

THE ONE-HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 25, 2005

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, Your servant and our friend, Benjamin Franklin, once said that You gave us beer because You love us and want us to be happy. Give to this Assembly such a spirit of energetic efficiency that they dispatch the piles of bills with all due haste, so they may the sooner gladden their hearts with this gift of Your love. And be with those who must stay behind and work. Give them a spirit of cheerfulness and the hope that someone will bring them plates of goodies from the tent.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguela 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 Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 29, 238, 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 163, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN KOIVISTO, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 20, 83, 122, 302, 411, 415, 421, 422, 428, 466, 488, 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. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Senate Bill No. 462, 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 was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 338, 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. 181, 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 rereferred Senate Bill No. 328, 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 were referred Senate Bills Nos. 438, 460, 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 Oceguela moved that Senate Bills Nos. 20, 29, 44, 80, 83, 122, 163, 181, 212, 238, 256, 302, 304, 306, 335, 338, 380, 386, 409, 411, 415, 421, 422, 428, 460, 462, 466, and 488 just reported out of committee, be placed on the Second Reading File for the current Legislative Day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 20.

Bill read second time.

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

Amendment No. 903.

Amend section 1, page 2, by deleting lines 8 through 15 and inserting:

“(b) Two members by the governing body of the ~~{largest}~~ incorporated city *with the largest population* in the county from their own number.

(c) One member by the governing body of the ~~{second-largest}~~ incorporated city *with the second largest population* in the county from their own number.

(d) One member by the governing body of the ~~{third-largest}~~ incorporated city *with the third largest population* in the county from their own number.

(e) *One member by the governing body of the incorporated city with the smallest population in the county from their own number.”.*

Amend section 1, page 2, by deleting lines 21 and 22 and inserting: “submitted by the chamber of commerce of the ~~{largest}~~ incorporated city *with the largest population* in the county. If the nominees so listed are unsatisfactory to the”.

Amend section 1, page 2, by deleting line 40 and inserting: “~~{largest}~~ incorporated city *with the largest population* in the county.”.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 29.

Bill read second time.

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

Amendment No. 834.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: “least as effective as any other medical treatment;”.

Amend section 1, page 3, by deleting lines 10 through 14 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~{the}~~ *a Phase II, Phase III or Phase IV* clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~{the}~~ *a Phase II, Phase III or Phase IV* clinical trial or study, to the extent that such health care services”.

Amend section 1, page 3, line 16, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.*

(d)”.

Amend section 1, page 3, by deleting lines 19 through 22 and inserting:

~~“(d) (e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.~~

(f) Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.

Amend section 1, page 3, line 24, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~((d))~~ (f)”.

Amend section 1, page 5, line 12, after “facility” by inserting: “or an affiliate of a facility”.

Amend sec. 2, page 6, by deleting lines 27 and 28 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 2, pages 6 and 7, by deleting lines 44 and 45 on page 6 and lines 1 through 3 on page 7, and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 2, page 7, line 6, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.*

(d)”.

Amend sec. 2, page 7, by deleting lines 8 through 11 and inserting:

~~“(d) (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.~~

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.

Amend sec. 2, page 7, line 13, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~((d))~~ (f)”.

Amend sec. 2, page 9, line 3, after “facility” by inserting: “or an affiliate of a facility”.

Amend sec. 3, page 10, by deleting lines 18 and 19 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 3, page 10, by deleting lines 35 through 39 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 3, page 10, line 41, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.*”

(d)”.

Amend sec. 3, pages 10 and 11, by deleting lines 43 and 44 on page 10 and lines 1 and 2 on page 11, and inserting:

“~~[(d)]~~ (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.*”.

Amend sec. 3, page 11, line 4, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~[(d)]~~ (f)”.

Amend sec. 3, page 12, line 40, after “facility” by inserting: “*or an affiliate of a facility*”.

Amend sec. 4, page 14, by deleting lines 10 and 11 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 4, page 14, by deleting lines 27 through 31 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 4, page 14, line 33, after “(c)” by inserting:

“*The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.*”

(d)”.

Amend sec. 4, page 14, by deleting lines 35 through 38 and inserting:

“~~[(d)]~~ (e) Health care services required for the clinically appropriate monitoring of the enrollee during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.*”.

Amend sec. 4, page 14, line 40, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~[(d)]~~ (f)”.

Amend sec. 4, page 16, line 31, after “facility” by inserting: “*or an affiliate of a facility*”.

Amend sec. 5, page 18, by deleting lines 1 and 2 and inserting: “least as effective as any other medical treatment;”.

Amend sec. 5, page 18, by deleting lines 18 through 22 and inserting:

“(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services”.

Amend sec. 5, page 18, line 24, after “(c)” by inserting: “*The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.*

(d)”.

Amend sec. 5, page 18, by deleting lines 26 through 29 and inserting:

~~“(d)”~~ (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.”.*

Amend sec. 5, page 18, line 31, by deleting: “(b) and (d)” and inserting: “(b) , (c), (e) and ~~(d)~~ (f)”.

Amend sec. 5, page 20, line 23, after “facility” by inserting: “*or an affiliate of a facility*”.

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. 44.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 256 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 113 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 80.

Bill read second time.

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

Amendment No. 722.

Amend sec. 3, page 3, between lines 6 and 7, by inserting:

“6. If a consumer requests that a security freeze be placed in his file, a reporting agency shall not change information in his consumer report in a manner that would adversely impact his credit worthiness, credit standing or credit capacity because he requested a security freeze be placed in his file.”.

Amend sec. 5, page 4, by deleting lines 10 through 24 and inserting:

“Sec. 5. 1. A reporting agency shall not charge a consumer a fee to place a security freeze in his file. After a security freeze has been placed in the file of a consumer, a reporting agency shall not charge a consumer a fee to remove the security freeze from his file or to temporarily release his consumer report if the consumer has not authorized a release of his consumer report more than three previous times during the same calendar year.

2. Except as otherwise provided in this section, after a security freeze has been placed in the file of a consumer, if the consumer has authorized a release of his consumer report four or more previous times during the same calendar year, a reporting agency may charge a consumer a reasonable fee:

(a) Not to exceed \$18, to remove a security freeze from his file pursuant to section 9 of this act.

(b) Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to section 8 of this act.

(c) Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to section 8 of this act.

3. A reporting agency may not charge a consumer the fee set forth in paragraph (a), (b) or (c) of subsection 2 to remove a security freeze from his file or to temporarily release his consumer report if the consumer is a victim of identity theft and the”.

Amend sec. 5, page 4, line 30, by deleting “3.” and inserting “4.”.

Amend sec. 5, page 4, line 31, by deleting “I” and inserting “2”.

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. 83.

Bill read second time.

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

Amendment No. 824.

Amend section 1, page 2, line 31, by deleting: “that person may.” and inserting: “the public body must allow that person to.”.

Amend section 1, page 2, by deleting lines 35 through 37 and inserting: “body;

(b) Have an attorney or other representative of his choosing present with him during the closed meeting; and

(c) *Present written evidence, provide testimony and present witnesses relating to his character, alleged misconduct, professional competence, or physical or mental health to the public body during the closed meeting.*”.

Amend the title of the bill by deleting the fifth line and inserting: “closed meeting to attend the meeting, have an attorney or other representative present at the meeting and present”.

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. 122.

Bill read second time.

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

Amendment No. 904.

Amend section 1, page 2, line 24, before “*Operation*” by inserting: “*Operation Desert Storm*,”.

Amend sec. 2, page 5, line 17, before “*Operation*” by inserting: “*Operation Desert Storm*,”.

Amend the title of the bill, third line, after “during” by inserting: “*Operation Desert Storm*,”.

Amend the bill as a whole by adding the following Assemblymen as primary joint sponsors: Assemblymen Manendo, Parks, McCleary and Ohrenschall.

Amend the bill as a whole by adding the following Assemblymen as nonprimary joint sponsors: Assemblymen Allen, Anderson, Atkinson, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Goicoechea, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, McClain, Mortenson, Munford, Ocegüera, Parnell, Perkins, Pierce, and Smith.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

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

Senate Bill No. 163.

Bill read second time.

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

Amendment No. 972.

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

“Sec. 4. *Except as otherwise provided by a specific statute, a regulatory body shall not issue a temporary or new license to an applicant who has not passed a background investigation that is required pursuant to this title or*

has not complied with any other requirement to qualify for the issuance of the license.”.

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to read as follows:

“Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A pharmacist shall not refuse to fill or refill a prescription unless the pharmacist knows or has reasonable cause to believe that the prescription:*

- (a) Has been obtained by any fraudulent representation;*
- (b) Has been issued in violation of any applicable law or regulation; or*
- (c) Has been contraindicated by the Food and Drug Administration.*

2. *Before a pharmacist refuses to fill or refill a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall, as soon as practicable, consult with the prescribing practitioner concerning the prescription.*

3. *The provisions of this section do not:*

- (a) Require a pharmacy to stock a drug; or*
- (b) Prohibit a pharmacist from:*

- (1) Substituting a drug pursuant to NRS 639.2583; or*
- (2) Requiring payment for a drug in the regular course of business.*

4. *A pharmacist who commits a second or subsequent violation of a provision of this section is subject to discipline as provided in NRS 639.255.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; prohibiting such regulatory bodies from issuing a temporary or new license to an applicant who has not qualified for the issuance of the license under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Conklin and Hardy.

Amendment adopted.

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

Senate Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 829.

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

“Sec. 2. NRS 373.080 is hereby amended to read as follows:

373.080 All motor vehicle fuel taxes collected during any month by the Department pursuant to contract with any county shall be transmitted each month by the Department to such county and the Department shall charge the county for the Department’s services specified in this section and in NRS 373.070 ~~[such]~~ :

1. *Such* amount as will reimburse the Department for the cost to it of rendering the services ~~[+]~~ ; or

2. *In the case of a motor vehicle fuel tax imposed pursuant to NRS 373.065, 1 percent of the tax collected by the Department.”.*

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. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 929.

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 board of trustees of each school district shall determine the feasibility of establishing a schedule for public schools, excluding charter schools, as follows:

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

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

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

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

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

4. On or before February 1, 2007, the Department of Education shall submit a written report of the summaries and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; requiring the boards of trustees of school districts to determine the feasibility of scheduling the start times for public schools in a certain manner; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires school districts to determine scheduling start times for public schools in certain manner. (BDR S-729)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblymen Smith and Anderson.

Amendment adopted.

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

Senate Bill No. 238.

Bill read second time.

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

Amendment No. 915.

Amend section 1, page 2, line 14, by deleting “4” and inserting “[4] 5”.

Amend sec. 3, page 3, line 44, by deleting “~~for~~” and inserting “or”.

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

“letter of advice in accordance with the provisions of subsection ~~[4.]~~ 5.

2. A public utility shall *adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility’s recorded costs of natural gas purchased for resale.*

3. *A public utility shall post copies of all proposed schedules”.*

Amend sec. 3, page 4, line 13, by deleting “3.” and inserting “[3.] 4.”.

Amend sec. 3, page 4, by deleting line 20 and inserting:

“~~[4.]~~ 5. Except as otherwise provided in subsection ~~[5.]~~ 6, if the”.

Amend sec. 3, page 4, line 29, by deleting “5.” and inserting “[5.] 6.”.

Amend sec. 3, page 4, by deleting line 36 and inserting:

“~~[6.]~~ 7. In making the determination pursuant to subsection ~~[4 or 5.]~~ 5 or 6,”.

Amend sec. 4, page 6, line 8, after “of” by inserting “all”.

Amend sec. 4, page 6, by deleting line 9 and inserting: “*in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date*”.

Amend sec. 4, page 6, line 19, after “subsection” by inserting: “*and evidence relevant to the statement*”.

Amend sec. 4, page 7, lines 8 and 9, by deleting: “*if the public utility is authorized to adjust*” and inserting: “*and which adjusts*”.

Amend sec. 4, page 7, line 12, by deleting “may” and inserting “must”.

Amend sec. 4, page 8, line 25, by deleting “4” and inserting “[4] 5”.

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. 302.

Bill read second time.

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

Amendment No. 905.

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

“Section 1. NRS 244A.627 is hereby amended to read as follows:

244A.627 Notwithstanding any other provision of law, no county fair and recreation board in a county whose population is 100,000 or more and less than 400,000 may ~~[acquire, purchase, lease, sell, or dispose of]~~ *sell or lease to a person or governmental entity* any real property ~~[or engage in any other transaction relating to real property]~~ *within the county which is located in a city whose population is less than 150,000* without prior approval of the board of county commissioners.”.

Amend the title of the bill to read as follows:

“AN ACT relating to counties; removing the requirement that a county fair and recreation board in certain larger counties obtain the approval of the board of county commissioners before engaging in certain transactions involving real property; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Removes limitation on county and recreation board in certain larger counties from engaging in certain transactions involving real property. (BDR 20-1060)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 304.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time.

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

Amendment No. 908.

Amend sec. 9, page 4, line 37, by deleting “*may*” and inserting “*shall*”.

Amend sec. 14, page 8, line 36, by deleting “*Notwithstanding*” and inserting:

“1. Except as otherwise provided in subsection 2, notwithstanding”.

Amend sec. 14, page 8, by deleting line 38 and inserting: *“construction, improvement, repair, demolition, reconstruction, other acquisition, equipment,”.*

Amend sec. 14, page 8, after line 43, by inserting:

“2. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of section 13 of this act; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of section 13 of this act, regardless of whether the project is publicly or privately owned.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Senate Bill No. 335.

Bill read second time.

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

Amendment No. 959.

Amend the bill as a whole by adding new sections designated sections 5.3 through 5.7, following sec. 5, to read as follows:

“Sec. 5.3. NRS 643.120 is hereby amended to read as follows:

643.120 ~~{Any}~~ Except as otherwise provided in NRS 643.130, any person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the Board.

Sec. 5.5. NRS 643.130 is hereby amended to read as follows:

643.130 1. A license as a barber or an apprentice must be issued by the Board to any applicant who:

~~{1-}~~ (a) Passes an examination as provided for in NRS 643.070 and 643.080;

~~{2-}~~ (b) Possesses the other qualifications required by the provisions of this chapter;

~~{3-}~~ (c) Submits the statement required pursuant to NRS 643.095; and

~~{4-}~~ (d) Complies with the requirements set forth in the regulations of the Board.

2. A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has

substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of 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 643.100;

(c) The person has not previously failed an examination for licensure as a barber;

(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter 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 engage in the practice of barbering during the period of the temporary exemption.

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering 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 is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.*

Sec. 5.7. NRS 643.130 is hereby amended to read as follows:

643.130 1. A license as a barber or an apprentice ~~{shall}~~ must be issued by the Board to any applicant who ~~{shall}~~:

~~1.—Pass}~~

(a) *Passes* an examination as provided for in NRS 643.070 and 643.080.

~~{2.—Possess}~~

(b) *Possesses* the other qualifications required by the provisions of this chapter.

~~{3.—Meet}~~

(c) *Meets* the requirements as set forth in the rules and regulations of the Board.

2. *A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of 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 643.100;*

(c) *The person has not previously failed an examination for licensure as a barber;*

(d) *The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter 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 engage in the practice of barbering during the period of the temporary exemption.*

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering 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 is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.”.*

Amend sec. 30, page 14, by deleting line 37 and inserting:

“Sec. 30. 1. This section and sections 5.3 and 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 6 to 18, inclusive, and”.

Amend sec. 30, page 14, by deleting line 39 and inserting:

“3. The provisions of sections 5.5 and 18 of this act expire by limitation”.

Amend sec. 30, page 15, by deleting line 7 and inserting:

“4. Sections 5.7 and 19 of this act become effective on the date on”.

Amend the title of the bill, third line, after “violations;” by inserting: “providing for a temporary exemption from licensure as a barber or barber’s apprentice under certain circumstances;”.

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. 338.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 815.

Amend the bill as a whole by renumbering sections 57 and 58 as sections 66 and 67 and adding new sections designated sections 57 through 65, following sec. 56, to read as follows:

“Sec. 57. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A local government shall require a business entity which:*

(a) *Buys or leases land from the local government;*

(b) *Enters into a contract to provide any good or service to the local government;*

(c) *Applies to the local government for a change to the zoning of land; or*

(d) *Transacts any other business with the local government,*

to submit a disclosure to the local government which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. *As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 58. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; or

(d) Knowingly accept a contribution made by a person in the name of another person.

2. *A business entity that makes a contribution to a candidate shall disclose to the candidate receiving the contribution the name of each person who holds an ownership interest of 1 percent or more in the business entity.*

3. As used in this section ~~[-“make”]~~:

(a) *“Business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

(b) *“Make a contribution in the name of another person” includes, without limitation:*

~~[(a)]~~ (1) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

~~[(b)]~~ (2) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 59. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

9. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their*

equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 60. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

6. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their*

equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Land Registrar shall require a business entity which enters into a contract to buy or lease land owned by the State to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 62. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Chief shall require a business entity which enters into a contract to provide any good or service to a using agency to submit a disclosure to the Chief which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 63. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A using agency shall require a business entity which enters into a performance contract with the using agency to submit a disclosure to the using agency which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. *As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.*

Sec. 64. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A public body shall require a business entity which enters into a contract to conduct a public work for the public body to submit a disclosure to the public body which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall require a business entity which:

(a) Buys or leases land from the System;

(b) Enters into a contract to provide any good or service to the System;

(c) Transacts any other business with the System,

to submit a disclosure to the Board of Regents which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.”.

Amend sec. 58, page 42, lines 29 and 30, by deleting:

“~~organized or qualified to do business pursuant to the laws of this State.]~~” and inserting: “organized or qualified to do business pursuant to the laws of this State.”.

Amend the title of the bill, sixteenth line, after “associations;” by inserting: “requiring a business entity that transacts business with a governmental entity to disclose the names of certain owners of the business entity in certain circumstances;”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

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

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 380 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 256 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

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

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 386 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 12:24 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman McCleary moved that Senate Bill No. 409 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McCleary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 411.

Bill read second time.

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

Amendment No. 786.

Amend sec. 14, page 11, by deleting lines 3 through 8 and inserting:

"7. The ordinance authorizing the levy of assessments must allow the governing body to authorize the treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to subsection 4 of NRS 271.415 and any interest incurred pursuant to NRS 271.585."

Amend sec. 21, page 20, line 20, by deleting "271.320" and inserting "271.325".

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

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

Senate Bill No. 415.

Bill read second time.

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

Amendment No. 826.

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

“Sec. 5. NRS 656.090 is hereby repealed.”.

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

“

TEXT OF REPEALED SECTION

656.090 Public meetings; executive sessions. All meetings of the Board shall be open and public, except that the Board may hold executive sessions to:

1. Deliberate on the decision to be reached upon any contested hearing.
2. Prepare, administer or grade examinations.”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 421.

Bill read second time.

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

Amendment No. 910.

Amend section 1, page 2, by deleting lines 22 and 23 and inserting:

“4. ~~Each~~ *Except as otherwise provided in subsection 6, a public body may* shall, for each of its meetings, whether”.

Amend section 1, page 2, line 42, by deleting: “*subsections 6 and 7,*” and inserting “*subsection 6,*”.

Amend section 1, page 3, by deleting lines 4 through 6.

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

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

“Sec. 12.5. NRS 287.0415 is hereby amended to read as follows:

287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.

2. The Governor shall designate one of the members of the Board to serve as the Chairman.

3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chairman.

4. The Board may meet in closed session:

- (a) To discuss matters relating to personnel;
- (b) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding; or
- (c) As otherwise provided pursuant to chapter 241 of NRS.

5. *Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.*

6. As used in this section, “request for a proposal” has the meaning ascribed to it in subsection 8 of NRS 333.020.”.

Amend the title of the bill, fifth line, after “exceptions;” by inserting: “requiring the Board of the Public Employees’ Benefits Program to post minutes of its meetings on its Internet website under certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to Open Meeting Law. (BDR 19-99)”.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

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

Senate Bill No. 422.

Bill read second time.

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

Amendment No. 754.

Amend sec. 5, page 2, by deleting line 8 and inserting: “*complex for which a business license issued by the county is required for its operation.*”.

Amend sec. 8, page 2, by deleting lines 43 and 44 and inserting:

“(a) A person who holds a license issued pursuant to chapter 645 of NRS; or”.

Amend sec. 9, page 3, by deleting lines 19 through 21 and inserting:

“(a) A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or”.

Amend sec. 22, page 8, by deleting line 45 and inserting:

“*complex for which a business license issued by the city is required for its operation.*”.

Amend sec. 25, page 9, by deleting lines 37 and 38 and inserting:

“(a) A person who holds a license issued pursuant to chapter 645 of NRS; or”.

Amend sec. 26, page 10, by deleting lines 14 through 16 and inserting:

“(a) A property managed by a person who holds a license issued pursuant to chapter 645 of NRS; or”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 428 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 460.

Bill read second time.

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

Amendment No. 970.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 5, line 3, by deleting: “or section 5 of this act,”.

Amend the title of the bill, first line, after “authorizing” by inserting “certain”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Senate Bill No. 462.

Bill read second time.

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

Amendment No. 944.

Amend sec. 183, page 66, by deleting lines 24 through 27 and inserting:

“(a) The Administrator of the Division of Mental Health and Developmental Services who is appointed pursuant to subsection 3;

(b) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(c) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.”.

Amend the bill as a whole by deleting sec. 185.8 and adding:

“Sec. 185.8. (Deleted by amendment.)”.

Amend the bill as a whole by deleting sections 189 through 207 and renumbering sections 208 through 210 as sections 189 through 191.

Amend the bill as a whole by renumbering sections 211 through 219 as sections 193 through 201 and adding a new section designated sec. 192, following sec. 210, to read as follows:

“Sec. 192. 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated; and

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall ensure that the persons and entities which provide services for the treatment or prevention of mental illness or substance abuse in this State are involved in the study.

4. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.”.

Amend sec. 219, page 86, by deleting lines 14 through 27 and inserting:

“Sec. 201. 1. This section and section 192 of this act become effective upon passage and approval.

2. Sections 1 to 191, inclusive, and 193 to 200, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Legislative Committee on Health Care to conduct an interim study concerning the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State; reenacting certain penalties; and providing other matters properly relating thereto.”.

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. 466.

Bill read second time.

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

Amendment No. 1005.

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

Amend sec. 2, pages 1 and 2, by deleting lines 16 through 18 on page 1 and lines 1 through 18 on page 2, and inserting:

“1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement.”.

Amend the title of the bill to read as follows:

“AN ACT relating to water; requiring certain public bodies to make written determinations before selling or leasing for a certain period their water rights; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain public bodies to make written determinations before sales or certain leases of their water rights. (BDR 20-1351)”.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

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

Senate Bill No. 488.

Bill read second time.

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

Amendment No. 993.

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

“237.080 1. Before ~~adopting~~ a governing body of a local government adopts a proposed rule, the governing body ~~of a local government~~ or its designee must notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. *If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.*

3. *After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:*

- (a) *Impose a direct and significant economic burden upon a business; or*
- (b) *Directly restrict the formation, operation or expansion of a business.*

~~{2.}~~

If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

4. *If the governing body ~~{of a local government}~~ or its designee determines pursuant to subsection ~~{1}~~ 3 that a proposed rule is likely to impose a”.*

Amend section 1, page 2, line 5, after “body” by inserting: “*or its designee*”.

Amend section 1, page 2, by deleting lines 17 and 18 and inserting:

“5. *After making a determination pursuant to subsection 3, the governing body or its designee shall prepare a business*”.

Amend sec. 2, page 2, line 34, after “government” by inserting: “*or its designee*”.

Amend sec. 2, page 2, line 36, after “body” by inserting: “*or its designee*”.

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

“Sec. 3. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government *or its designee* failed to prepare a business impact statement as required pursuant to NRS 237.080; or

(b) The business impact statement prepared by the governing body *or its designee* pursuant to NRS 237.080 did not consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Senate Bill No. 256.

Bill read second time.

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

Amendment No. 916.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 6, line 4, by deleting “~~{11,} 12,~~” and inserting “11,”.

Amend sec. 4, page 6, line 12, by deleting “240” and inserting “210”.

Amend sec. 4, page 8, by deleting lines 14 through 23 and inserting:

“9. If an electric utility files an application to clear its deferred”.

Amend sec. 4, page 8, line 31, by deleting “~~{10,} 11.~~” and inserting “10.”.

Amend sec. 4, page 8, line 37, by deleting “~~{11,} 12.~~” and inserting “11.”.

Amend sec. 4, page 9, line 3, by deleting “~~{12,} 13.~~” and inserting “12.”.

Amend sec. 5, page 10, by deleting lines 1 through 8 and inserting:

“4. An electric utility using deferred accounting may file ~~{an}~~ a”.

Amend sec. 5, page 10, by deleting lines 16 through 20 and inserting:

“5. ~~{The Commission shall adopt regulations prescribing the period within which an electric utility must file an application to clear its deferred accounts after the end of a period of deferred accounting.~~

~~6.} As used in this section.”.~~

Amend the bill as a whole by renumbering sections 6 and 7 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 5, to read as follows:

“Sec. 4. NRS 704.7815 is hereby amended to read as follows:

704.7815 “Renewable energy system” means:

1. A facility or energy system that:

(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; ~~and~~

~~(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:~~

~~(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or~~

~~(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.]~~

(b) Either:

(1) Is directly connected to a provider of electric service through the use of a dedicated transmission or distribution line; or

(2) Schedules and delivers, either directly or through a contract path transaction, the electricity it generates from a renewable energy system or from a qualified energy recovery process to a provider of electric service; and

(c) Has a commercial operation date on or after July 1, 2005, has applied to, petitioned for or sought an advisory opinion from the Commission to be registered as a renewable energy system before July 1, 2005, or is currently providing electricity to a provider of electric service using renewable energy or energy from a qualified energy recovery process. As used in this paragraph, "commercial operation date" means the date the facility first produces electrical energy, for any purpose, at its current location or any former location.

2. A solar energy system that reduces the consumption of electricity, natural gas or propane.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public utilities; revising certain provisions relating to the regulation of public utilities; changing the date on which the Public Utilities Commission of Nevada must mail certain report forms to public utilities and other regulated entities; revising certain provisions relating to changes in schedules; revising the period within which the Commission must take action on certain applications; revising the period within which an electric utility must file a general rate application; revising the period within which an electric utility must file an application to clear its deferred accounts; and providing other matters properly relating thereto.”.

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. 326.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 998.

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

“Section 1. Chapter 37 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Notwithstanding any other provision of law, an agency may not exercise the power of eminent domain to acquire a parcel of property or group of contiguous parcels of property that is more than 40 acres in area for the purpose of open-space use unless:*

(a) Before the governing body of the agency votes to commence an action in eminent domain to acquire the property, the agency has negotiated with the owner of the property, in good faith, for a period of not less than 24 months beginning on the date on which the agency provided the written offer of compensation to the owner of the property pursuant to subsection 2, to reach an agreement regarding the amount of compensation to be paid for the property;

(b) The use of property for the purpose of open-space use conforms with any applicable provisions of the applicable:

(1) Master plan adopted pursuant to chapter 278 of NRS;

(2) Zoning regulations adopted pursuant to chapter 278 of NRS; and

(3) Open-space plan adopted pursuant to chapter 376A of NRS;

(c) Each acre of the property is necessary for the purpose of open-space use and will be devoted to open-space use for not less than 50 years; and

(d) If the agency is seeking to acquire water rights appurtenant to the property, the agency uses the water beneficially on the property for the purpose of open-space use.

2. *To satisfy the requirement to have negotiated with the owner of the property in good faith, pursuant to paragraph (a) of subsection 1, an agency must, at a minimum:*

(a) Provide to the owner of the property, by personal delivery or by certified mail, return receipt requested, a written offer of compensation that includes:

(1) A copy of the appraisal report upon which the offer of compensation is based;

(2) A detailed description of the nature of the intended use of each acre of the property and the specific reasons for the necessity of acquiring each acre of the property for the purpose of open-space use;

(3) If the agency is seeking to acquire any water rights appurtenant to the property, a detailed description of the intended beneficial use of the water rights on the property and the specific reasons for the necessity of acquiring the water rights; and

(4) *The value of the property, plus damages, if any, as appraised by the agency; and*

(b) *Attempt to engage in meaningful negotiations with the owner of the property at least once per calendar month during the period described in paragraph (a) of subsection 1.*

3. *As used in this section:*

(a) *“Agency” means the State of Nevada, any political subdivision of the State or any other governmental entity that possesses the power of eminent domain.*

(b) *“Open-space plan” has the meaning ascribed to it in NRS 376A.010.*

(c) *“Open-space use” means the use of property:*

(1) *To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; or*

(2) *To protect, conserve or preserve wildlife habitat.*

Sec. 3. *Notwithstanding any other provision of law, if the State of Nevada, any political subdivision of the State or other governmental entity that has acquired property pursuant to the provisions of this chapter:*

1. *Fails to use the property for the public purpose for which it was acquired; and*

2. *Seeks to convey the right, title or interest in all or part of that property to any person,*

within 15 years after the property is acquired, the person from whom the property was acquired or his successor in interest must be granted the right of first refusal to purchase the right, title or interest in the property sought to be conveyed for fair market value which shall be deemed to be an amount which does not exceed the proportional amount paid by the State, political subdivision or other governmental entity for the acquisition of the property.

Sec. 4. 1. *In addition to any amount of compensation determined pursuant to NRS 37.110, the owner of a business conducted on property that is acquired pursuant to this chapter must be compensated for loss of goodwill if:*

(a) *The condemnation causes the business to be dissolved and the business cannot be relocated for reasons beyond the control of the owner, including, without limitation, the unavailability of a new franchise or when the value of the business is inextricably tied to the unique location of the property being condemned; and*

(b) *The owner of the business has a property interest in the property acquired pursuant to this chapter.*

2. *As used in this section, “goodwill” means the component of value attributed to the reputation, loyal customer base, ability to attract new customers and location of a business. The term does not include the loss of anticipated profits or loss of business opportunity.*

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

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any

county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

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

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, *except as otherwise provided in section 3 of this act*, for an amount equal to the appraised value of the land at the time of the reconveyance.

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

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

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

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

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

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

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

4. If the board, after the hearing, determines that maintenance of the property by the county solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the county and its citizens, the board shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman of the board shall execute a deed of reconveyance on behalf of the county and the county clerk shall attest the deed under the seal of the county.

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

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or states in writing that he is unable to accept the reconveyance; or

(b) The land has been combined with other land owned by the county and improved in such manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.

Sec. 6. NRS 268.050 is hereby amended to read as follows:

268.050 1. The governing body of any incorporated city in this State may reconvey all the right, title and interest of the city in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use or uses, or any part thereof, to the person:

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

(b) From whom the land was acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, *except as otherwise provided in section 3 of this act*, for an amount equal to the appraised value of the land at the time of the reconveyance.

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

2. If the city has a planning commission, the governing body shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the governing body.

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

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

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

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

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

4. If the governing body, after the hearing, determines that maintenance of the property by the city solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the city and its citizens, the governing body shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall execute a deed of reconveyance on behalf of the city and the city clerk shall attest the deed under the seal of the city.

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

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or states in writing that he is unable to accept the reconveyance; or

(b) The land has been combined with other land owned by the city and improved in such a manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.”.

Amend sec. 2, page 2, by deleting lines 12 through 16 and inserting: *“within the redevelopment area at the time the redevelopment area was created.”.*

Amend the bill as a whole by renumbering sections 3 and 4 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 2, to read as follows:

“Sec. 8. NRS 408.533 is hereby amended to read as follows:

408.533 1. ~~[(A)]~~ *Except as otherwise provided in section 3 of this act, all real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:*

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a

newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or his heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after he receives a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. All property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to:

- (a) Abutter's rights of light, view or air.
- (b) Easements of access to and from abutting land.
- (c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property."

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

"Sec. 9. The provisions of this act apply to an action in eminent domain that is filed on or after the effective date of this act."

Amend sec. 4, page 3, line 10, by deleting: "on July 1, 2005." and inserting: "upon passage and approval."

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "acquire real property by eminent domain; limiting the use and reconveyance of real property acquired by eminent domain; requiring an agency that acquires real property on".

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblymen Horne and Hardy.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 25, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 306 and 462.

MARK STEVENS
Fiscal Analysis Division

Assemblyman Arberry moved that upon return from the printer Senate Bill No. 304 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Leslie moved that Senate Bill No. 296 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. 396 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. 420 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Leslie.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 172 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 347 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Claborn moved that Senate Bill No. 208 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Claborn.

Motion carried.

Assemblywoman Pierce moved that Senate Bill No. 263 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblywoman Pierce.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills Nos. 17, 18, 28, 46, 52, 67, 82, 110, 115, 118, 125, 150, 153, 194, 252, 280, 281, 282, 287, 290, 307, 321, 346, 358, 368, 389, 432, and 444 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 263.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 999.

Amend sec. 17, page 5, line 21, by deleting "*located;*" and inserting: "*located and any local planning commission whose territorial jurisdiction includes or is immediately adjacent to the real property subject to the covenant;*".

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

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

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblymen Leslie and Grady.

Roll call on Assembly Bill No. 3:

YEAS—33.

NAYS—Carpenter, Goicoechea, Grady, Hardy, Hettrick, Mabey, Marvel, Sherer, Weber—9.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Assembly Bill No. 103:

YEAS—42.

NAYS—None.

Assembly Bill No. 103 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.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 338:

YEAS—42.

NAYS—None.

Assembly Bill No. 338 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a two-thirds majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 403:

YEAS—42.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 498:

YEAS—42.

NAYS—None.

Assembly Bill No. 498 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 525:

YEAS—42.

NAYS—None.

Assembly Bill No. 525 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 48

Bill read third time.

Remarks by Assemblymen Seale and Buckley.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 48 be taken from the
General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 71:

YEAS—42.

NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblyman Seale.

Roll call on Senate Bill No. 112:

YEAS—41.

NAYS—Angle.

Senate Bill No. 112 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 133:

YEAS—42.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblywoman Allen.

Roll call on Senate Bill No. 134:

YEAS—42.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Roll call on Senate Bill No. 146:

YEAS—42.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Gansert.

Roll call on Senate Bill No. 152:

YEAS—42.

NAYS—None.

Senate Bill No. 152 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 173:

YEAS—36.

NAYS—Angle, Carpenter, Gansert, Hettrick, Marvel, Sherer—6.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 174.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 174:

YEAS—28.

NAYS—Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Weber—14.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 175:

YEAS—42.

NAYS—None.

Senate Bill No. 175 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 201:

YEAS—42.

NAYS—None.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 218:

YEAS—42.

NAYS—None.

Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Roll call on Senate Bill No. 219:

YEAS—42.

NAYS—None.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Roll call on Senate Bill No. 225:

YEAS—34.

NAYS—Angle, Christensen, Gansert, Goicoechea, Hettrick, Mabey, Sherer, Weber—8.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—42.

NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Roll call on Senate Bill No. 229:

YEAS—42.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblywoman Weber.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bill No. 254 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblywoman Pierce.

Conflict of interest declared by Assemblywoman Pierce.

Roll call on Senate Bill No. 255:

YEAS—41.

NAYS—None.

NOT VOTING—Pierce.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 269.

Bill read third time.

Roll call on Senate Bill No. 269:

YEAS—42.

NAYS—None.

Senate Bill No. 269 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—42.

NAYS—None.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Roll call on Senate Bill No. 295:

YEAS—41.

NAYS—None.

NOT VOTING—Carpenter.

Senate Bill No. 295 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Roll call on Senate Bill No. 315:

YEAS—40.

NAYS—None.

NOT VOTING—Carpenter, Parks—2.

Senate Bill No. 315 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Mortenson.

Assemblyman Mortenson requested that his remarks be entered in the Journal.

Senate Bill 318 creates an account for maintenance of state parks facilities and grounds within the General Fund Account. The interest and income is used to repair and maintain state parks. Mr. Speaker, if I might have a very short Order of Business 15 to establish a Legislative intent.

Mr. Speaker, I was assured on the other side, during committee hearings, that with this bill it was always intended that this would be money that would supplement and not supplant the budget of the state parks. I wish to establish that here on the Floor of the Assembly. I know that in the committee hearing here there also was an emphasis on supplement and not supplant, so, Mr. Speaker, that is what I wish to do. Thank you, Sir.

Roll call on Senate Bill No. 318:

YEAS—42.

NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Roll call on Senate Bill No. 353:

YEAS—42.

NAYS—None.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Roll call on Senate Bill No. 354:

YEAS—42.

NAYS—None.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 367:

YEAS—33.

NAYS—Allen, Carpenter, Christensen, Gansert, Goicoechea, Grady, Marvel, Sherer, Weber—9.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Roll call on Senate Bill No. 381:

YEAS—42.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 325, 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 Ways and Means, to which were referred Assembly Bills Nos. 310, 413 and 514, 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 Senate Bill No. 365, 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*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 209, 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 Ocegüera moved that Assembly Bills Nos. 209, 310, 413, 514; Senate Bills Nos. 170, 325, and 365 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. 209.

Bill read second time.

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

Amendment No. 975.

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

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

“Section 1. 1. To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to school districts to establish a pilot program in accordance with this section.

2. If the Department of Education provides grants to school districts pursuant to this section, the Department shall:”.

Amend sec. 2, page 2, line 20, by deleting “2.” and inserting “3.”.

Amend sec. 2, page 2, line 26, by deleting “1;” and inserting “2;”

Amend sec. 2, page 2, line 29, by deleting “subsection 5;” and inserting “this section;”.

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

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

“4. An application submitted pursuant to subsection 3 must”.

Amend sec. 2, page 3, line 17, by deleting “4.” and inserting “5.”.

Amend sec. 2, page 3, line 18, by deleting “2” and inserting “3”.

Amend sec. 2, page 3, by deleting lines 20 through 44 and inserting:

“6. For each school district whose application is approved, the school district shall use the money to carry out the approved pilot program before the beginning of the 2006–2007 school year. A school district may distribute a portion of the money to each school that will”.

Amend sec. 2, page 4, line 22, by deleting “subsection 5” and inserting “this section”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; authorizing the Department of Education to provide grants, to the extent money is available, for school districts to establish and implement pilot programs for prekindergarten children who have limited proficiency in the English language; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Department of Education to provide grants for establishment and implementation of pilot programs for prekindergarten children with limited proficiency in English language. (BDR S-827)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 310

Bill read second time.

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

Amendment No. 977.

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

“Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department, in collaboration with any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services, shall establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. The system must:*

(a) Integrate any information and referral systems previously established by state agencies, local agencies or community-based organizations with the system established pursuant to this section;

(b) Be the sole system in this State which is accessible to a person by dialing the digits 2-1-1 and which provides nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State;

(c) Be accessible to a person using the public telephone system by dialing the digits 2-1-1; and

(d) Include information that is updated periodically.

2. *In establishing the statewide information and referral system, the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services shall consult with representatives of:*

(a) The Public Utilities Commission of Nevada;

(b) Telephone companies which provide service through a local exchange in this State;

(c) Companies that provide wireless phone services in this State;

(d) Existing information and referral services established by state agencies, local agencies or community-based organizations;

(e) *State and local agencies or other organizations that provide health, welfare, human and social services;*

(f) *Nonprofit organizations; and*

(g) *Such other agencies, entities and organizations as determined necessary by the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services or any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services.*

3. *The Public Utilities Commission of Nevada, each telephone company which provides service through a local exchange in this State and each company that provides wireless phone services in this State shall cooperate with the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services in the establishment of the statewide information and referral system.*

Sec. 2. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.465, inclusive, and section 1 of this act, unless the context requires otherwise:

1. “Department” means the Department of Human Resources.

2. “Director” means the Director of the Department.”

Amend section 1, page 1, by deleting lines 3 through 5 and inserting: “\$200,000 for the establishment of the statewide nonemergency information and referral telephone system concerning health, welfare, human and social services established pursuant to section 1 of this act.”.

Amend sec. 2, page 1, line 7, by deleting “1” and inserting “3”.

Amend sec. 3, page 2, line 1, by deleting: “on July 1, 2005.” and inserting: “upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health; providing for the establishment of a statewide nonemergency information and referral telephone system concerning health, welfare, human and social services that is accessible by dialing the digits 2-1-1; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for establishment of statewide nonemergency information and referral telephone system concerning health, welfare, human and social services. (BDR 18-829)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 413.

Bill read second time.

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

Amendment No. 988.

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

“Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State General Fund the Account for the Control of Weeds to be administered by the Director. Money in the Account must be used for the abatement of weeds. The Director may adopt regulations for the administration of the Account.*

2. *The Account is a continuing account without reversion to the State General Fund. The money in the Account must be invested as the money in other state funds or accounts is invested. The interest and income earned on the money in the Account, after deducting any appropriate charges, must be credited to the Account. All claims against the Account must be paid as other claims against the State are paid.*

3. *The Director may accept gifts, grants and donations from any source for deposit in the Account.”.*

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

Amend section 1, page 1, by deleting lines 2 through 7 and inserting: “General Fund to the Account for the Control of Weeds created by section 1 of this act the sum of \$100,000.”.

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

Amend the title of the bill to read as follows:

“AN ACT relating to weed control; creating the Account for the Control of Weeds to be administered by the Director of the State Department of Agriculture; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Account for the Control of Weeds. (BDR 49-1120)”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 514.

Bill read second time.

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

Amendment No. 976.

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

Amend sec. 2, page 1, line 11, by deleting “The” and inserting:

“To the extent that money is available from this State or the Federal Government, the Department of Education may provide grants of money to public schools to establish a pilot program pursuant to this section. If the Department provides grants pursuant to this section, the”.

Amend sec. 2, page 2, by deleting lines 7 and 8 and inserting: “pilot program, the school will receive a grant of money to carry out the program in”.

Amend sec. 2, page 3, by deleting lines 12 through 15 and inserting: “for disruptive pupils.”.

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

“AN ACT relating to education; authorizing the Department of Education to provide grants, to the extent money is available, for distribution to public schools to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Authorizes Department of Education to provide grants to public schools for establishment of pilot programs providing alternative educational settings for disruptive pupils. (BDR S-937)”.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 170.

Bill read second time.

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

Amendment No. 864.

Amend section 1, page 2, line 2, by deleting “2” and inserting “1.5”.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

“Sec. 1.5. 1. *“Agriculture” means the current use of real property as a business venture for profit, which business venture produced a minimum gross income of \$5,000 during the immediately preceding calendar year from the following pursuits:*

(a) *Raising, harvesting and selling crops, fruit, flowers, timber or other products of the soil;*

(b) *Feeding, breeding, management and sale of livestock, poultry or the produce thereof;*

(c) *Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;*

(d) *Raising furbearing animals or bees; or*

(e) *Dairying and the sale of dairy products.*

The term includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. *As used in this section, "current use" of real property for agricultural purposes includes:*

(a) *Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;*

(b) *Land planted in orchards or other perennials prior to maturity; and*

(c) *Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS."*

Amend sec. 4, page 2, line 16, after "persons." by inserting: "*The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf.*"

Amend sec. 5, page 2, line 20, after "therewith." by inserting: "*The term does not include a golf course, a driving range used to practice the sport of golf or any similar facility related to the sport of golf.*"

Amend sec. 9, page 2, line 37, after "for" by inserting "*agriculture,*".

Amend sec. 9, page 3, line 1, after "for" by inserting "*agriculture,*".

Amend sec. 10, page 3, line 4, by deleting "*Money*" and inserting: "*Except as otherwise provided in this subsection, money*".

Amend sec. 10, page 3, line 7, after "citizens," by inserting: "*and to preserve and protect agriculture,*".

Amend sec. 10, page 3, line 12, after "for" by inserting "*agriculture,*".

Amend sec. 10, page 3, between lines 15 and 16, by inserting: "*Money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs must not be obtained by the issuance of bonds.*".

Amend sec. 12, page 3, line 36, by deleting "2" and inserting "1.5".

Amend sec. 13, page 4, line 12, after "citizens," by inserting: "*and to preserve and protect agriculture,*".

Amend sec. 14, page 5, line 5, after "citizens," by inserting: "*and to preserve and protect agriculture,*".

Amend sec. 15, page 5, line 42, after "citizens," by inserting: "*and to preserve and protect agriculture,*".

Amend sec. 16, page 6, line 39, after "citizens," by inserting: "*and to preserve and protect agriculture,*".

Amend sec. 18, page 8, line 15, after "citizens," by inserting: "*and for preserving and protecting agriculture,*".

Amend sec. 18, page 8, line 19, after "chapter." by inserting: "*The provisions of this subsection do not authorize the board of county*

commissioners of a county to obtain money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs by the issuance of bonds.”.

Amend the bill as a whole by renumbering sec. 19 as sec. 20 and adding a new section designated sec. 19, following sec. 18, to read as follows:

“Sec. 19. NRS 547.140 is hereby amended to read as follows:

547.140 ~~{Where}~~

1. *Except as otherwise provided in subsection 2, if two or more counties are included in and comprise an agricultural district, the boards of county commissioners of such counties are authorized to appropriate, out of the general fund of such counties, such money ~~{or moneys}~~ for the encouragement of such agricultural associations as the boards may, in their judgment, deem just and proper . ~~{but in}~~*

2. *In no case ~~{shall such}~~ may an appropriation described in subsection 1 exceed the sum of \$1,500 in any 1 year ~~{,}~~, unless the money so appropriated was obtained from the proceeds of a tax imposed pursuant to chapter 377A of NRS.”.*

Amend sec. 19, page 8, line 25, by deleting: “17 and 18” and inserting: “17, 18 and 19”.

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

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

Senate Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 884.

Amend sec. 18, page 3, line 40, by deleting “*chapter,*” and inserting: “*chapter or chapter 116 of NRS,*”.

Amend sec. 18, page 4, by deleting line 1 and inserting: “*other information considered by the Commission or a hearing panel when determining*”.

Amend sec. 23, page 5, line 9, after “*with*” by inserting: “*the provisions of this chapter and chapter 116 of NRS and*”.

Amend sec. 25, page 6, line 25, after “*with*” by inserting: “*the provisions of this chapter and chapter 116 of NRS and*”.

Amend sec. 25, page 6, line 30, after “*chapter*” by inserting: “*or chapter 116 of NRS*”.

Amend sec. 29, page 8, line 35, after “*chapter*” by inserting: “*or chapter 116 of NRS*”.

Amend sec. 29, page 8, line 38, after “*chapter*” by inserting: “*or chapter 116 of NRS*”.

Amend sec. 31, page 9, by deleting lines 18 through 24 and inserting:

“Sec. 31. 1. *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) *Must be paid by the party at whose request the witness is subpoenaed;*
or

(b) *If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.”.*

Amend sec. 34, page 10, line 13, by deleting “chapter,” and inserting: “chapter or chapter 116 of NRS.”.

Amend sec. 34, page 10, line 40, after “chapter” by inserting: “or chapter 116 of NRS”.

Amend sec. 34, page 10, line 42, after “chapter” by inserting: “or chapter 116 of NRS”.

Amend sec. 35, page 11, by deleting lines 1 through 17 and inserting:

“Sec. 35. 1. *If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person has violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or the Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.*

2. *The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days’ notice to the opposite party.*

3. *The court may issue the temporary restraining order, preliminary injunction or final injunction without:*

(a) *Proof of actual damages sustained by any person.*

(b) *The filing of any bond.”.*

Amend sec. 36, page 11, line 19, by deleting “47,” and inserting “47.6.”.

Amend the bill as a whole by deleting sec. 38 and adding:

“Sec. 38. (Deleted by amendment.)”.

Amend sec. 39, pages 11 and 12, by deleting lines 37 through 44 on page 11 and lines 1 through 9 on page 12, and inserting:

“Sec. 39. 1. *At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.*

2. *The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.*

3. *As used in this section, “converted building reserve deficit” means the amount necessary to replace the major components of the common elements needing replacement within 5 years after the date of the first sale of a unit.”.*

Amend sec. 40, page 14, line 9, after “must” by inserting “be”.

Amend sec. 41, page 15, by deleting lines 5 through 7 and inserting: “environment and is adaptable to local conditions.”.

Amend sec. 44, page 15, line 44, by deleting “is not” and inserting: “will not be”.

Amend sec. 44, page 16, line 2, by deleting “after” and inserting “before”.

Amend sec. 45, page 16, line 13, before “In” by inserting “I.”.

Amend sec. 45, page 16, by deleting lines 16 through 18 and inserting: “governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way”.

Amend sec. 45, page 16, between lines 21 and 22, by inserting:

“2. *The provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.”.*

Amend sec. 46, page 16, by deleting lines 26 through 43 and inserting: “a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches.”.

Amend sec. 47, page 17, by deleting lines 10 through 12 and inserting: “each unit’s owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except”.

Amend the bill as a whole by adding new sections designated sections 47.3 and 47.6, following sec. 47, to read as follows:

“Sec. 47.3. 1. *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) *Must be paid by the party at whose request the witness is subpoenaed;*
or

(b) *If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.*

Sec. 47.6. 1. *Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.*

2. *A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.*”.

Amend sec. 48, page 18, line 18, by deleting: “sections 37 and 38” and inserting “section 37”.

Amend sec. 52, page 19, by deleting lines 12 through 14 and inserting: “government from imposing different requirements and standards regarding design and construction on different types of structures in common-interest communities. For the purposes of this subsection, a townhouse in a planned community is a different type of structure from other structures in common-interest communities, including, without limitation, other structures that are or will be owned as condominiums or cooperatives.”.

Amend sec. 54, page 19, line 45, after “is” by inserting “created for”.

Amend sec. 54, page 21, line 9, after “is” by inserting “created for”.

Amend the bill as a whole by adding a new section designated sec. 54.5, following sec. 54, to read as follows:

“Sec. 54.5. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1105, 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.3119, inclusive, and sections 41 to 47, inclusive, of this act, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.”.

Amend sec. 57, page 23, by deleting lines 26 and 27 and inserting: “recording of any amendments to the declaration ~~[, the information required by NRS 116.4109]~~ or any statements of unpaid assessments ~~[,]~~, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.”.

Amend sec. 57, page 24, line 7, before “residents” by inserting: “units’ owners or”.

Amend sec. 58, page 25, line 16, before “residents” by inserting: “units’ owners or”.

Amend sec. 58, page 25, line 22, before “residents” by inserting: “units’ owners or”.

Amend sec. 62, page 31, line 14, by deleting “Within” and inserting: “~~[Within]~~ In addition to any applicable requirement set forth in section 39 of this act, within”.

Amend sec. 63, page 33, by deleting line 7 and inserting: “number of voting members of the association.”.

~~{2-}~~ *The same number of*’.

Amend sec. 63, page 33, by deleting line 3 and inserting: “March 1.

2. Special meetings of the units’ owners ~~{of an association}~~”.

Amend sec. 63, page 33, line 15, by deleting “*must*” and inserting “*shall*”.

Amend sec. 63, page 33, line 19, by deleting “*election,*” and inserting: “*election and:*

(a) *The voting rights of the units’ owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or*

(b) *The voting rights of the units’ owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036,”.*

Amend sec. 63, page 33, line 22, by deleting “*must*” and inserting “*shall*”.

Amend sec. 63, page 33, line 26, by deleting “2.” and inserting “3.”.

Amend sec. 63, page 33, line 44, by deleting “3.” and inserting “~~{3-}~~ 4.”.

Amend sec. 63, page 34, line 16, by deleting “4.” and inserting “~~{4-}~~ 5.”.

Amend sec. 63, page 34, line 23, by deleting “5.” and inserting “~~{5-}~~ 6.”.

Amend sec. 63, page 34, by deleting line 32 and inserting:

“~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, the minutes of”.

Amend sec. 63, page 34, line 41, by deleting “7.” and inserting “~~{7-}~~ 8.”.

Amend sec. 63, page 35, line 1, by deleting “8.” and inserting “~~{8-}~~ 9.”.

Amend sec. 63, page 35, line 4, by deleting “9.” and inserting “~~{9-}~~ 10.”.

Amend sec. 63, page 35, line 9, by deleting “10.” and inserting “~~{10-}~~ 11.”.

Amend sec. 63, page 35, line 14, by deleting “11.” and inserting “12.”.

Amend sec. 63, page 35, line 17, by deleting “~~{units’ owners}~~” and inserting: “units’ owners *or*”.

Amend sec. 63, page 35, line 22, by deleting: “2 or 3.” and inserting: “~~{2 or 3-}~~ 3 or 4.”.

Amend sec. 64, page 36, line 17, by deleting “3” and inserting “~~{3}~~ 4”.

Amend sec. 64, page 37, line 39, by deleting “~~{units’ owners}~~” and inserting: “units’ owners *or*”.

Amend sec. 66, page 39, by deleting line 16 and inserting: “operation of the association and ~~{the money}~~ a budget for the ~~{reserve}~~ reserves required”.

Amend sec. 66, page 39, line 19, by deleting “a reserve,” and inserting: “~~{a reserve-}~~ the reserves,”.

Amend sec. 66, page 39, line 22, by deleting: “an adequate reserve,” and inserting: “~~{an adequate reserve-}~~ adequate reserves,”.

Amend sec. 66, page 39, line 24, by deleting “reserve” and inserting “~~{reserve}~~ reserves”.

Amend sec. 66, page 39, line 27, after “maintenance.” by inserting: “*The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a*

period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.”.

Amend sec. 66, page 40, by deleting lines 12 through 16 and inserting:

“9. The association shall provide written notice to ~~the owner of each unit~~ *each unit’s owner* of a meeting at which an assessment for a capital improvement ~~for the commencement of a civil action~~ is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting. ~~Except as otherwise provided in”.~~

Amend sec. 67, page 41, line 21, by deleting: “maintain the reserve” and inserting: “~~maintain the reserve~~ *provide adequate funding for the reserves*”.

Amend sec. 67, page 41, line 34, by deleting “required” and inserting “~~required~~ *necessary*”.

Amend sec. 67, page 41, line 35, after “adequate” by inserting: “*funding for the*”.

Amend sec. 67, page 41, line 36, before “for” by inserting “*designated*”.

Amend sec. 67, page 42, line 8, by deleting “unit” and inserting “unit’s”.

Amend sec. 68, page 42, line 27, by deleting “if” and inserting “~~if~~ *whether*”.

Amend sec. 68, page 42, line 28, by deleting “it” and inserting: “~~it~~ *to the association’s funding plan which the executive board*”.

Amend sec. 68, page 42, line 29, by deleting “maintain” and inserting: “~~maintain~~ *provide adequate funding for*”.

Amend sec. 68, page 43, line 5, by deleting “required” and inserting “~~required~~ *necessary*”.

Amend sec. 68, page 43, by deleting lines 8 and 9 and inserting: “of the date of the study ~~[-~~

~~3.—The results~~ , and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.”.

Amend sec. 70, page 45, line 12, by deleting “after:” and inserting: “after ~~[-~~ *all of the following occur*:”.

Amend sec. 70, page 45, line 37, by deleting “DISPUTED!” and inserting “*IN DISPUTE!*”.

Amend sec. 70, page 46, by deleting line 5 and inserting:

“(a) The ~~day~~ *date* on which the notice of default is recorded; or”.

Amend sec. 70, page 46, line 6, by deleting “day” and inserting “~~day~~ *date*”.

Amend sec. 70, page 46, by deleting lines 9 through 12 and inserting: “address of the unit ~~[-~~,

whichever date occurs later.”.

Amend sec. 70, page 46, line 18, before “residents” by inserting: “*units’ owners or*”.

Amend sec. 72, page 46, line 40, before “The” by inserting “*I*.”.

Amend sec. 72, page 46, line 43, by deleting “1.” and inserting “~~1.~~ *(a)*”.

Amend sec. 72, page 46, line 45, by deleting “a” and inserting: “~~{a}~~ in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit’s owner as follows:

(1) A”.

Amend sec. 72, page 47, lines 4 and 5, by deleting “unit.

2.” and inserting: “unit ~~{~~

~~2~~; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b)”.

Amend sec. 72, page 47, line 7, by deleting “(a)” and inserting “~~{(a)}~~ (1)”.

Amend sec. 72, page 47, line 9, by deleting “(b)” and inserting “~~{(b)}~~ (2)”.

Amend sec. 72, page 47, line 13, by deleting “(c)” and inserting “~~{(c)}~~ (3)”.

Amend sec. 72, page 47, by deleting lines 14 through 25 and inserting:

“2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:”.

Amend sec. 72, page 47, by deleting line 36 and inserting:

“PLEASE CALL (name and telephone number of the contact person for the”.

Amend sec. 72, page 47, by deleting lines 38 and 39 and inserting:

“CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN’S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.”.

Amend sec. 72, pages 47 and 48, by deleting lines 41 through 45 on page 47 and lines 1 through 4 on page 48, and inserting:

“4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.”.

Amend sec. 73, page 48, line 33, by deleting “conformed”.

Amend sec. 73, page 48, by deleting line 34 and inserting: “within 30 days after the deed is delivered to the purchaser, or his successor or assign; and”.

Amend sec. 74, page 49, by deleting lines 14 through 16 and inserting “been recorded.”.

Amend the bill as a whole by adding a new section designated sec. 74.5, following sec. 74, to read as follows:

“Sec. 74.5. NRS 116.31185 is hereby amended to read as follows:

116.31185 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:*

~~{1-}~~ (a) *Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or*

~~{2-}~~ (b) *Would result or would appear to a reasonable person to result in a conflict of interest for those persons.*

2. *Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:*

(a) *An attorney, law firm or vendor that provides or seeks to provide services to the applicable community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, which total more than \$100 per year per such attorney, law firm or vendor; or*

(b) *A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association, which total more than \$100 per year per such declarant, affiliate or person.*

3. *An attorney, law firm or vendor that provides or seeks to provide services to a community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person.*

4. *A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person.”.*

Amend sec. 75, page 49, lines 40 and 41, by deleting “a reserve” and inserting: “~~{a reserve}~~ reserves”.

Amend sec. 75, page 49, line 44, by deleting “a reserve” and inserting: “~~{a reserve}~~ reserves”.

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

“Sec. 75.5. NRS 116.4106 is hereby amended to read as follows:

116.4106 1. The public offering statement of a common-interest community containing any converted building must contain, in addition to the information required by NRS 116.4103 and 116.41035:

(a) A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building;

(b) ~~{A statement by the declarant of the expected useful life of each item reported in paragraph (a) or a statement that no representations are made in that regard; and~~

~~(c)}~~ A list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with the estimated cost of curing those violations ~~{-}~~; and

(c) *The budget to maintain the reserves required pursuant to paragraph (b) of subsection 2 of NRS 116.3115 which must include, without limitation:*

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the common elements and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations;

(3) A statement as to whether the declarant has determined or anticipates that the levy of one or more special assessments will be required within the next 10 years to repair, replace and restore any major component of the common elements or to provide adequate reserves for that purpose;

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of reserves required pursuant to NRS 116.31152; and

(5) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years.

2. This section applies only to a common-interest community comprised of a converted building or buildings containing more than 12 units that may be occupied for residential use.”

Amend sec. 76, page 50, line 34, by deleting the colon.

Amend sec. 76, page 50, line 35, after “~~purchaser-~~” by inserting: “a resale package containing all of the following:”.

Amend sec. 76, page 51, by deleting line 8 and inserting:

"2. The ~~[association, within]~~ purchaser may, by written notice, cancel the contract".

Amend sec. 76, page 51, by deleting line 10 and inserting: *"date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the"*.

Amend sec. 76, page 51, line 12, by deleting *"may"* and inserting *"must"*.

Amend sec. 76, page 51, by deleting lines 16 through 19 and inserting: *"the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:*

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written".

Amend sec. 76, page 51, line 20, after *"agent,"* by inserting *"the association"*.

Amend sec. 76, page 51, line 21, by deleting the colon and inserting: *"all of the following to the unit's owner or his authorized agent for inclusion in the resale package:"*.

Amend sec. 76, page 51, line 25, after *"(d)"* by inserting *"of"*.

Amend sec. 76, page 51, line 27, by deleting *"an"* and inserting *"the"*.

Amend sec. 76, page 51, by deleting lines 28 through 30 and inserting: *"pursuant to subsection ~~[1 is not]~~ 3:*

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the".

Amend sec. 76, page 51, lines 35 and 36, by deleting: *"documents and certificate."* and inserting: *"certificate furnished pursuant to subsection 3."*.

Amend sec. 76, page 51, by deleting lines 37 through 43 and inserting: *"association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.*

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.".

Amend sec. 76, page 51, line 44, by deleting *"6."* and inserting *"5."*.

Amend sec. 76, page 52, by deleting lines 5 through 8 and inserting:

~~["4.]~~ 6. Upon the request of a unit's owner ~~[or his authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to ~~[subsection 1]~~ this section, or his authorized agent~~, ~~[of the unit's owner or the purchaser]~~ the association shall make the entire".

Amend sec. 77, page 52, line 24, by deleting “*TERMINATE*” and inserting “*CANCEL*”.

Amend sec. 77, page 52, by deleting lines 26 through 35 and inserting: “*When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.*”.

Amend sec. 77, page 52, by deleting lines 39 through 41 and inserting: “Declaration of Covenants, Conditions and Restrictions ~~{(C, C & R’s)}~~ that should be provided for your review before making your purchase. The C, C & R’s}. The CC&Rs become a part of the title to your”.

Amend sec. 77, page 52, line 44, by deleting: “C, C & R’s,” and inserting: “~~{C, C & R’s,}~~ CC&Rs,”.

Amend sec. 77, page 53, lines 4 and 6, by deleting: “C, C & R’s,” and inserting: “~~{C, C & R’s,}~~ CC&Rs,”.

Amend sec. 77, page 53, lines 15 and 17, by deleting “homeowner’s” and inserting “~~{homeowner’s}~~ homeowners”.

Amend sec. 77, page 53, line 26, by deleting “maintain adequate” and inserting: “~~{maintain}~~ provide adequate funding for”.

Amend sec. 77, page 53, line 39, by deleting “HOMEOWNER’S” and inserting “~~{HOMEOWNER’S}~~ HOMEOWNERS”.

Amend sec. 77, page 53, line 41, by deleting “homeowner’s” and inserting “~~{homeowner’s}~~ homeowners”.

Amend sec. 77, page 54, line 10, after “professional” by inserting “community”.

Amend sec. 77, page 54, line 12, by deleting “Homeowner’s” and inserting “~~{Homeowner’s}~~ Homeowners”.

Amend sec. 77, page 54, line 17, by deleting: “C, C & R’s” and inserting: “~~{C, C & R’s}~~ CC&Rs”.

Amend sec. 77, page 54, by deleting lines 30 through 32 and inserting: “bodies that are more responsive to your needs. If ~~{persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek}~~ *you have a dispute*

with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common Interest Communities. However, to resolve some disputes, you may have to”.

Amend sec. 77, page 54, line 34, after “unsuccessful,” by inserting: “you may have to”.

Amend sec. 77, page 54, line 41, by deleting “BUYERS” and inserting “[~~BUYERS~~] PURCHASERS”.

Amend sec. 77, page 54, line 44, by deleting “to a” and inserting “[~~to~~] a”.

Amend sec. 77, page 54, by deleting line 45 and inserting: “property [~~, before you enter into a purchase agreement,~~] with a copy of the”.

Amend sec. 77, page 55, line 1, by deleting: “C, C & R’s,” and inserting: “[~~C, C & R’s,~~] CC&Rs.”.

Amend sec. 77, page 55, by deleting lines 12 through 14 and inserting: “are aware. [~~You are also required to provide a copy of the minutes from the most recent meeting of the homeowner’s association or its executive board.]~~ For more information regarding these”.

Amend sec. 77, page 55, line 15, by deleting “116.4103 and” and inserting “[~~116.4103 and~~]”.

Amend sec. 77, page 55, line 39, after “from” by inserting: “*the Office of*”.

Amend sec. 79, page 57, by deleting lines 18 through 20 and inserting:

“[~~7. The Division may publish or supply a reference manual or study guide for community managers and may offer it for sale at a reasonable fee.]”.~~

Amend the bill as a whole by adding a new section designated sec. 79.5, following sec. 79, to read as follows:

“Sec. 79.5. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, *and section 47.6 of this act*, unless the context otherwise requires, “violation” means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.”.

Amend sec. 80, page 57, line 23, after “inclusive,” by inserting: “*and section 47.6 of this act,*”.

Amend sec. 80, page 57, by deleting line 32 and inserting:

“(d) *Any person who holds a permit to conduct a study of the reserves of an association issued pursuant to sections 2 to 35, inclusive, of this act.*

(e) *Any declarant or affiliate of a declarant.*”.

Amend sec. 80, page 57, line 35, by deleting “(e)” and inserting “[~~(e)~~] (f)”.

Amend sec. 80, page 57, line 36, by deleting “(f)” and inserting “[~~(f)~~] (g)”.

Amend the bill as a whole by adding new sections designated section 82.3 and 82.6, following sec. 82, to read as follows:

“Sec. 82.3. NRS 116.795 is hereby amended to read as follows:

116.795 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person ~~[has committed a violation or will continue to commit violations,]~~ *violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel*, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction ~~[in]~~ *within or outside this State*, to *restrain or enjoin* that person from *engaging in or continuing to commit the violations or from doing any act in furtherance of the violations*.

2. The action must be brought in the name of the State of Nevada. *If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.*

3. The court may issue the *temporary restraining order, preliminary injunction or final injunction* without:

- (a) Proof of actual damages sustained by any person.
- (b) The filing of any bond.

Sec. 82.6. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a developer to sell any lot, parcel, unit or interest in a subdivision without complying with the provisions of NRS 116.4106, if applicable.”.

Amend sec. 99, page 74, line 36, by deleting “116.31075.”.

Amend sec. 100, page 74, line 40, by deleting: “October 6, 2006,” and inserting: “October 1, 2007,”.

Amend sec. 100, page 75, line 15, by deleting “2006,” and inserting “2007,”.

Amend sec. 100, page 75, line 16, by deleting “2007.” and inserting “2008.”.

Amend sec. 100, page 75, line 25, by deleting “2007.” and inserting “2008.”.

Amend sec. 101, page 75, line 40, by deleting: “on July 1, 2005,” and inserting: “upon passage and approval”.

Amend the leadlines of repealed sections by deleting the deadline of NRS 116.31075.

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. 365.

Bill read second time.

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

Amendment No. 980.

Amend section 1, page 1, line 2, by deleting “shall” and inserting: “shall, after consultation with the State Public Works Board.”.

Amend section 1, page 2, line 5, after “accessibility” by inserting “and confidentiality”.

Amend section 1, page 3, line 6, after “6.” by inserting: “After the statewide mapping system is established pursuant to this section, each state agency and political subdivision that participates in the system shall submit to the Commission any initial or final plan for a public work.

7.”.

Amend section 1, page 3, by deleting lines 9 and 10 and inserting:

“(b) “Commission” means the Nevada Commission on Homeland Security created by NRS 239C.120.”.

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

“AN ACT relating to public safety; requiring the Nevada Commission on Homeland Security to establish a statewide mapping”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 384, 398, 401, 410, 445, 450, 452, 453, 481, and 489 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 26, 32, 40, 104, 105, 124, 141, 165, 341, 351; Assembly Joint Resolution No. 8; Senate Bills Nos. 77, 382.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karon Dutcher, Linda Doty, Ramiro Aguilar, Melissa Fernandez, Gerardo Flores, Jose Garcia, Edith Gonzalez, Alexandra Lara, Erica Martinez, Lorena Martinez, Jonathan Navarro, Alvaro Perez, Luis Perez, Jocelyn Ramirez,

Ruby Ramirez, Juan Rangel, Yesenia Razo, Alfred Salas, Adriana Torres, Edith Torres, David Urrutia, Jose Gomez, Hugo Hernandez, Stephanie Anguiano, Ivan Ayala, Etienne Agiurre, Ramiro Garcia, Jerman Gonzalez, Karla Hernandez, Jimmy Kolesar, Yadira Lopez, Maria Lena Magana, Daniela Martin, Rogelio Martinez, Brenda Perez, Maria Perez, Noe Reyes, Rocio Reyes, Cody Rose, Gabriela Soto, Josue Soto, and Lidia Hoffman.

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Fiedrich, Vee Ann Fiedrich, Paul Corine, and Lora Mair.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Rios, Rafael Cerrillo, and Amber Tuller.

On request of Assemblyman Oceguela, the privilege of the floor of the Assembly Chamber for this day was extended to Imonee Williams and Yolanda Rivera.

On request of Assemblywoman Weber, the privilege of the floor of the Assembly Chamber for this day was extended to Charlyne Chen.

Assemblyman Oceguela moved that the Assembly adjourn until Thursday, May 26, 2005, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:23 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly