, Chris Wendell, Samuel White, Juan Espinosa, Joe Benavidez, Amie Dunn, Brett Myers, Patricia Aguirre, Chris Paras,

Skylar Peterson, and Ruby Herman.

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

On request of Assemblyman Seale, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Cushing, Mrs. Denué, Mrs. Tivas, Mr. Anderson, Mrs. Anderson, Mrs. Yard, Mrs. Roberson, Mr. Wilson, Mr. Mearideth, Mrs. Allen, Mr. Woodrum, Mrs. Hughes, Mr. Hillenbrand, Mrs. Cook, Mrs. Petersen, Mrs. Bruggenwirth, Mrs. McGee, Mrs. Clark, Mr. Haigwood, Mrs. Swaffer, Ms. Carson, Mrs. Luther, Ms. Martin, Mrs. Seitzinger, Ms. Robertson, Mrs. Nelson, Mrs. Camman, Mr. Bichsel, Mrs. Bichsel, Ms. Songer, Claire Cushing, Caroline Denué, Heather Tivas, Jonathan Anderson, Kara Overlien, Shannon McNich, Brock Yard, Drew Robinson, Brady Wilson, Andrew Vigil, Demetri Church, Jaina Allen, Tatiana Woodrum, Jasmin Huges, Victoria Hillenbrand, Skylar Cook, Lexi Wells, Irma Burciaga, Heidi Petersen, Cera Bruggenwirth, Cassidy McGee, Baleigh Clark, Mackenzie Merrick, Elise McCord, Kyle Haigwood, Shalen Smith, Nathan Palmer, Kayden Mallory, Zachary Barkin, John Ellis, Jenna Swaffer, Chloe Martell, Jennifer Taboada, Taelor Monroe, Kory Brandt, Bryce Luther, Robby Tyra, Kennedy Robertson, Ray Methola, Andrew Ortega, Donovan Seitzinger, Savannah Marrs, Savannah Pike, Nikki Russell, Hayley Schneider, Devonne Williams, Anthony DiPietro, Yasmin Reyes, and Karlee Tanksley.

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

Assemblywoman Buckley moved that the Assembly adjourn until Wednesday, May 25, 2005, 11:30 a.m.

Motion carried.

Assembly adjourned at 1:18 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE

Chief Clerk of the Assembly