

THE ONE-HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 27, 2005

Assembly called to order at 11:23 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Reverend Ruth Hanusa.

O God, we give thanks for all whose labor contributes to the work done in this place: for Republicans and Democrats, who together express the will of the people; for those who argue for special cause and for those who seek to decide for the common good; for standing committees and for the Committee on Anatomical Dissection; for those who maneuver, those who stonewall and for those who break through; for those who jerk chains and those who rattle cages; for those who soothe ruffled feathers and pour out balm; for those who photograph, those who photocopy, and those who photo-journal; for those who pour water and later wipe up spills; for those who schlep paper, and for printers and for document distributors; for those who brew beefier coffee, and for clerks and cleaners and calendar keepers; for those who wax floors and those who wax eloquently; for the slow of speech and for the Chief Clerk; for those who feed, those who weed, and those who plant seeds; for those who guard the doors and those who guard the morals; for those who send flowers, those who deliver them, and those who delight in them; and we give thanks for You, O God—You who take great delight in us and who ceaselessly provide us with those who love and cherish us. For all these and more we give thanks. Bless them and us, today and always.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Mr. Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Senate Bill No. 224, 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 Growth and Infrastructure, to which was referred Senate Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD PERKINS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEILA LESLIE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 293, 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 Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bills Nos. 36, 189 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 rereferred Assembly Bill No. 524, 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. 321, 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 83, 125, 158, 202, 248, 426, 471, 475, 477, 483, 509, 510, 519, 542; Assembly Joint Resolution No. 11 of the 72nd Session; Senate Bills Nos. 512, 514.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 63, Amendment No. 919; Assembly Bill No. 143, Amendment No. 846; Assembly Bill No. 186, Amendment No. 861; Assembly Bill No. 190, Amendment No. 740; Assembly Bill No. 340, Amendment No. 927; Assembly Bill No. 343, Amendment No. 673; Assembly Bill No. 427, Amendment No. 674; Assembly Bill No. 437, Amendment No. 707; Assembly Bill No. 454, Amendment No. 736; Assembly Bill No. 458, Amendment No. 766; Assembly Bill No. 528, Amendment No. 802; Assembly Bill No. 531, Amendment No. 804, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 737 to Senate Bill No. 36; Assembly Amendment No. 695 to Senate Bill No. 93; Assembly Amendment No. 738 to Senate Bill No. 193; Assembly Amendment No. 734 to Senate Bill No. 331.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 752 to Senate Bill No. 70.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 27, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 479.

MARK STEVENS
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 568—AN ACT relating to local government employee organizations; providing that the National Labor Relations Board Standards govern questions related to representational disputes unless inconsistent with the standards set forth in chapter 288 of NRS; revising the provisions relating to elections conducted to determine which, if any, employee organization represents a majority of the local government employees in a particular bargaining unit; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 512.

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

Motion carried.

Senate Bill No. 514.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegueda moved that for the balance of session, all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblywoman Buckley moved that all rules be suspended and that all bills and resolutions returned from the printer be placed on the appropriate reading file.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Senate Bill No. 438.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

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

Amendment No. 978.

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

“Sec. 3. 1. There is hereby appropriated from the State General Fund to the following divisions of the Department of Human Resources to carry out the provisions of this bill:

Division of Health Care Financing and Policy

For the Fiscal Year 2005-2006.....\$91,616

For the Fiscal Year 2006-2007.....\$285,761

Welfare Division

For the Fiscal Year 2005-2006.....\$86,890

For the Fiscal Year 2006-2007.....\$32,711

Division of Child and Family Services

For the Fiscal Year 2005-2006.....\$35,727

For the Fiscal Year 2006-2007.....\$4,722

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 4. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized during the fiscal years beginning July 1, 2005, and ending June 30, 2006, and beginning July 1, 2006, and ending June 30, 2007, by the following divisions of the Department of Human Resources:

	2005-2006	2006-2007
Division of Health Care Financing and Policy.....	\$112,202	\$338,989
Welfare Division.....	\$86,890	\$32,711
Division of Child and Family Services.....	\$31,153	\$4,722”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 189.

Bill read third time.

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

Amendment No. 967.

Amend the bill as a whole by renumbering sections 1 through 14 as sections 3 through 16 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Commission shall not contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.*

2. *As used in this section:*

(a) *“Certified agency” has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.*

(b) *“Memorandum of understanding” means the memorandum of understanding described in 24 C.F.R. § 115.210.”.*

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

“Sec. 3. 1. *During the period from the filing of a complaint alleging”.*

Amend sec. 6, page 6, line 18, by deleting “I” and inserting “3”.

Amend sec. 10, page 9, line 26, by deleting “I” and inserting “3”.

Amend sec. 10, page 10, line 13, by deleting “I” and inserting “3”.

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 18 as sections 17 through 19.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Assembly Bill No. 321.

Bill read third time.

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

Amendment No. 1016.

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

“Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Administration for expenses related to carrying out the provisions of this act:

For the Fiscal Year 2005-2006.....\$20,351

For the Fiscal Year 2006-2007.....\$14,851

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State

General Fund on or before September 15, 2006, and September 21, 2007, respectively.”.

Amend the title of the bill, third line, after “finances;” by inserting: “making an appropriation;”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 524.

Bill read third time.

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

Amendment No. 1015.

Amend section 1, page 2, line 40, by deleting “and” and inserting “~~and~~”.

Amend section 1, page 2, line 41, by deleting “5” and inserting “2.025”.

Amend section 1, page 2, by deleting line 45 and inserting: “in NRS 439.625 ~~to 439.690, inclusive,~~ and 439.630; and

(c) Not more than 1.5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department to administer the provisions of NRS 439.635 to 439.690, inclusive.”.

Amend the bill as a whole by deleting sections 6 through 8, renumbering sec. 9 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

“Sec. 6. 1. The Department of Human Resources shall:

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

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

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

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

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

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

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

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

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

Amend sec. 9, page 10, line 15, before “This” by inserting “1.”.

Amend sec. 9, page 10, after line 15, by inserting:

“2. Section 6 of this act expires by limitation on July 1, 2007.”.

Amend the title of the bill, first line, by deleting “increasing” and inserting “changing”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 37.

Bill read third time.

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

Amendment No. 878.

Amend section 1, page 2, line 2, by deleting “8,” and inserting “12,”.

Amend sec. 2, page 3, line 9, after “report.” by inserting:

“The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.”.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

“Sec. 2.5. The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to section 2 of this act and all other information related to an application for a license to engage in wholesale distribution to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.”.

Amend sec. 3, page 3, line 27, by deleting “a monthly” and inserting “an annual”.

Amend sec. 3, page 3, line 33, after “wholesaler.” by inserting:
“Any changes to the list must be submitted to the Board not later than 30 days after the change is made.”.

Amend sec. 3, page 4, line 2, after “report.” by inserting:
“The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.”.

Amend sec. 4, page 4, line 17, by deleting: “the amount of \$100,000” and inserting: “an amount not less than \$25,000 and not more than \$100,000, as determined by the Board.”.

Amend sec. 5, page 5, by deleting lines 24 and 25 and inserting: “by a wholesaler, if required; and”.

Amend sec. 6, page 5, by deleting lines 29 through 34 and inserting:
“Sec. 6. 1. The Board shall ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving the purchase and sale of prescription drugs by wholesalers, including, without limitation, ensuring:”.

Amend sec. 6, page 5, line 43, by deleting:

“3. In determining” and inserting:

“2. In ensuring”.

Amend sec. 6, page 6, line 18, by deleting “4.” and inserting “3.”.

Amend sec. 6, page 6, line 24, by deleting “5,” and inserting “4.”.

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

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

“Sec. 6.5. If a statement of prior sales indicates that more than 3 prior sales of a prescription drug have occurred, including, without limitation, a sale involving an authorized distributor of record, a person who is licensed to engage in wholesale distribution pursuant to this chapter shall not sell that prescription drug to another wholesaler.”.

Amend the bill as a whole by renumbering sections 9 through 11 as sections 14 through 16 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

“Sec. 9. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following information, updated annually, concerning each wholesaler from whom the licensee purchases a prescription drug or to whom the licensee sells a prescription drug:

1. *A list that identifies each state in which the wholesaler is domiciled and each state into which the wholesaler ships prescription drugs.*
2. *Copies of each state and federal regulatory license and registration held by the wholesaler, including, without limitation, the numbers accompanying each license and registration.*
3. *Copies of formation documents, business licenses and other documents related to the company of the wholesaler and its operations.*
4. *Copies of the wholesaler's most recent site inspection report by state or federal agencies.*
5. *If the licensee receives a prescription drug from the wholesaler, a copy of the wholesaler's product liability insurance policy that includes the licensee as an additional insured for at least \$1,000,000.*
6. *A list that includes the name and address of:*
 - (a) *If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, the partners or shareholders, as applicable.*
 - (b) *If the wholesaler is a private corporation, the officers, directors and shareholders.*
 - (c) *If the wholesaler is a public corporation, the officers and directors.*
7. *Evidence of due diligence in accordance with section 10 of this act.*
8. *A copy of the wholesaler's policy or procedure for internal operations, including, without limitation, the procedures related to handling counterfeit, misbranded or adulterated prescription drugs.*
9. *A listing of all manufacturers with whom the wholesaler claims status as an authorized distributor of record and the applicable account numbers.*

Sec. 10. 1. *A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following evidence regarding due diligence concerning each wholesaler with whom the licensee does business in accordance with any applicable requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.:*

- (a) *A copy of the driver's license of:*
 - (1) *If the wholesaler is a sole proprietor, the owner.*
 - (2) *If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, each partner or shareholder, as applicable.*
 - (3) *If the wholesaler is a private corporation, each officer and director.*
 - (b) *Proof that the licensee has checked to determine if civil or criminal litigation or both exists against the company, its owners, partners, officers or directors and whether any disciplinary action has been taken or is pending against the company, its owners, partners, officers or directors by a state or federal agency.*
2. *A person who is licensed to engage in wholesale distribution pursuant to this chapter shall not maintain a business relationship with any company if any of the owners, partners, officers or directors have been convicted of a felony related to the wholesale distribution of prescription drugs.*

Sec. 11. 1. *A person who is licensed to engage in wholesale distribution pursuant to this chapter shall, within 30 days after beginning a*

business relationship with another wholesaler, conduct an on-site inspection of each facility of the wholesaler to verify that the wholesaler complies with federal requirements for the storage of prescription drugs and the operation of the facilities where prescription drugs are stored.

2. After the date of the inspection pursuant to subsection 1, the licensee shall conduct an on-site inspection biannually.

3. Each on-site inspection conducted pursuant to this section must include:

(a) An assessment of the authority, training and experience of persons who are responsible for receiving, inspecting, storing, handling and shipping prescription drugs at the facility;

(b) An assessment of the operational conditions of each facility of the wholesaler, including, without limitation, security, climate control and cleanliness;

(c) An assessment of compliance with:

(1) The Federal Prescription Drug Marketing Act;

(2) Appropriate recordkeeping measures;

(3) The Drug Enforcement Administration recordkeeping requirements if the wholesaler maintains a federal controlled substance registration; and

(4) Temperature monitoring and documentation requirements; and

(d) An assessment of the procedures of the wholesaler for detecting adulterated, misbranded or counterfeit prescription drugs.

4. For each inspection pursuant to this section, the licensee shall obtain and maintain the signature of the appropriate representative of the wholesaler verifying the accuracy of the inspection.

5. Each licensee shall enter into an agreement with each wholesaler with whom the licensee enters into a business relationship providing that the wholesaler will comply with all applicable federal and state laws and regulations relating to the purchase and sale of prescription drugs and requiring the wholesaler to notify the licensee of any material change regarding the integrity or legal status of prescription drugs received by the licensee or any other material change regarding the legal status of the wholesaler.

Sec. 12. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall certify a claim by another wholesaler that the wholesaler is an authorized distributor of record from whom the licensee purchases a prescription drug. Such certification includes a statement signed by a representative of the wholesaler certifying the claim that the wholesaler is an authorized distributor of record for a specified manufacturer and:

1. A copy of the written agreement currently in effect with the manufacturer;

2. A copy of a letter from the manufacturer endorsing the wholesaler as an authorized distributor of record;

3. Copies of applicable invoices from the manufacturer demonstrating the purchase by the wholesaler of at least 1,000 sales units of prescription

drugs from the manufacturer within the 12 months immediately preceding the current month;

4. Copies of applicable invoices from the manufacturer from each of the previous 12 months;

5. Copies of applicable invoices from the manufacturer specific to the given transaction; or

6. Verification from the manufacturer's website that the wholesaler is an authorized distributor of record.

Sec. 13. NRS 639.040 is hereby amended to read as follows:

639.040 1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who ~~{must not be}~~ is not a member of the Board. *The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements.* The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services he is entitled to receive a salary to be determined by the Board.”.

Amend the bill as a whole by renumbering sections 12 and 13 as sections 19 and 20 and adding new sections designated sections 17 and 18, following sec. 11, to read as follows:

“Sec. 17. NRS 639.2615 is hereby amended to read as follows:

639.2615 1. A wholesaler may sell a prescription drug only ~~to:~~

~~(a) A pharmacy or practitioner; or~~

~~(b) Another wholesaler if:~~

~~(1) The wholesaler who purchases the drug is licensed by the Board or the board or other relevant authority of another state; and~~

~~(2) The sale is a bona fide transaction.~~

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer; ~~for~~

(b) *A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or*

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. *A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:*

(a) *The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or*

(b) *The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.*

If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in section 5 of this act.

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

~~{4.}~~ 5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if ~~{there is a reasonable assurance by the wholesaler that purchases the drug that the wholesaler will sell the drug directly and}~~ *the wholesaler sells the prescription drug only to {a} :*

(1) A pharmacy or practitioner ~~{-}~~ *if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.*

(2) *Another wholesaler who maintains a valid license in the state in which he is domiciled if the wholesaler who sells the prescription drug has complied with sections 9, 10 and 11 of this act.*

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision

of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

Sec. 18. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.
2. The name, address and prescription serial number of the practitioner who filled the prescription.
3. The names of the prescribing practitioner and of the person for whom prescribed.
4. The number of dosage units.
5. Specific directions for use given by the prescribing practitioner.
6. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is ~~required to be~~ included on the original label of the manufacturer of ~~the~~ that drug or medicine. ~~{The practitioner shall not specify on the label or other device for the drug or medicine an expiration date that is earlier than}~~ *If the expiration date specified by the manufacturer ~~{on the original label}~~ is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.*
7. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.
8. The strength of the drug or medicine.

The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.”.

Amend sec. 13, page 10, by deleting lines 34 and 35 and inserting:

“Sec. 20. 1. This section and sections 1 to 14, inclusive, and 16 to 19, inclusive, of this act become effective on October 1, 2005.”.

Amend sec. 13, page 10, line 36, by deleting “9” and inserting “14”.

Amend sec. 13, page 11, line 4, by deleting “10” and inserting “15”.

Amend the title of the bill by deleting the eleventh through fifteenth lines and inserting:

“with the laws relating to wholesalers; requiring the State Board of Pharmacy to ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving wholesalers; revising provisions governing the sale and purchase of prescription drugs by wholesalers;”.

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. 155.

Bill read third time.

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

Amendment No. 873.

Amend section 1, page 2, between lines 15 and 16, by inserting:

“4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or his legal representative a written disclosure approved by the director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

As used in this subsection, “major hospital” has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

- (2) *Instructions for arranging to make payment;*
- (b) *Be written in language that is easy to understand; and*
- (c) *Be written in English and Spanish.”.*

Amend the title of the bill to read as follows:

“AN ACT relating to public health; requiring hospitals to provide patients with certain information regarding the Bureau for Hospital Patients; requiring hospitals to provide patients with certain information regarding the reduction and discounting of charges; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires hospitals to provide patients with certain information. (BDR 40-1254)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Leslie.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 224.

Bill read third time.

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

Amendment No. 1034.

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

“Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :

- (a) *Designate the area at the building for the gathering of signatures; and*
- (b) *On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.*

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~3. A~~ *Not later than 3 days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~designated a reasonable area as required by~~ violated subsection 1* ~~or 2~~.

~~4. The~~ *or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State may order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State ~~on~~ :

1. On or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 ; or

2. *On or after the date the person has completed an application to register to vote which is to be mailed to the county clerk, if the person is deemed to be registered pursuant to subsection 5 of NRS 293.5235 ~~or~~ not more than 3 working days after the date the person signs the petition.*

Amend section 1, page 2, by deleting lines 2 through 13 and inserting: “adding thereto the provisions set forth as sections 4 through 13 of this act.”

Amend the bill as a whole by renumbering sec. 2 as sec. 14 and adding new sections designated sections 4 through 13, following section 1, to read as follows:

“Sec. 4. 1. “Committee for a statewide ballot measure” means every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum, including, without limitation:

(a) Circulating a petition for an initiative or a referendum to obtain signatures;

(b) Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum; or

(c) Making an expenditure designed to advocate the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum.

2. “Committee for a statewide ballot measure” does not include:

(a) A committee for political action.

(b) A committee for the recall of a public officer.

Sec. 5. 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

designed to affect the outcome of any primary, general or special election or question on the ballot.

2. The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.

Sec. 6. 1. Each committee for a statewide ballot measure shall, before engaging in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name, address and telephone number of the committee;

(b) The purpose for which the committee organized;

(c) The names, addresses and telephone numbers of the officers of the committee;

(d) If the committee is affiliated with any other organizations, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of the resident agent of the committee; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for a statewide ballot measure shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 2.*

Sec. 7. *Each committee for a statewide ballot measure shall appoint and keep in this State a resident agent who must be a natural person who resides in this State.*

Sec. 8. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;

(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,

report each campaign contribution in excess of \$100 received during that 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 section 10 of this act. The form must be signed by a representative of the committee for a statewide ballot measure under penalty of perjury.

2. *The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.*

3. *The reports required pursuant to this section must be filed with the Secretary of State.*

4. *A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

(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 Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*

5. *If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.*

Sec. 9. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) *April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

(b) *August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;*

(c) *October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and*

(d) *January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,*

report each expenditure made during the period on behalf of or against the constitutional amendment or a statewide measure proposed by an initiative or a referendum in excess of \$100 on the form designed and provided by the Secretary of State pursuant to section 10 of this act and signed by the person or a representative of the group under penalty of perjury.

2. *Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.*

3. *The reports required pursuant to this section must be filed with the Secretary of State.*

4. *A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

(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 Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 10. 1. The Secretary of State shall design a single form to be used for reports of campaign contributions and expenses or expenditures that are required to be filed by a committee for a statewide ballot measure pursuant to sections 8 and 9 of this act.

2. The form designed by the Secretary of State pursuant to this section:

(a) Must request information specifically required by statute; and

(b) Must include a space to list:

(1) The amount of cash on hand at the beginning of the reporting period;

(2) The amount of cash on hand at the beginning of the reporting year;

(3) The amount of cash on hand at the end of the reporting period; and

(4) The amount of cash on hand at the end of the reporting year.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each committee for a statewide ballot measure. An explanation of the applicable provisions of sections 8 and 9 of this act relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.420 must be developed by the Secretary of State and provided upon request. The committee for a statewide ballot measure shall acknowledge receipt of the material.

Sec. 11. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, and section 4 of this act have the meanings ascribed to them in those sections.

Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 Except as otherwise provided in section 8 of this act:

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, 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 received during that 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. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

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

report each campaign contribution in excess of \$100 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 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the 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.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after

July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

report each campaign contribution in excess of \$100 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. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot 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 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. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

- (a) If the question is submitted to the voters of one county, the county clerk of that county;
- (b) If the question is submitted to the voters of one city, the city clerk of that city; or
- (c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate 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.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

- (a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and
- (b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the

question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

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

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the

Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot 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 expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the

appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing 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 filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 20 and adding new sections designated section 15 through 19, following sec. 2, to read as follows:

“Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 *and section 9 of this act* must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ~~and~~ *and committees for a statewide ballot measure:*

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, disregard any action taken by a group or entity that would otherwise constitute a committee for political action *or a committee for a statewide ballot measure* if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 1. The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.
(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) *Committee for a statewide ballot measure.*

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

(d) *A committee for a statewide ballot measure.*

Sec. 19. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 *or section 8 or 9 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 *or section 8 or 9 of this act* is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”.

Amend sec. 3, page 3, line 9, by deleting: “4 and 5” and inserting: “21 and 22”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 21.

Amend sec. 5, page 3, by deleting line 24 and inserting:

“Sec. 21. 1. *Each petition for initiative must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 29 and 30, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*”.

Amend sec. 5, page 3, by deleting line 30 and inserting:

“2. *Each petition for referendum must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the referendum if it is approved by the voters. The description must appear at the top of each signature page of the petition.*

3. *For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.*”.

Amend the bill as a whole by renumbering sec. 6 as sec. 25 and adding new sections designated sections 22 through 24, following sec. 5, to read as follows:

“Sec. 22. 1. *After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.*

2. *The Chairman of the Legislative Commission shall schedule a meeting of the Legislative Commission to conduct a public hearing on the proposed initiative or referendum.*

3. *The Secretary of State may use the results of the public hearing on an initiative or referendum to assist him in preparing the condensation and explanation of the initiative or referendum pursuant to subsection 5 of NRS 293.250.*

Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 1. A copy of a petition for initiative or referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.

2. Upon receipt of a copy of a petition for initiative or referendum pursuant to subsection 1, the Secretary of State shall:

(a) Determine the number of signatures of registered voters required to file the petition;

(b) Inform the person placing the copy of the petition on file of the number of signatures of registered voters required to file the petition;

(c) Review the title of the petition to determine if the title satisfies the requirements of section 21 of this act and shall reject each title that does not satisfy the requirements of section 21 of this act;

(d) Review the description of the effect of the initiative or referendum to determine if the description satisfies the requirements of section 21 of this act and shall reject each description that does not satisfy the requirements of section 21 of this act;

(e) Consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters and if the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect; and

(f) Not later than 10 business days after the Secretary of State receives the petition filed pursuant to subsection 1, post a copy of the petition, including the description required pursuant to section 21 of this act and any fiscal note prepared pursuant to paragraph (e), on his Internet website.

3. The decision of the Secretary of State to reject a title or a description pursuant to subsection 2 is a final decision for the purposes of judicial review. Not later than 10 days after the Secretary of State rejects the title or the description pursuant to subsection 2, the person filing the copy of the petition for initiative or referendum pursuant to subsection 1 may appeal that rejection to the First Judicial District Court. The Court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the Court, except for criminal proceedings.

Sec. 24. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~{A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.~~

~~2.}~~ A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

~~{3.}~~ 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law

requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

~~{4.}~~ 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: “Shall the statute (setting out its title) be approved?”

~~{5.}~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~{6.}~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.”.

Amend sec. 6, page 3, by deleting lines 37 through 40 and inserting:

“295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 21 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.*

2. The legal sufficiency of a petition ~~{filed pursuant to NRS 295.015 to 295.061, inclusive,}~~ *for initiative or referendum* may be challenged by filing a complaint in ~~{district court}~~ *the First Judicial District Court* not later than ~~{5}~~ 30 days, Saturdays, Sundays and holidays excluded, after a copy of the”.

Amend sec. 6, page 3, line 41, by deleting “filed” and inserting: “~~{filed}~~ initially placed on file”.

Amend the bill as a whole by adding new sections designated sections 26 through 37, following sec. 6, to read as follows:

“Sec. 26. NRS 295.085 is hereby amended to read as follows:

295.085 The registered voters of a county may:

1. Propose ordinances to the board and, if the board fails to adopt an ordinance so proposed without change in substance, to adopt or reject it at a ~~{primary or}~~ general election.

2. Require reconsideration by the board of any adopted ordinance and, if the board fails to repeal an ordinance so reconsidered, to approve or reject it at a ~~{primary or}~~ general election.

Sec. 27. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any ~~{five}~~ 10 registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ *fifty* days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and ~~thirty~~ *forty-five* days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 28. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is submitted to the county clerk pursuant to NRS 295.095, the county clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request board review under subsection 3 within the time required, the county clerk shall promptly present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be

reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~primary or~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor

approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee,~~ *in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

- (a) Shall elect a chairman for the committee;
- (b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;
- (c) May seek and consider comments from the general public;
- (d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;
- (e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;
- (f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):
 - (1) The fiscal impact of the initiative, referendum or other question;
 - (2) The environmental impact of the initiative, referendum or other question; and
 - (3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and
- (g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

- (a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and
- (b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

- (a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and
- (b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall*

give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~primary or~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

5. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

6. Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.

7. If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

8. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~primary or~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~five~~ 10 registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ fifty days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~thirty~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 35. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is submitted to the city clerk pursuant to NRS 295.205, the city clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request council review under subsection 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the council's determination is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~primary or~~ general city election ~~for primary~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~appoint the committee.~~, *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

- (a) Shall elect a chairman for the committee;
- (b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;
- (c) May seek and consider comments from the general public;
- (d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;
- (e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;
- (f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):
 - (1) The fiscal impact of the initiative, referendum or other question;
 - (2) The environmental impact of the initiative, referendum or other question; and
 - (3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and
- (g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

- (a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and
- (b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

- (a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. *If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of

State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections. (BDR 24-698)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Gansert.

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. 293.

Bill read third time.

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

Amendment No. 717.

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

“Sec. 2. NRS 555.205 is hereby amended to read as follows:

555.205 1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three *or five* persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

- (a) Ceases to be a landowner in the district.
- (b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.”.

Amend the title of the bill, fourth line, after “weeds;” by inserting: “authorizing the appointment of a larger board of directors of a weed control district;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to control of weeds. (BDR 51-431)”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

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

Senate Bill No. 397.

Bill read third time.

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

Amendment No. 830.

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

“2 to 9, inclusive,” and inserting:

“2, 3 and 4”.

Amend the bill as a whole by deleting sections 2 through 6 and renumbering sections 7 through 20 as sections 2 through 15.

Amend sec. 8, page 4, line 14, after “by” by inserting “certified”.

Amend sec. 15, page 8, by deleting lines 24 through 33 and inserting:

“502.120 1. ~~Every~~ Each person required to have a license *or permit* as”.

Amend sec. 15, page 8, by deleting lines 42 and 43 and inserting:

“2. ~~Every~~ Each person required to have a license *or permit* as”.

Amend sec. 16, page 9, line 22, by deleting “48” and inserting “24”.

Amend the bill as a whole by deleting sec. 21 and renumbering sec. 22 as sec. 16.

Amend sec. 22, page 14, by deleting lines 15 and 16 and inserting:

“Sec. 16. This section and sections 1 to 14, inclusive, of this act become effective on October 1, 2005.”.

Amend sec. 22, page 14, line 17, by deleting “19” and inserting “14”.

Amend sec. 22, page 14, line 28, by deleting “20” and inserting “15”.

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

“AN ACT relating to wildlife; increasing the number of demerit points a person is allowed to accumulate before the Department of Wildlife is required to notify the person; increasing the”.

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

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

Senate Bill No. 509.

Bill read third time.

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

Amendment No. 1003.

Amend section 1, page 1, line 2, by deleting “5,” and inserting “22,”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 19 through 22 and adding new sections designated sections 2 through 18, following section 1, to read as follows:

“Sec. 2. *As used in sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Abatement percentage” means, with regard to any property for which the owner thereof is entitled to a partial abatement from taxation pursuant to:*

- 1. Section 3 or 3.5 of chapter 20, Statutes of Nevada 2005, 3 percent;*
- 2. Subsection 1 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection; or*
- 3. Subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection.*

Sec. 4. *“Ad valorem taxes levied in a county” means any ad valorem taxes levied by the State or any other taxing entity in a county.*

Sec. 5. *“Base-year assessed value” means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment taxing entities in accordance with paragraph (a) of subsection 1 of NRS 279.676.*

Sec. 6. *“Base-year assessed value percentage” means the percentage that results from dividing the base-year assessed value for a redevelopment area by the sum obtained by adding:*

- 1. The base-year assessed value for the redevelopment area; and*
- 2. Any incremental assessed value for the redevelopment area for the current year.*

Sec. 7. *“Combined overlapping tax rate” means the total ad valorem tax rate levied on a parcel or other taxable unit of property, excluding any portion thereof which is:*

- 1. Exempt pursuant to section 5.5 or subsection 3 of section 6 of chapter 20, Statutes of Nevada 2005, from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005; or*
- 2. Approved and levied pursuant to section 7 of chapter 20, Statutes of Nevada 2005, and exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005.*

Sec. 8. *“Incremental assessed value” means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment agency in accordance with paragraph (b) of subsection 1 of NRS 279.676.*

Sec. 9. *“Parcel-proportionate share of the base value” means the product of:*

- 1. The assessed value of a parcel or other taxable unit of property for the current year; and*
- 2. The base-year assessed value percentage for the current year for the redevelopment area in which the parcel or other taxable unit of property is located.*

Sec. 10. *“Redevelopment agency” means a redevelopment agency created pursuant to chapter 279 of NRS to which any of the proceeds of the ad valorem taxes levied in the redevelopment area are distributed in accordance with paragraph (b) of subsection 1 of NRS 279.676.*

Sec. 11. *“Redevelopment area” means a redevelopment area created pursuant to chapter 279 of NRS regarding which the redevelopment plan contains the provision authorized by NRS 279.676.*

Sec. 12. *“Redevelopment taxing entity” means a taxing entity to which any of the proceeds of the ad valorem taxes levied in a redevelopment area are distributed in accordance with paragraph (a) of subsection 1 of NRS 279.676.*

Sec. 13. *“Taxing entity” means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.*

Sec. 14. *1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is*

any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year,

is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to:

(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and

(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.

Sec. 15. 1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or section 14 of this act applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which section 14 of this act applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(b) The product of the assessed value of the property for the current fiscal year and the difference between:

(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and

(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 16. Notwithstanding any other provision of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of section 3, paragraph (a) of subsection 1 of section 3.5, paragraph (a) of subsection 1 of section 4 or paragraph (a) of subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the

property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 17. 1. The Committee on Local Government Finance may adopt:

(a) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of sections 14, 15 and 16 of this act; and

(b) Regulations which provide, in a manner that is consistent with the provisions of sections 14, 15 and 16 of this act, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after the effective date of this act.

2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 18. 1. On or before March 5 of each year, the county assessor of each county shall provide to the Department, in addition to the information provided pursuant to NRS 361.390, such information regarding each parcel or other taxable unit of property in the county as the Department determines to be necessary to carry out subsection 2.

2. On or before March 25 of each year, the Department shall provide to each local government in this State a projection of the revenue the local government may receive for the upcoming fiscal year from ad valorem taxes.”.

Amend sec. 3, page 2, by deleting line 24 and inserting: “failed to claim the partial abatement before the extension of the tax roll for that fiscal year pursuant to NRS 361.465, the tax”.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 25 through 28 and adding new sections designated sections 23 and 24, following sec. 5, to read as follows:

“Sec. 23. NRS 361.4545 is hereby amended to read as follows:

361.4545 1. On or before May 5 of each year, ~~for within 5 days after receiving the projections of revenue from the Department, whichever is later,~~ the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;

(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

The notice must be displayed in the format used for news and must be printed on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than 8-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than 8-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each \$100 of assessed valuation by which the highest combined tax rate for property in the county exceeds \$3.64 on each \$100 of assessed valuation.

These notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.

Sec. 24. NRS 361.455 is hereby amended to read as follows:

361.455 1. Unless individual tax rates are reduced pursuant to NRS 361.4547, immediately upon adoption of the final budgets, if the combined tax rate exceeds the limit imposed by NRS 361.453, the chairman

of the board of county commissioners in each county concerned shall call a meeting of the governing boards of each of the local governments within the county for the purpose of establishing a combined tax rate that conforms to the statutory limit. The chairman shall convene the meeting no later than June ~~13~~ 20 of each year.

2. The governing boards of the local governments shall meet in public session and the county clerk shall keep appropriate records, pursuant to regulations of the Department, of all proceedings. The costs of taking and preparing the record of the proceedings, including the costs of transcribing and summarizing tape recordings, must be borne by the county and participating incorporated cities in proportion to the final tax rate as certified by the Department. The chairman of the board of county commissioners or his designee shall preside at the meeting. The governing boards shall explore areas of mutual concern so as to agree upon a combined tax rate that does not exceed the statutory limit.

3. The governing boards shall determine final decisions by a unanimous vote of all entities present and qualified to vote, as defined in this subsection. No ballot may be cast on behalf of any governing board unless a majority of the individual board is present. A majority vote of all members of each governing board is necessary to determine the ballot cast for that entity. All ballots must be cast not later than the day following the day the meeting is convened. The district attorney is the legal adviser for such proceedings.

4. The county clerk shall immediately thereafter advise the Department of the results of the ballots cast and the tax rates set for local governments concerned. If the ballots for the entities present at the meeting in the county are not unanimous, the county clerk shall transmit all records of the proceedings to the Department within 5 days after the meeting.

5. If a unanimous vote is not obtained and the combined rate in any county together with the established state tax rate exceeds the statutory limit, the Department shall examine the record of the discussions and the budgets of all local governments concerned. On June 25 or, if June 25 falls on a Saturday or Sunday, on the Monday next following, the Nevada Tax Commission shall meet to set the tax rates for the next succeeding year for all local governments so examined. In setting the tax rates for the next succeeding year the Nevada Tax Commission shall not reduce that portion of the proposed tax rate of the county school district for the operation and maintenance of public schools.

6. Any local government affected by a rate adjustment, made in accordance with the provisions of this section, which necessitates a budget revision shall file a copy of its revised budget by July 30 next after the approval and certification of the rate by the Nevada Tax Commission.

7. A copy of the certificate of the Nevada Tax Commission sent to the board of county commissioners must be forwarded to the county auditor.”.

Amend sec. 6, page 3, by deleting line 20 and inserting: “sections 5 ~~and~~ to 7 , inclusive, of this act, the owner of a single-family”.

Amend sec. 6, page 4, line 5, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend sec. 7, page 5, by deleting line 45 and inserting: “sections 5 [~~and~~] to 7, inclusive, of this act, if the amount of rent collected”.

Amend sec. 7, page 6, line 35, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend sec. 8, page 7, by deleting line 20 and inserting: “sections 5 [~~and~~] to 7, inclusive, of this act, the owner of any parcel or”.

Amend sec. 8, page 8, by deleting line 13 and inserting: “out the provisions of sections 5 [~~and~~] to 7, inclusive, of this act, the owner”.

Amend sec. 8, page 9, line 21, by deleting “The amount” and inserting: “[~~The~~] *Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount*”.

Amend the bill as a whole by renumbering sections 10 through 13 as sections 30 through 33 and adding a new section designated sec. 29, following sec. 9, to read as follows:

“Sec. 29. Chapter 20, Statutes of Nevada 2005, is hereby amended by adding thereto a new section designated sec. 5.5, following sec. 5, to read as follows:

Sec. 5.5. 1. *Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act.*

2. *For the purposes of this section, “taxing entity” does not include the State.”.*

Amend sec. 10, page 12, by deleting lines 7 through 15 and inserting:

“4. For the purposes of this section, “taxing entity” [~~means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~] *does not include the State.”.*

Amend sec. 11, page 13, by deleting lines 13 through 21 and inserting:

“5. For the purposes of this section, “taxing entity” [~~means any political subdivision or other legal entity, other than the State, which has the right to receive money from any ad valorem taxes levied in a county.~~] *does not include the State.”.*

Amend the bill as a whole by deleting sec. 14 and renumbering sec. 15 as sec. 34.

Amend sec. 15, page 15, line 13, by deleting “or 9”.

Amend sec. 15, page 15, by deleting lines 29 through 33 and inserting:

“ *for all purposes, including, without limitation, for the purposes of section 7 of Senate Bill No. 509 of this session, to be approved and levied pursuant to section 7 of this act and to be exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act.*”.

Amend the bill as a whole by renumbering sec. 16 as sec. 37 and adding new sections designated sections 35 and 36, following sec. 15, to read as follows:

“Sec. 35. Section 9 of chapter 20, Statutes of Nevada 2005, is hereby repealed.

Sec. 36. Notwithstanding any provision of section 14 or 15 of this act to the contrary, the tax receiver of each county and the Department of Taxation:

1. Are not required to carry out the provisions of those sections before August 2, 2005; and

2. Shall carry out the provisions of those sections on or before October 1, 2005.”.

Amend sec. 16, page 15, by deleting lines 38 and 39 and inserting:

“Sec. 37. 1. This section and sections 1 to 17, inclusive, 19 to 22, inclusive, and 24 to 36, inclusive, of this act become effective upon passage and approval.

2. Sections 18 and 23 of this act become effective on January 1, 2006.”.

Amend the bill as a whole by adding the text of the repealed section, following sec. 16, to read as follows:

“

TEXT OF REPEALED SECTION

Section 9 of chapter 20, Statutes of Nevada 2005:

Sec. 9. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A local government may not increase its total ad valorem tax rate for a fiscal year above its total ad valorem tax rate for the immediately preceding fiscal year without the approval of the Nevada Tax Commission, based upon the recommendation of the Committee on Local Government Finance. An application for such approval must be submitted to the Nevada Tax Commission.*

2. *The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out the provisions of this section.*”.

Amend the title of the bill to read as follows:

“AN ACT relating to the taxation of property; making technical corrections to and providing for the administration of the provisions of Assembly Bill No. 489 of this session; providing for the allocation among taxing entities of certain reductions in ad valorem revenue; specifying the procedure for appealing determinations of the applicability of certain partial abatements of taxes; providing for the correction of the tax roll under certain circumstances when certain claims for a partial abatement are filed late; providing a penalty for falsely claiming to be entitled to certain partial

abatements; specifying the order in which certain partial abatements and exemptions must be applied to reduce tax liability; clarifying certain provisions governing the determination of primary residences; exempting certain tax levies from the partial abatements; repealing the requirement for certain approval by the Nevada Tax Commission; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

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

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 198 be taken from the Chief Clerk’s desk and placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 172 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 234 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 41 be taken from the Chief Clerk’s desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 119 be taken from the Chief Clerk’s desk and placed on the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 296 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Ocegüera moved that Senate Bills 32, 62, 115, 328, 358, and 394 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Leslie moved that Senate Bill No. 120 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 126, 333, 431, 434, 457, 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*

SECOND READING AND AMENDMENT

Senate Bill No. 198.

Bill read second time.

The following amendment was proposed by Assemblywoman Buckley:
Amendment No. 1041.

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

"Section 1. NRS 104.3102 is hereby amended to read as follows:

104.3102 1. This article applies to negotiable instruments. It does not apply to money, to payment orders governed by article 4A, or to securities governed by article 8.

2. If there is conflict between this article and article 4 or 9, articles 4 and 9 govern.

3. Regulations of the Board of Governors of the Federal Reserve System and operating circulars of the Federal Reserve banks supersede any inconsistent provision of this article to the extent of the inconsistency.

4. *The provisions of this article do not impair or abrogate any remedy that may exist, at law or in equity, under any other law, including the common law or any other state or federal statute."*

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblywoman Buckley.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 431.

Bill read third time.

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

Amendment No. 1067.

Amend section 1, page 2, line 2, by deleting "7," and inserting "7.5,".

Amend sec. 2, page 2, line 4, by deleting "7," and inserting "7.5,".

Amend sec. 5, page 2, by deleting line 18 and inserting: "*such a financial institution must submit:*

(a) Proof satisfactory to the”.

Amend sec. 5, page 2, line 20, by deleting “(a)” and inserting “(1)”.

Amend sec. 5, page 2, line 24, by deleting “(b)” and inserting “(2)”.

Amend sec. 5, page 2, line 26, by deleting “(c)” and inserting “(3)”.

Amend sec. 5, page 2, line 27, by deleting “(d)” and inserting “(4)”.

Amend sec. 5, page 2, line 30, by deleting “(e)” and inserting “(5)”.

Amend sec. 5, page 2, by deleting lines 33 through 36 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

“Sec. 7.5. 1. For the purpose of discovering violations of this title or of securing information lawfully required under this title, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this title; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this title, whether or not the person claims to be within the authority or beyond the scope of this title.

2. For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this title; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 28.5, page 18, line 8, by deleting: “29 and 29.5” and inserting: “29, 29.5 and 29.7”.

Amend the bill as a whole by adding a new section designated sec. 29.7, following sec. 29.5, to read as follows:

“Sec. 29.7. In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:

1. Is at least 21 years of age; and

2. Is a citizen of the United States or lawfully entitled to remain and work in the United States.”.

Amend sec. 35, page 22, line 8, by deleting “40,” and inserting “40.5,”.

Amend sec. 36, page 22, by deleting line 11 and inserting: "*in this chapter, each applicant must submit:*

(a) *Proof satisfactory to*".

Amend sec. 36, page 22, line 13, by deleting "(a)" and inserting "(1)".

Amend sec. 36, page 22, line 17, by deleting "(b)" and inserting "(2)".

Amend sec. 36, page 22, line 19, by deleting "(c)" and inserting "(3)".

Amend sec. 36, page 22, line 20, by deleting "(d)" and inserting "(4)".

Amend sec. 36, page 22, line 23, by deleting "(e)" and inserting "(5)".

Amend sec. 36, page 22, line 26, by deleting "(f)" and inserting "(6)".

Amend sec. 36, page 22, line 27, by deleting "(I)" and inserting "(I)".

Amend sec. 36, page 22, line 28, by deleting "(2)" and inserting "(II)".

Amend sec. 36, page 22, between lines 29 and 30, by inserting:

"(b) *A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*".

Amend sec. 37.6, page 24, line 32, by deleting "a" and inserting "an administrative".

Amend sec. 40, page 25, line 41, by deleting "\$10,000" and inserting "\$50,000".

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

"Sec. 40.5. *If a person operates a deferred deposit service or check-cashing service without obtaining a license pursuant to NRS 604.130:*

1. *Any contracts entered into by that person for a deferred deposit or the cashing of a check are voidable by the other party to the contract; and*

2. *In addition to any other remedy provided by law, a person who enters into a contract for a deferred deposit or the cashing of a check with the person who is operating a deferred deposit service or a check-cashing service without obtaining a license pursuant to NRS 604.130 may recover in a civil action an amount not to exceed \$1,000 for each such contract.*".

Amend the bill as a whole by deleting sec. 56 and adding:

"Sec. 56. (Deleted by amendment.)".

Amend sec. 60, page 36, line 12, after "3." by inserting: "*In addition to any other requirements, each applicant or member, partner, director, officer or manager of an applicant shall submit to the Commissioner a complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

4."

Amend sec. 60, page 36, line 14, by deleting "4." and inserting "~~{4.}~~ 5."

Amend sec. 60, page 36, line 21 by deleting "5." and inserting "6."

Amend sec. 68, page 42, line 7, by deleting: “69, 70 and 71” and inserting: “69 to 71.5, inclusive.”.

Amend sec. 69, page 42, by deleting line 9 and inserting: “*in this chapter, each applicant must submit:*

(a) *Proof satisfactory to*”.

Amend sec. 69, page 42, line 11, by deleting “(a)” and inserting “(1)”.

Amend sec. 69, page 42, line 15, by deleting “(b)” and inserting “(2)”.

Amend sec. 69, page 42, line 17, by deleting “(c)” and inserting “(3)”.

Amend sec. 69, page 42, line 18, by deleting “(d)” and inserting “(4)”.

Amend sec. 69, page 42, line 21, by deleting “(e)” and inserting “(5)”.

Amend sec. 69, page 42, by deleting lines 24 through 27 and inserting:

“(b) *A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*”.

Amend the bill as a whole by adding a new section designated sec. 71.5, following sec. 71, to read as follows:

“Sec. 71.5. 1. *For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

(a) *Any association;*

(b) *Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and*

(c) *Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

2. *For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

3. *The Commissioner may require the attendance of any person and examine him under oath regarding:*

(a) *Any transaction or business regulated pursuant to the provisions of this chapter; or*

(b) *The subject matter of any audit, examination, investigation or hearing.*”.

Amend sec. 82, page 51, by deleting line 29 and inserting: “*in this chapter, each applicant must submit:*

(a) *Proof satisfactory to*”.

Amend sec. 82, page 51, line 31, by deleting “(a)” and inserting “(1)”.

Amend sec. 82, page 51, line 35, by deleting “(b)” and inserting “(2)”.

Amend sec. 82, page 51, line 37, by deleting “(c)” and inserting “(3)”.

Amend sec. 82, page 51, line 38, by deleting “(d)” and inserting “(4)”.

Amend sec. 82, page 51, line 41, by deleting “(e)” and inserting “(5)”.

Amend sec. 82, page 51, line 44, by deleting “(f)” and inserting “(6)”.

Amend sec. 82, page 51, line 45, by deleting “(I)” and inserting “(I)”.

Amend sec. 82, page 52, line 1, by deleting “(2)” and inserting “(II)”.

Amend sec. 82, page 52, between lines 2 and 3, by inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend sec. 90, page 55, line 5, by deleting “94,” and inserting “94.5,”.

Amend sec. 91, page 55, by deleting line 8 and inserting: *“in this chapter, each applicant must submit:*

(a) Proof satisfactory to”.

Amend sec. 91, page 55, line 10, by deleting “(a)” and inserting “(1)”.

Amend sec. 91, page 55, line 14, by deleting “(b)” and inserting “(2)”.

Amend sec. 91, page 55, line 16, by deleting “(c)” and inserting “(3)”.

Amend sec. 91, page 55, line 17, by deleting “(d)” and inserting “(4)”.

Amend sec. 91, page 55, line 20, by deleting “(e)” and inserting “(5)”.

Amend sec. 91, page 55, line 23, by deleting “(f)” and inserting “(6)”.

Amend sec. 91, page 55, line 24, by deleting “(I)” and inserting “(I)”.

Amend sec. 91, page 55, line 25, by deleting “(2)” and inserting “(II)”.

Amend sec. 91, page 55, between lines 26 and 27, by inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 94.5, following sec. 94, to read as follows:

“Sec. 94.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) A licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. *For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

3. *The Commissioner may require the attendance of any person and examine him under oath regarding:*

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 99, page 58, line 24, by deleting “103,” and inserting “103.5,”.

Amend sec. 100, page 58, by deleting line 27 and inserting:

“in this chapter, each applicant must submit:

(a) Proof satisfactory to”.

Amend sec. 100, page 58, line 29, by deleting “(a)” and inserting “(1)”.

Amend sec. 100, page 58, line 33, by deleting “(b)” and inserting “(2)”.

Amend sec. 100, page 58, line 35, by deleting “(c)” and inserting “(3)”.

Amend sec. 100, page 58, line 36, by deleting “(d)” and inserting “(4)”.

Amend sec. 100, page 58, line 39, by deleting “(e)” and inserting “(5)”.

Amend sec. 100, page 58, by deleting lines 42 through 45 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 103.5, following sec. 103, to read as follows:

“Sec. 103.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) A licensee;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. *For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

3. *The Commissioner may require the attendance of any person and examine him under oath regarding:*

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 107, page 61, line 18, by deleting “111,” and inserting “111.5.”.

Amend sec. 108, page 61, by deleting line 21 and inserting:
“in this chapter, each applicant must submit:

(a) Proof satisfactory to”.

Amend sec. 108, page 61, line 23, by deleting “(a)” and inserting “(1)”.

Amend sec. 108, page 61, line 27, by deleting “(b)” and inserting “(2)”.

Amend sec. 108, page 61, line 29, by deleting “(c)” and inserting “(3)”.

Amend sec. 108, page 61, line 30, by deleting “(d)” and inserting “(4)”.

Amend sec. 108, page 61, line 33, by deleting “(e)” and inserting “(5)”.

Amend sec. 108, page 61, by deleting lines 36 through 39 and inserting:

“(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.”.

Amend the bill as a whole by adding a new section designated sec. 111.5, following sec. 111, to read as follows:

“Sec. 111.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any credit union;

(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and

(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.”.

Amend sec. 115, page 64, line 12, before “If” by inserting “1.”.

Amend sec. 115, page 64, between lines 17 and 18, by inserting:

“2. The amendatory provisions of section 62 of this act shall apply:

(a) On October 1, 2008, to any person who has been issued a licensed pursuant to NRS 649.095 on or before September 30, 2005.

(b) On October 1, 2005, to any person to whom a license is issued pursuant to NRS 649.095 on or after October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to financial institutions; establishing requirements relating to applications for certain licenses; establishing additional grounds for refusing to issue or for suspending or revoking certain licenses; authorizing the Commissioner of Financial Institutions to conduct certain activities to investigate violations of certain regulated activities; revising the provisions governing the use of business names by financial institutions; increasing the maximum amount of various fees and fines imposed on financial institutions; authorizing the Commissioner of Financial Institutions to establish the amount of certain fees by regulation; revising the provisions governing the licensure of agents involved in the transmission of money and financial instruments; revising the provisions governing liability for nonpayment of certain financial obligations; revising the provisions governing certain interest rates; revising the provisions governing check-cashing services and deferred deposit services; authorizing a person to recover in a civil action compensation against a person who operates a deferred deposit service or check-cashing service without a license; revising the provisions governing collection agencies; increasing the amount of certain required surety bonds; revising the provisions governing examination of credit unions; providing for certain administrative fines and penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 126.

Bill read third time.

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

Amendment No. 1075.

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

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

The Administrator shall include on any notice or form that is provided to injured employees and is on the Internet website of the Division, contact information for the Office for Consumer Health Assistance created pursuant to NRS 223.550.

Sec. 3. 1. There is hereby appropriated from the Fund for Workers' Compensation and Safety created by NRS 616A.425 to the Office for

Consumer Health Assistance in the Office of the Governor the sum of \$171,070 for the additional costs required pursuant to the amendatory provisions of section 1 of this act.

2. Any remaining balance of the money appropriated by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for Workers' Compensation and Safety on or before September 21, 2007.”.

Amend the title of the bill to read as follows:

“AN ACT relating to consumer health; requiring the Director of the Office for Consumer Health Assistance in the Office of the Governor to employ persons who have experience in the field of industrial relations; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to include contact information for the Office for Consumer Health Assistance on notices and forms provided to injured workers and on the Internet website of the Division; making an appropriation from the Fund for Workers' Compensation and Safety to the Office for Consumer Health Assistance; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to Office for Consumer Health Assistance. (BDR 18-246)”.

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. 333.

Bill read third time.

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

Amendment No. 1043.

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

“Section 1. NRS 644.0245 is hereby amended to read as follows:

644.0245 “Demonstrator of cosmetics” means a person who ~~[-, without charge and without advertising his services,]~~ demonstrates the application of cosmetics in a cosmetological establishment for the sole purpose of selling cosmetics.

Sec. 2. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;

- (b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for 1 year and submits written verification of his experience;
- (c) Is licensed pursuant to this chapter;
- (d) Applies for a provisional license on a form supplied by the Board;
- (e) Submits two current photographs of himself; and
- (f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$25 nor more than \$40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license ~~or~~ *or 1 year from the date of issuance, whichever occurs first.* The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.”.

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

“Sec. 4. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety in the amount ~~of \$10,000.~~ *determined by the Board pursuant to this section.*

2. *The amount of the bond required for a school of cosmetology is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

(a) The total amount determined pursuant to subsections 3 to 5, inclusive, must be rounded down to the nearest \$5,000; and

(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than one year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:*

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~{3-}~~ 7. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond."

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

"5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program."

Amend the title of the bill to read as follows:

"AN ACT relating to professions; revising provisions governing demonstrators of cosmetics; revising provisions governing licensure of certain instructors regulated by the Board; revising and repealing various provisions governing the regulation of cosmetological establishments and schools of cosmetology; authorizing operators of cosmetological establishments to lease space to other professionals; revising the requirements for a surety bond for certain schools of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy and providing for the regulation of such courses or programs by the Board; revising the number of classroom hours required of certain cosmetological students; 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. 434.

Bill read third time.

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

Amendment No. 1086.

Amend sec. 7, page 7, line 2, by deleting “project.” and inserting:

“project ~~[-]~~ or if the contractor builds a residential pool or spa as part of the original building plan pursuant to which the contractor builds a single-family residence on the premises.”.

Amend sec. 13, page 12, by deleting line 11 and inserting:

“7. If a”.

Amend sec. 13, page 12, by deleting lines 15 through 17 and inserting:

“(a) ~~[-]~~ Becomes licensed pursuant to this chapter on or after July 1, 2001;

~~(b)~~ Is determined by the Board to have violated one or more of”.

Amend sec. 13, page 12, line 19, by deleting “(c)” and inserting “~~(c)~~ (b)”.

Amend sec. 13, page 12, line 25, by deleting “(d)” and inserting “~~(d)~~ (c)”.

Amend sec. 13, page 12, line 27, by deleting “contractor shall” and inserting: “Board may require the contractor ~~[-]~~ to”.

Amend sec. 13, page 12, by deleting lines 28 and 29 and inserting:

“8. ~~[A]~~ If the Board requires a contractor described in subsection 7 to comply with the provisions of this subsection, the contractor shall, before commencing work”.

Amend sec. 13, page 12, line 38, by deleting “A” and inserting:

“~~[A]~~ Except as otherwise provided in this paragraph, a”.

Amend sec. 13, page 13, by deleting lines 4 through 24 and inserting:

“bond. In lieu of a performance or payment bond, the contractor may obtain an equivalent form of security approved by the Board.

9. As used in this section, “substantiated claim for wages” has”.

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

“Sec. 13.5. NRS 624.275 is hereby amended to read as follows:

624.275 1. With respect to a surety bond that a licensed contractor maintains in accordance with NRS 624.270 ~~[-]~~ or 624.276:

(a) The surety shall give prompt notice to the Board of any claims paid against the bond of the licensed contractor.

(b) The surety may cancel the bond upon giving 60 days’ notice to the Board and to the contractor by certified mail.

2. Upon receipt by the Board of the notice described in paragraph (a) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he

furnishes an equivalent bond or establishes an equivalent cash deposit before a date set by the Board.

3. Upon receipt by the Board of the notice described in paragraph (b) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before the effective date of the cancellation.

4. The notice mailed to the contractor by the Board pursuant to subsection 2 or 3 must be addressed to his latest address of record in the office of the Board.

5. If the contractor does not comply with the requirements of the notice from the Board, his license must be suspended or revoked on the date:

(a) Set by the Board, if the notice was provided to the contractor pursuant to subsection 2; or

(b) The bond is cancelled, if the notice was provided to the contractor pursuant to subsection 3.”

Amend sec. 14, page 13, line 31, by deleting “may,” and inserting “~~may,~~ shall,”.

Amend sec. 14, page 13, by deleting lines 32 through 34 and inserting: “or renewal of a license, require the applicant to ~~file~~ :

(a) *File with the Board a bond solely for the protection of consumers in an amount fixed by the Board ~~[-]~~ ; or*

(b) *In lieu of filing a bond, establish with the Board a cash deposit as provided in this section.”.*

Amend sec. 14, page 13, line 39, by deleting “2” and inserting “~~2~~ 5”.

Amend sec. 14, page 13, by deleting lines 40 through 42 and inserting:

“3. *After a contractor who performs work concerning a residential pool or spa has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the Board may relieve the contractor of the requirements of subsection 1 if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the contractor to comply with subsection 1 if evidence is presented to the Board supporting this requirement.*

4. *If a licensee is relieved of the requirement of establishing a cash deposit pursuant to this section, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.*

5. *Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license.*

6. *The amount of each bond or cash deposit required by this section must be fixed by the Board with reference to the contractor’s financial and professional responsibility and the magnitude of his operations, but must be not less than \$10,000 or more than \$400,000. The bond must be continuous in form and must be conditioned that the total aggregate liability of the*

surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force.

7. A bond required pursuant to subsection 1 must be provided by a person whose long-term debt obligations are rated “A” or better by a nationally recognized rating agency. *The Board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the Board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.2545 or 624.291.*

8. *Unless released earlier pursuant to subsection 3, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established or 2 years after completion of all work authorized by the Board after termination of the license, whichever occurs later, if there is no outstanding claim against it.*

9. *Each bond or deposit required pursuant to this section must be in favor of the State of Nevada solely for the benefit of any consumer who entered into a contract with the contractor to perform work concerning a residential pool or spa and:*

(a) Is damaged by failure of the contractor to perform the contract or to remove liens filed against the property; or

(b) Is injured by any unlawful act or omission of the contractor in the performance of a contract.

10. *Any consumer claiming against the bond or deposit may bring an action in a court of competent jurisdiction on the bond or against the Board on the deposit for the amount of damage he has suffered to the extent covered by the bond or deposit.*

11. *If an action is commenced on the bond, the surety that executed the bond shall notify the Board of the action within 30 days after the date that:*

(a) The surety is served with a complaint and summons; or

(b) The action is commenced,

whichever occurs first.

12. *A claim or action pursuant to this section must proceed and be administered in the manner provided pursuant to NRS 624.273 for a claim or action.*

13. *The Board shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations concerning:*

(a) The determination of the amount of a bond pursuant to this section;

(b) The form of bond required pursuant to this section;

(c) The time within which an applicant or licensee must comply with the provisions of this section; and

(d) Procedures to contest the amount of a bond required pursuant to this section.

14. *The Board shall immediately suspend the license of a contractor who fails to post the bond or provide the deposit required pursuant to this section.*

Failure by a licensee for 6 months to post the bond or provide the deposit required pursuant to this section constitutes grounds for disciplinary action.

15. *As used in this section:*

(a) *“Consumer” means a natural person who:*

(1) Owns a single-family residence; and

(2) Enters into a contract with a licensee to perform work concerning a residential pool or spa.

(b) “Work concerning a residential pool or spa” has the meaning ascribed to it in NRS 597.713.”.

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

“Sec. 16. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting: “spas; requiring contractors who perform work on residential pools and spas to provide a bond or cash deposit for the protection of consumers under certain circumstances; providing procedures for administering such bonds and cash deposits; revising provisions governing performance, payment and consumer protection bonds; providing penalties; and”.

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. 457.

Bill read third time.

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

Amendment No. 1087.

Amend sec. 3, page 3, line 10, after “2.” by inserting: “A wholesale dealer, supplier, retailer or retail liquor dealer may bring an action in a court of competent jurisdiction against any person who knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 and is entitled to an award of \$1,000 for each violation and may recover the damages sustained by him, together with such costs of the action and reasonable attorney’s fees as authorized by NRS 18.110. For the purposes of this subsection, each sale or transaction in violation of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 constitutes a separate violation, regardless of the number of sales or transactions.

3. A director, officer, agent or employee or a person engaged in the sale or importation of liquor in this State who knowingly assists or aids in a

violation of this chapter for which an action is authorized pursuant to this section is liable in such an action.

4.”.

Amend sec. 3, page 3, lines 11 and 12, by deleting: “*the wholesale dealer*” and inserting “*a person*”.

Amend the title of the bill, third line, after “stores;” by inserting: “authorizing a wholesale dealer, supplier, retailer or retail liquor dealer to bring a civil action for certain violations relating to intoxicating liquor;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to intoxicating liquor. (BDR 32-1408)”.

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. 32.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 1073.

Amend section 1, page 3, line 13, by deleting “*System;*” and inserting: “*System who take classes other than during their regular working hours; and*”.

Amend section 1, page 3, line 14, by deleting “*States; and*” and inserting “*States.*”.

Amend section 1, page 3, by deleting lines 15 through 17.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

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

Senate Bill No. 62.

Bill read third time.

The following amendment was proposed by Assemblymen Leslie, Arberry, Giunchigliani, and Hettrick:

Amendment No. 1079.

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

“Sec. 3. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State Treasury a fund to be designated as the Water Rights Protection Fund to be administered by the Board for Financing Water Projects.*

2. *The Water Rights Protection Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is*

invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. *The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Protection Fund.*

4. *Money in the Water Rights Protection Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:*

(a) Obtain and provide expert and technical assistance to protect its existing water rights; or

(b) Fund projects to enhance or protect its existing water rights.

Sec. 4. There is hereby appropriated from the State General Fund to the Water Rights Protection Fund, created by section 3 of this act, the sum of \$1,000,000.”.

Amend sec. 4, page 4, line 9, by deleting: “This act becomes” and inserting:

“1. This section and sections 1, 2, 5 and 6 of this act become”.

Amend sec. 4, page 4, by deleting line 10 and inserting: “and apply retroactively.

2. Sections 3 and 4 of this act become effective on July 1, 2005.”.

Amend the title of the bill, second line, after “rights;” by inserting: “creating a fund to be used to protect existing water rights; making an appropriation;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provisions governing water rights. (BDR 48-681)”.

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. 115.

Bill read third time.

The following amendment was proposed by Assemblyman Parks:

Amendment No. 1052.

Amend section 1, page 2, line 3, by deleting “*The*” and inserting: “*Except as otherwise provided in subsection 2, the*”.

Amend section 1, page 2, line 7, after “*Discuss*” by inserting “*tactical*”.

Amend section 1, page 2, line 16, after “2.” by inserting: “*The governing body of a local government or an advisory body to such governing body shall not discuss issues of public policy relating to acts of terrorism or the payment of the costs of securing against or responding to acts of terrorism in a closed meeting.*

3.”.

Amend section 1, page 2, by deleting line 21, and inserting:

“4. *Except as otherwise provided in subsection 5, all pertinent*”.

Amend section 1, page 2, line 30, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 31, by deleting “3” and inserting “4”.

Amend section 1, page 2, line 34, by deleting “5.” and inserting “6.”.

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

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 328 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 358.

Bill read third time.

The following amendment was proposed by Assemblymen Perkins:

Amendment No. 990.

Amend sec. 2, page 2, line 27, by deleting “2005.” and inserting “2006.”.

Amend sec. 2, page 3, line 10, by deleting “2005.” and inserting “2006.”.

Amend the bill as a whole by deleting sec. 5.

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. 394.

Bill read third time.

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

Amendment No. 1077.

Amend the bill as a whole by renumbering sections 23 through 27 as sections 24 through 28 and adding a new section designated sec. 23, following sec. 22, to read as follows:

“Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~{1. Except as otherwise provided in this section, on}~~ On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~{8}~~ 6 percent on the gross amount of collections from personal property tax.

~~{2. One-quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and~~

~~improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]”.~~

Amend the bill as a whole by renumbering sections 28 through 39 as sections 42 through 53 and adding new sections designated sections 29 through 41, following sec. 27, to read as follows:

“Sec. 29. The Legislature hereby finds and declares that because of the shortage of real property available to the urban and rural communities in Nevada, it is in the best interests of the people of the State of Nevada to encourage the development of property as golf courses so as to preserve open space in both residential and commercial areas of development.

Sec. 30. Chapter 361A of NRS is hereby amended by adding thereto the provisions set forth as sections 31 and 32 of this act.

Sec. 31. 1. “*Golf course*” means:

(a) *Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and*

(b) *Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.*

2. *The term does not include:*

(a) *A commercial golf driving range that is not operated in conjunction with a golf course.*

(b) *A clubhouse, pro shop, restaurant or other building that is associated with a golf course.*

Sec. 32. 1. *For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:*

(a) *An amount equal to \$2,860 per acre of real property used as the golf course multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004; and*

(b) *The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence.*

2. *The Nevada Tax Commission shall establish a manual for the assessment of improvements made to real property used as a golf course. The manual must require:*

(a) *The use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable; and*

(b) *For the purpose of determining obsolescence, the consideration of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.*

Sec. 33. NRS 361A.010 is hereby amended to read as follows:

361A.010 As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections except where the context otherwise requires.

Sec. 34. NRS 361A.040 is hereby amended to read as follows:

361A.040 “Open-space real property” means:

1. Land:

(a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and

(b) Devoted exclusively to open-space use.

2. The improvements on the land *described in subsection 1 that is* used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.

3. *Land that is used as a golf course.*

Sec. 35. NRS 361A.050 is hereby amended to read as follows:

361A.050 “Open-space use” means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the Department of Cultural Affairs. *The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.*

Sec. 36. NRS 361A.090 is hereby amended to read as follows:

361A.090 1. It is the intent of the Legislature to:

(a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and

(b) Provide a separate plan for:

(1) Appraisal and valuation of such property for assessment purposes; and

(2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.

2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.

3. *The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.*

Sec. 37. NRS 361A.170 is hereby amended to read as follows:

361A.170 1. *Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.*

2. ~~{The}~~ *In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of each city or county shall, from time to time, specify by resolution ~~{the}~~ additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.*

~~{2.}~~ 3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment ~~{-}~~ *based on a designation or classification adopted pursuant to subsection 2.* The criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 38. NRS 361A.180 is hereby amended to read as follows:

361A.180 Any owner of real property may apply to the county assessor for open-space use assessment *based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170* and the payment of taxes on such property as provided in this chapter.

Sec. 39. NRS 361A.220 is hereby amended to read as follows:

361A.220 1. If ~~{the}~~ property is ~~{found by the board of county commissioners}~~ to be assessed as open-space real property, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.

Sec. 40. NRS 361A.230 is hereby amended to read as follows:

361A.230 1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) ~~{Notification by the applicant to the assessor to remove the open space use assessment;~~

~~{b)}~~ Sale or transfer to an owner making it exempt from ad valorem property taxation;

~~{c)}~~ (b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the ~~{approved}~~ open-space use; or

~~{d)}~~ (c) *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:*

(1) Notification by the applicant to the assessor to remove the open-space use assessment; or

(2) Failure to file a new application as provided in NRS 361A.190.

2. Except as otherwise provided in paragraph ~~(b)~~ (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an ~~approved~~ open-space use. ~~[-, if]~~ If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the new owner ~~applies~~ must apply for open-space use assessment in the manner provided in NRS 361A.190.

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

Sec. 41. NRS 361A.240 is hereby amended to read as follows:

361A.240 1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. ~~The~~ If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the applicant for the open-space assessment is entitled to:

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation.”.

Amend sec. 28, page 20, line 31, after “must” by inserting:

“, unless the property is sold or transferred to the Nevada System of Higher Education, a school district or another local governmental entity.”.

Amend sec. 33, page 21, by deleting lines 43 and 44 and inserting:

“2. The money in the Account ~~must~~ :

(a) Must be accounted for separately and not as a part of any other account ~~[-]~~ ; and

(b) Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.”.

Amend sec. 39, page 25, line 24, by deleting “37” and inserting “51”.

Amend the bill as a whole by renumbering sections 40 and 41 as sections 56 and 57 and adding new sections designated sections 54 and 55, following sec. 39, to read as follows:

“Sec. 54. The Nevada Tax Commission shall establish the manual required by section 32 of this act not later than July 1, 2006.

Sec. 55. On or before July 1, 2006, and July 1, 2007, the county assessor of each county shall submit to the board of county commissioners of the county and the Legislative Commission a report of:

1. Any technology acquired and any improvements in the technology used in the office of the county assessor as a result of the money accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor pursuant to NRS 361.530 and 362.170, as amended by this act; and

2. The means by and extent to which that money has assisted the county assessor in the collection of taxes.”.

Amend sec. 41, page 25, by deleting line 29 and inserting:

“Sec. 57. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, and 42 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, 2007.

5. Section 43 of this act expires by limitation on June 30, 2007.”.

Assemblyman Sibley moved the adoption of the amendment.

Remarks by Assemblyman Sibley.

Amendment adopted.

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

Senate Bill No. 120.

Bill read third time.

The following amendment was proposed by Assemblywoman Leslie:

Amendment No. 1054.

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

“trauma unless the hospital meets the standards ~~[-~~

~~3-]~~ established pursuant to this subsection.

3. *Each county or district board of health in a county whose population is 400,000 or more shall adopt regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2. A county or district board of health shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless the hospital meets the standards established pursuant to this subsection.*

4. *A proposal to designate a hospital located in a county whose population is 400,000 or more as a center for the treatment of trauma:*

(a) *Must be approved by the Administrator of the Health Division and by the county or district board of health of the county in which the hospital is located; and*

(b) *May not be approved unless the county or district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.*

5. Upon approval by the Administrator of the Health Division *and, if the hospital is located in a county whose population is 400,000 or more, the county or district board of health of the county in which the hospital is located,*”.

Amend section 1, page 2, line 20, by deleting “he” and inserting: “~~he~~ the Administrator of the Health Division”.

Amend section 1, page 2, line 28, by deleting “subsection 2.” and inserting: “~~subsection 2.~~ subsections 2 and 3.”.

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

“Sec. 2. The amendatory provisions of this act do not affect any hospital that has been designated as a center for the treatment of trauma before October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to emergency medical services; making various changes concerning programs for the treatment of trauma and the designation of hospitals as centers for the treatment of trauma in larger counties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning treatment of trauma and centers for treatment of trauma. (BDR 40-885)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

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

Senate Bill No. 296.

Bill read third time.

The following amendment was proposed by Assemblywoman Leslie:

Amendment No. 1042.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 through 10 as sections 1 through 5.

Amend sec. 10, page 9, line 11, by deleting “~~expunge~~ delete” and inserting “expunge”.

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 and 14 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 15.

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

“AN ACT relating to children; requiring certain persons to notify an agency which”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning newborn infants who are identified as being affected by illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure. (BDR 38-372)”.

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. 172.

Bill read third time.

Roll call on Senate Bill No. 172:

YEAS—40.

NAYS—None.

NOT VOTING—Sibley.

EXCUSED—Ohrenschall.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Remarks by Assemblymen Allen, Atkinson, Anderson, Ocegüera, and Buckley.

Roll call on Senate Bill No. 234:

YEAS—23.

NAYS—Allen, Angle, Atkinson, Christensen, Claborn, Gansert, Goicoechea, Grady, Hardy, Holcomb, Koivisto, McCleary, Munford, Ocegüera, Seale, Sherer, Sibley, Weber—18.

EXCUSED—Ohrenschall.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 172:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 172 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 175:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 175 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 222:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 222 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274.

Bill read third time.

Roll call on Assembly Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 274 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Bill No. 289:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 289 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Roll call on Assembly Bill No. 376:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 376 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblymen Atkinson, Angle, Christensen, and Anderson.

Roll call on Assembly Bill No. 411:

YEAS—36.

NAYS—Angle, Hettrick, Marvel, Seale, Sherer—5.

EXCUSED—Ohrenschall.

Assembly Bill No. 411 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that Assembly Bill No. 499 be taken from
the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Oceguela moved that Assembly Bill No. 500 be taken from
its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguela moved that Senate Bill No. 87 be taken from the
Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 17 be taken from the
Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Parks moved that Senate Bill No. 267 be taken from the
Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

The following amendment was proposed by the Assemblyman Parks:

Amendment No. 1051.

Amend sec. 3, page 4, by deleting lines 41 through 45 and inserting:
“applies to R147-04 and R159-04 for which filing was suspended by the
Legislative Commission or the Committee to Review Regulations appointed

pursuant to NRS 233B.067. Within 60 days after the effective date of this act, the”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

Assembly Bill No. 560.

Bill read third time.

Roll call on Assembly Bill No. 560:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 22, 44, 45, 64, 214, 221, 235, 325, 332, 347, 426, 428, 467, and 477 be taken from their position on the General File and placed at the top of the General File for the current 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 1:24 p.m.

ASSEMBLY IN SESSION

At 1:38 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 87.

Bill read second time and ordered to third reading.

Senate Bill No. 267.

Bill read second time.

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

Amendment No. 1066.

Amend sec. 2, page 3, line 33, by deleting “*provided*” and inserting: “*made available at the meeting*”.

Amend sec. 3, page 4, by deleting lines 15 through 18 and inserting: “*to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.*”

2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body”.

Amend sec. 3, page 4, by deleting lines 24 and 25 and inserting: “*consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the*”.

Amend sec. 4, page 5, line 11, by deleting “*officer.*” and inserting: “*officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university or community college within the University and Community College System of Nevada, a superintendent of a county school district, a county manager and a city manager.*”.

Amend sec. 4, page 5, line 16, by deleting “*officer,*” and inserting: “*officer or other officer described in paragraph (b) of subsection 1,*”.

Amend sec. 5, page 5, by deleting lines 19 and 20 and inserting: “*consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it*”.

Amend sec. 5, page 5, by deleting lines 38 and 39 and inserting: “*considering the character, alleged misconduct, professional competence, or physical or mental health of the person.*”.

Amend sec. 5, page 6, by deleting lines 2 through 11 and inserting: “*portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, each person to whom notice is required to be given pursuant to paragraph (a) of subsection 1 must be allowed to:*

(a) *Attend the closed meeting or that portion of the closed meeting during which his character, alleged misconduct, professional competence, or physical or mental health is considered;*

(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.*

5. *Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, or physical or mental health is considered, the chairman of the public body may at any time before or during a closed meeting:*”.

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

Amend sec. 5, page 6, by deleting lines 19 and 20 and inserting: “*person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the*”.

Amend sec. 5, page 6, line 22, by deleting “6.” and inserting “7.”.

Amend sec. 5, page 6, by deleting line 25 and inserting: “*misconduct, professional competence, or physical or mental health of the person.*”.

Amend sec. 6, page 7, by deleting line 5 and inserting: “*character, alleged misconduct, professional competence, or physical or mental health; and*”.

Assemblyman McCleary moved the adoption of the amendment.

Remarks by Assemblyman McCleary.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 20 and 262 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 341, 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 was rereferred Assembly Bill No. 388, 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*

GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1006.

Amend sec. 3, page 5, line 7, by deleting: “or 201.450” and inserting: “~~for~~, 201.450 or 201.540”.

Amend sec. 3, page 5, line 9, by deleting “201.560;” and inserting: “201.560 ~~for~~, NRS 212.187 or 433.554;”.

Amend sec. 20, page 14, between lines 37 and 38, by inserting:

“(8) *The tier level of notification assigned to the offender.*”.

Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:

“Sec. 22.5. NRS 179D.035 is hereby amended to read as follows:

179D.035 “Convicted” includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles

if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:

1. A crime against a child that is listed in subsection 6 of NRS 179D.210.
2. A sexual offense that is listed in subsection ~~{19}~~ 22 of NRS 179D.410.
3. A sexual offense that is listed in paragraph (b) of subsection 2 of NRS 62F.260.”.

Amend sec. 23, page 16, line 23, by deleting “An” and inserting: “~~{An}~~

1. *Except as otherwise provided in subsection 2, an*”.

Amend sec. 23, page 16, line 25, by deleting “1.” and inserting “~~{1}~~ (a)”.

Amend sec. 23, page 16, line 26, by deleting “2.” and inserting “~~{2}~~ (b)”.

Amend sec. 23, page 16, line 28, by deleting “3.” and inserting “~~{3}~~ (c)”.

Amend sec. 23, page 16, line 30, by deleting “4.” and inserting “~~{4}~~ (d)”.

Amend sec. 23, page 16, line 32, by deleting “~~{D}~~ C” and inserting “D”.

Amend sec. 23, page 16, between lines 33 and 34, by inserting:

“2. *An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.*”.

Amend the bill as a whole by adding new sections designated sections 23.3 and 23.7, following sec. 23, to read as follows:

“Sec. 23.3. NRS 179D.400 is hereby amended to read as follows:

179D.400 1. “Sex offender” means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.410; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~{19}~~ 22 of NRS 179D.410.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

(b) A nonresident sex offender who is a student or worker within this State.

Sec. 23.7. NRS 179D.410 is hereby amended to read as follows:

179D.410 “Sexual offense” means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

11. Open or gross lewdness pursuant to NRS 201.210.

12. Indecent or obscene exposure pursuant to NRS 201.220.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~{16.}~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~{15, inclusive. 17.}~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~{18.}~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~{19.}~~ 22. An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.”.

Amend sec. 24, page 16, line 35, after “179D.550” by deleting “A” and inserting:

~~{A}~~

1. *Except as otherwise provided in subsection 2, a”.*

Amend sec. 24, page 16, line 36, by deleting “1.” and inserting “~~{1}~~ (a)”.

Amend sec. 24, page 16, line 37, by deleting “2.” and inserting “~~{2}~~ (b)”.

Amend sec. 24, page 16, line 39, by deleting “3.” and inserting “~~{3}~~ (c)”.

Amend sec. 24, page 16, line 41, by deleting “4.” and inserting “~~{4}~~ (d)”.

Amend sec. 24, page 16, line 43, by deleting “~~{D}~~ C” and inserting “D”.

Amend sec. 24, page 16, after line 44, after, by inserting:

“2. *An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.*”.

Amend the bill as a whole by adding new sections designated sections 24.3 and 24.7, following sec. 24, to read as follows:

“Sec. 24.3. NRS 179D.610 is hereby amended to read as follows:

179D.610 1. “Sex offender” means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.620; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~{19}~~ 22 of NRS 179D.620.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

(b) A nonresident sex offender who is a student or worker within this State.

Sec. 24.7. NRS 179D.620 is hereby amended to read as follows:

179D.620 “Sexual offense” means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony.

11. Open or gross lewdness pursuant to NRS 201.210, if punished as a felony.

12. Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~{16.}~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~{15, inclusive. 17.}~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~{18.}~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~{19.}~~ 22. An offense of a sexual nature committed in another jurisdiction and punished as a felony, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.”.

Amend sec. 27, page 21, line 18, by deleting “or” and inserting “~~for~~”.

Amend sec. 27, page 21, line 19, after “(d)” by inserting: “*Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540;*

(e)”.

Amend sec. 27, page 21, line 20, by deleting “felony.” and inserting: “felony ~~{1.}~~; or

(f) *Abuse of a client in a mental health facility pursuant to NRS 433.554.*”.

Amend sec. 34.5, page 25, line 39, after “(l)” by inserting:

“Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.

(m)”.

Amend sec. 34.5, page 25, line 41, by deleting “(m)” and inserting: “~~[(m)]~~
(n) Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.

(o) Abuse of a client in a mental health facility pursuant to NRS 433.554.

(p)”.

Amend sec. 34.5, page 25, lines 42 and 43, by deleting: “(l), inclusive.

(n)” and inserting: “~~[(l), inclusive.~~

~~(n)]~~ *(m), inclusive.*

(q)”.

Amend sec. 34.5, page 26, line 1, by deleting “(o)” and inserting “(r)”.

Amend the title of the bill, twentieth line, after “offender” by inserting:

“expanding the crimes that constitute a sexual offense for purposes of registration, community notification and determining certain penalties; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child and of sex offenders;”.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

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

Assembly Bill No. 388.

Bill read third time.

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

Amendment No. 1017.

Amend sec. 3, page 2, line 32, by deleting “388.380,” and inserting: “388.380 and to the extent that money is available from this State or the Federal Government,”.

Amend sec. 10, page 5, line 39, by deleting “2,” and inserting “~~[2,]~~ 3,”.

Amend sec. 10, page 6, line 6, after “2.” by inserting: “A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his diploma, if applicable.

3.”.

Amend sec. 10, page 6, between lines 10 and 11, by inserting:

“4. The State Board for Career and Technical Education shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.”.

Amend sec. 22, page 12, by deleting lines 10 through 26 and inserting:

“Sec. 22. 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 and charter schools to establish advisory technical skills committees and to establish, maintain and expand programs of career and technical education. If the Department provides grants of money pursuant to this section, the Department shall:

(a) Establish criteria for grants of money to school districts and charter schools pursuant to this section;

(b) Make determinations regarding the grants of money based upon recommendations of the advisory technical skills committee established by the school district or charter school, if applicable; and

(c) Allocate available money to school districts and charter schools based upon the total unduplicated enrollment of pupils in all career and technical education classes in that school district or charter school during the immediately preceding school year. Notwithstanding the provisions of this paragraph, the Department may establish a minimum allocation for a school district located in a county whose population is less than 50,000.

2. To the extent that money is available for grants of money pursuant to this section, the board of trustees of a school district or the governing body of a charter school may submit an application to the Department of Education on a form provided by the Department.”.

Amend sec. 22, page 12, line 27, by deleting “4.” and inserting “3.”.

Amend sec. 22, page 12, line 30, by deleting: “(b) of subsection 2” and inserting: “(a) of subsection 1”.

Amend sec. 22, page 12, by deleting lines 33 through 39 and inserting:

“4. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to this section shall:

(a) Use the money to establish an advisory technical skills committee and to establish, maintain and expand programs of career and technical education;

(b) Use the money to supplement and not replace the money that the school district or charter school would otherwise expend for the establishment of an advisory technical skills committee and for the establishment, maintenance and expansion of programs of career and technical education.

(c) Evaluate the effectiveness of the advisory technical skills”.

Amend sec. 22, page 12, line 43, by deleting “6.” and inserting “5.”.

Amend sec. 22, page 12, line 44, by deleting: “(b) of subsection 5” and inserting: “(c) of subsection 4”.

Amend sec. 22, page 13, by deleting lines 3 through 6.

Amend the title of the bill by deleting the fifth through thirteenth lines and inserting: “education”; requiring under certain circumstances that an advisory technical skills committee be appointed for a program of career and technical education in a school district; authorizing the Department of Education to

provide grants, to the extent money is available, for distribution to school districts and charter schools for career and technical education; requiring a subcommittee of the Legislative Committee on Education to study career and technical high schools; requiring the Department of Education to conduct a public awareness campaign regarding career and technical high schools; and providing other matters”.

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. 20.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 1093.

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

“Sec. 2. Section 1.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

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

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

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

Sec. 3. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

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

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

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Councilman:

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

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this Charter will not

affect the right of any elected Councilman to continue in office for the term for which he was elected.

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

5. ~~[All Councilmen, including the Mayor,]~~ Each Councilman must be voted upon *only* by the registered voters of the ~~[City at large, and their terms]~~ ward that he seeks to represent, and his term of office ~~[are]~~ is 4 years.

6. *The Mayor must be voted upon by the registered voters of the City at large, and his term of office is 4 years.*

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

Sec. 4. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. *In such a general election:*

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

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

Sec. 5. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

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

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

In the primary election:

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

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

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

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

Sec. 6. The two City Councilmen for the City of North Las Vegas elected from Wards 1 and 3 whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 3, respectively, commencing on July 1, 2007.”.

Amend sec. 2, page 3, by deleting line 34 and inserting

“Sec. 7. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval”.

Amend sec. 2, page 3, after line 38, by inserting:

“3. Sections 2 to 6, inclusive, of this act become effective on January 27, 2007, for the purposes related to the filing of a declaration of candidacy for the Office of City Councilman for the City of North Las Vegas and on July 1, 2007, for all other purposes.”.

Amend the title of the bill to read as follows:

“AN ACT relating to local government; increasing the membership of certain county fair and recreation boards; revising the procedure for appointing certain members of such county fair and recreation boards; requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to governing bodies of certain local governments. (BDR 20-682)”.

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. 262.

Bill read third time.

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

Amendment No. 1090.

Amend section 1, page 2, line 30, after “2.” by inserting: “*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.*”

3.”.

Amend section 1, page 2, line 33, by deleting “3.” and inserting “4.”.

Amend section 1, page 2, line 36, by deleting “4.” and inserting “5.”.

Amend section 1, page 3, line 6, by deleting “5.” and inserting “6.”.

Amend sec. 3, page 4, line 17, after “2.” by inserting: “*Any action authorized pursuant to subsection 1 must comply with applicable federal and state statutes and regulations, agreements with the Federal Government or the State and, to the extent that their provisions do not conflict with this section, local ordinances governing the regulation of outdoor advertising structures.*”

3.”.

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

Amend sec. 3, page 4, line 34, by deleting “4.” and inserting “5.”.

Assemblyman Parks moved the adoption of the amendment.

Remarks by Assemblyman Parks.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that upon return from the printer Senate Bill No. 341 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Roll call on Senate Bill No. 22:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:51 p.m.

ASSEMBLY IN SESSION

At 1:59 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 245, 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*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Senate Bill No. 328 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

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

Amendment No. 1097.

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

“Sec. 8. 1. The Administrative Office of the Courts, in cooperation with the Public Employees’ Retirement System, the Commission to Review Compensation of Constitutional Officers, Legislators, Supreme Court Justices, District Judges and Elected County Officers and any other board or commission that examines the salaries and compensation of justices, judges and judicial officers shall conduct a study of the salaries paid to all justices, judges, and judicial officers and the contributions paid to the Judicial Retirement Fund.

2. The study must include, without limitation:

(a) An evaluation of the salaries paid to justices, judges and judicial officers.

(b) An evaluation of the financial impact on justices, judges and judicial officers if such justices, judges and judicial officers are required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees’ Retirement Board for contributions

paid by regular members to the Public Employees' Retirement System and the Judicial Retirement System.

(c) An evaluation of the fiscal impact on the Judicial Branch of this State if the Court Administrator is required to pay contributions to the Judicial Retirement Fund in the same manner as determined by the Public Employees' Retirement Board for contributions paid for regular members by employers to the Public Employees' Retirement System and the Judicial Retirement System.

3. On or before November 1, 2006, the Administrative Office of the Courts shall prepare a report that contains the findings of the study and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature.”.

Amend the title of the bill, fifteenth line, after “writing;” by inserting: “directing the Administrative Office of the Courts to conduct an interim study concerning the salaries paid to justices, judges and judicial officers and the contributions paid to the Judicial Retirement Fund;”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 245.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1065.

Amend the bill as a whole by deleting sections 1 through 14 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 350.105.*

Sec. 4. *“Intrastate driver” means a driver who operates a commercial motor vehicle exclusively within this State for a period of 7 or more consecutive days.*

Sec. 5. 1. *Except as otherwise provided in section 6 of this act, a motor carrier shall not allow or require an intrastate driver to drive, and an intrastate driver shall not drive:*

(a) *Within any 24-hour period:*

(1) *More than 12 hours following 10 consecutive hours off duty; or*

(2) *For any number of hours after having accrued more than 15 consecutive hours of on-duty time; or*

(b) *Within any period of 7 consecutive days, after having accrued 70 hours of on-duty time.*

2. *As used in this section:*

(a) *“Motor carrier” has the meaning ascribed to it in 49 C.F.R. § 350.105.*

(b) *“On-duty time” has the meaning ascribed to it in 49 C.F.R. § 395.2.*

Sec. 6. 1. *Except as otherwise provided in this section, hours-of-service limitations do not apply to an intrastate driver if each of the following conditions is satisfied:*

(a) *The intrastate driver is transporting property or passengers during:*

(1) *A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or*

(2) *An emergency declared by an elected local governmental official who is authorized by law to make such a declaration.*

(b) *The employer of the intrastate driver is a public utility.*

(c) *The employer of the intrastate driver, within 1 working day after discovering or otherwise becoming aware of the existence of a public utility emergency, notifies the Department of Public Safety or appropriate local governmental officials of:*

(1) *The fact that a public utility emergency exists; and*

(2) *The date on which and time at which the public utility emergency commenced.*

The notification required pursuant to this paragraph may be made by telephone, facsimile, electronic communication or hand delivery of a written communication.

(d) *Within 10 working days after receiving a notification described in paragraph (c), an elected state or local governmental official, or his designee, determines and declares that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public. After making a declaration as described in this paragraph, the elected state or local governmental official, or his designee, as applicable, shall ensure that the declaration is communicated forthwith and without delay to the public utility which made the notification pursuant to paragraph (c).*

2. *For the purposes of paragraph (d) of subsection 1:*

(a) *A declaration by an elected state or local governmental official, or his designee, as applicable, is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility, unless the elected state or local governmental official, or his designee, as applicable, determines that the public utility emergency commenced on a different date or at a different time.*

(b) If, after receiving a notification described in paragraph (c) of subsection 1, an elected state or local governmental official, or his designee, as applicable, fails to make a determination and declaration within 10 working days:

(1) The elected state or local governmental official, or his designee, as applicable, shall be deemed to have determined and declared that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public; and

(2) The deemed determination and declaration is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility.

3. An employer who notifies a public official of the existence of a public utility emergency as described in subsection 1 shall maintain documentation of the public utility emergency for 6 months and shall make such documentation available to a law enforcement officer upon request.

4. The provisions of this section do not apply to the extent that those provisions:

(a) Are preempted or prohibited by federal law; or

(b) Violate a condition to the receipt of federal money by this State or a political subdivision of this State.

5. As used in this section:

(a) "Hours-of-service limitations" means:

(1) The limitations set forth in section 5 of this act; and

(2) Any limitations set forth in federal law as to the number of hours that an interstate driver may drive, which limitations would otherwise be imposed upon intrastate drivers pursuant to regulations adopted by reference by the Authority, Department of Motor Vehicles or Department of Public Safety.

(b) "Public utility" has the meaning ascribed to it in NRS 704.020.

(c) "Public utility emergency" means a natural or man-made emergency that affects the facilities of a public utility and:

(1) Interrupts delivery of essential services, including, without limitation, electricity, natural gas, medical care, sewer service, water service or telecommunications service;

(2) Interrupts delivery of essential supplies, including, without limitation, food and fuel; or

(3) Otherwise threatens human life or public welfare.

The term includes, without limitation, a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion or power outage.

Sec. 7. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and

terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.776 is hereby amended to read as follows:

706.776 1. ~~[The]~~ *Except as otherwise provided in sections 2 to 6, inclusive, of this act, the owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, and sections 2 to 6, inclusive, of this act apply*, carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the Authority or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 9. This act becomes effective on July 1, 2005.”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

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

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 343, 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*

GENERAL FILE AND THIRD READING

Senate Bill No. 343.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1080.

Amend the bill as a whole by deleting sec. 2 and adding:

“Sec. 2. (Deleted by amendment).”.

Amend sec. 4, page 2, line 14, by deleting “2,” and inserting “4,”.

Amend sec. 4, page 2, line 30, by deleting: “*subparagraph (1) or (2) of*”.

Amend sec. 4, page 2, line 31, by deleting “3;” and inserting “2;”.

Amend sec. 4, page 2, by deleting lines 35 and 36 and inserting: *recording of the surety bond as provided in paragraph (f) of subsection 2.*”.

Amend sec. 4, pages 2 and 3, by deleting lines 37 through 41 on page 2 and lines 1 through 29 on page 3.

Amend sec. 4, page 3, line 30, by deleting “3.” and inserting “2.”.

Amend sec. 4, page 3, line 31, by deleting “or 2”.

Amend sec. 4, page 3, line 42, by deleting: “*1 or subsection 2,*” and inserting “*1,*”.

Amend sec. 4, page 4, by deleting line 5 and inserting “*if any;*”.

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

Amend sec. 4, page 4, by deleting line 29 and inserting: “*of this section or subsection 2 of section 5 of this act, the prime contractor*”.

Amend sec. 4, page 4, by deleting lines 32 through 40 and inserting:

“(a) *Satisfies the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after any work stoppage, the prime contractor who stopped work shall resume work and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to compensation for any reasonable costs and expenses that any of them have incurred because of the delay and remobilization; or*

(b) Does not satisfy the requirements of subsection 1 of this section or subsection 2 of section 5 of this act within 25 days after the work stoppage, the prime contractor who stopped work may terminate his contract relating to the work of improvement and the prime contractor and his lower-tiered subcontractors and suppliers are entitled to recover: ”.

Amend sec. 4, page 4, lines 42 and 43, by deleting “*he*” and inserting: “*the prime contractor*”.

Amend sec. 4, page 5, lines 1 and 4, by deleting “*he*” and inserting: “*the prime contractor*”.

Amend sec. 4, page 5, between lines 8 and 9, by inserting:

“4. *The rights and remedies provided pursuant to this section are in addition to any other rights and remedies that may exist at law or in equity, including, without limitation, the rights and remedies provided pursuant to NRS 624.606 to 624.630, inclusive.*”.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

“Sec. 4.5. 1. *The provisions of sections 4 and 5 of this act do not apply:*

(a) In a county with a population of 400,000 or more with respect to a ground lessee who enters into a ground lease for real property which is designated for use or development by the county for commercial purposes which are compatible with the operation of the international airport for the county.

(b) If all owners of the property, individually or collectively, record a written notice of waiver of the owners’ rights set forth in NRS 108.234 with the county recorder of the county where the property is located before the commencement of construction of the work of improvement.

2. *Each owner who serves a notice of waiver pursuant to paragraph (b) of subsection 1 must serve such notice by certified mail, return receipt requested, upon the prime contractor of the work of improvement and all other lien claimants who may give the owner a notice of right to lien pursuant to NRS 108.245, within 10 days after the owner’s receipt of a notice of right to lien or 10 days after the date on which the notice of waiver is recorded pursuant to this subsection.*

3. *As used in this section:*

(a) “Ground lease” means a written agreement:

(1) *To lease real property which, on the date on which the agreement is signed, does not include any existing buildings or improvements that may be occupied on the land; and*

(2) *That is entered into for a period of not less than 10 years, excluding any options to renew that may be included in any such lease.*

(b) *“Ground lessee” means a person who enters into a ground lease as a lessee with the county as record owner of the real property as the lessor.”.*

Amend sec. 5, page 5, by deleting line 10 and inserting: *“established and funded pursuant to subsection 2 of this section or subsection 1 of section 4”.*

Amend sec. 5, page 5, by deleting lines 13 and 14 and inserting:

“2. Upon the disbursement of any funds from the construction disbursement account for a given pay period:

(a) The lessee shall deposit into the account such additional funds as may be necessary to pay for the completion of the work of improvement, including, without limitation, the costs attributable to additional and changed work, material or equipment;

(b) The construction control described in subsection 1 of section 4 of this act shall certify in writing the amount necessary to pay for the completion of the work of improvement; and

(c) If the amount necessary to pay for the completion of the work of improvement exceeds the amount remaining in the construction disbursement account:

(1) The construction control shall give written notice of the deficiency by certified mail, return receipt requested, to the prime contractor and each person who has given the construction control a notice of right to lien; and

(2) The provisions of subsection 3 of section 4 of this act shall be deemed to apply.

3. The construction control shall disburse money to lien claimants from”.

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

Amend sec. 5, page 5, by deleting line 24 and inserting:

“5. Except as otherwise provided in subsection 6, the”.

Amend sec. 5, page 5, line 25, by deleting “meritorious” and inserting “legitimate”.

Amend sec. 5, page 5, line 26, by deleting “3” and inserting “4”.

Amend sec. 5, page 5, by deleting lines 28 through 33 and inserting:

“6. The construction control may bring an action for interpleader in the district court for the county where the property or some part thereof is located if:

(a) The construction control reasonably believes that all or a portion of a claim of lien is not legitimate; or

(b) The construction disbursement account does not have sufficient funds to pay all claims of liens for which the construction control has received notice.

7. If the construction control brings an action for interpleader pursuant to paragraph (a) of subsection 6, the construction control shall pay to the

lien claimant any portion of the claim of lien that the construction control reasonably believes is legitimate.”.

Amend sec. 5, page 5, line 34, by deleting “6.” and inserting “8.”.

Amend sec. 5, page 5, line 35, by deleting “5,” and inserting “6,”.

Amend sec. 5, page 5, by deleting lines 39 through 43 and inserting:

“(b) Provide notice of the action for interpleader by certified mail, return receipt requested, to each person:

(1) Who gives the construction control a notice of right to lien;

(2) Who serves the construction control with a claim of lien;

(3) Who has performed work or furnished materials or equipment for the work of improvement; or

(4) Of whom the construction control is aware may perform work or furnish materials or equipment for the work of improvement; and”.

Amend sec. 5, page 6, line 3, by deleting “7.” and inserting “9.”.

Amend sec. 5, page 6, line 4, by deleting “5” and inserting “6”.

Amend sec. 5, page 6, by deleting lines 7 through 12 and inserting:

“10. If a construction control for a construction disbursement account established by a lessee does not provide a proper certification as required pursuant to paragraph (b) of subsection 2 or does not comply with any other requirement of this section, the construction control and its bond are liable for any resulting damages to any lien claimants.”.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. NRS 108.22148 is hereby amended to read as follows:

108.22148 1. “Owner” includes:

(a) The record owner or owners of the property or an improvement to the property as evidenced by a conveyance or other instrument which transfers that interest to him and is recorded in the office of the county recorder in which the improvement or the property is located;

(b) The reputed owner or owners of the property or an improvement to the property;

(c) The owner or owners of the property or an improvement to the property, as shown on the records of the county assessor for the county where the property or improvement is located;

(d) The person or persons whose name appears as owner of the property or an improvement to the property on the building permit; ~~for~~

(e) A person who claims an interest in or possesses less than a fee simple estate in the property ~~for~~;

(f) This State or a political subdivision of this State, including, without limitation, an incorporated city or town, that owns the property or an improvement to the property if the property or improvement is used for a private or nongovernmental use or purpose; or

(g) A person described in paragraph (a), (b), (c), (d) or (e) who leases the property or an improvement to the property to this State or a political

subdivision of this State, including, without limitation, an incorporated city or town, if the property or improvement is privately owned.

2. The term does not include:

(a) A mortgagee;

(b) A trustee or beneficiary of a deed of trust; ~~for~~

(c) The owner or holder of a lien encumbering the property or an improvement to the property ~~for~~; or

(d) *Except as otherwise provided in paragraph (f) of subsection 1, this State or a political subdivision of this State, including, without limitation, an incorporated city or town.*

Amend sec. 12, page 7, line 10, by deleting “furnished,” and inserting: “furnished or to be furnished.”

Amend sec. 12, page 7, line 18, by deleting “or furnished” and inserting: “~~or~~ furnished or to be performed or furnished”.

Amend sec. 12, page 7, line 22, by deleting: “existing or new”.

Amend sec. 12, page 7, line 23, after “claimant,” by inserting: “including, without limitation, any additional or changed work, material or equipment.”

Amend sec. 12, page 7, line 26, by deleting “or furnished” and inserting: “~~or~~ furnished or to be performed or furnished”.

Amend sec. 13, page 8, line 28, after “furnished” by inserting: “or to be furnished”.

Amend sec. 13, page 8, line 31, by deleting “new” and inserting: “additional or changed”.

Amend sec. 13, page 8, line 39, after “furnished” by inserting: “or agreed to furnish”.

Amend sec. 13, page 9, by deleting line 38 and inserting: “materials or equipment furnished or to be furnished for work or services performed or to be performed.”

Amend sec. 13, page 9, line 45, by deleting “commercial” and inserting “nonresidential”.

Amend sec. 15, pages 12 and 13, by deleting lines 28 through 45 on page 12 and lines 1 through 12 on page 13, and inserting:

“4. To be effective and valid, each notice of nonresponsibility that is recorded by a lessor pursuant to this section must be served by personal delivery or by certified mail, return receipt requested:

(a) Upon the lessee within 10 days after the date on which the notice of nonresponsibility is recorded pursuant to subsection 2; and

(b) Upon the prime contractor for the work of improvement within 10 days after the date on which the lessee contracts with the prime contractor for the construction, alteration or repair of the work of improvement.

5. If the prime contractor for the work of improvement receives a notice of nonresponsibility pursuant to paragraph (b) of subsection 4, the prime contractor shall:

(a) Post a copy of the notice of nonresponsibility in an open and conspicuous place on the property within 3 days after his receipt of the notice of nonresponsibility; and

(b) Serve a copy of the notice of nonresponsibility by personal delivery, facsimile or by certified mail, return receipt requested, upon each lien claimant from whom he received a notice of right to lien, within 10 days after his receipt of the notice of nonresponsibility or a notice of right to lien, whichever occurs later.

6. An owner who does not comply with the provisions of this section may not assert any claim that his interest in any improvement and the property upon which an improvement is constructed, altered or repaired is not subject to or is immune from the attachment of a lien pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 5, inclusive, of this act.

7. As used in this section, “disinterested owner” means an owner who ~~did not personally or through his agent or representative, directly or indirectly, request, require, authorize, consent to or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property of the owner. The term must not be interpreted to invalidate a notice of nonresponsibility recorded pursuant to this section or to deny the rights granted pursuant to this section upon the recording of a notice of nonresponsibility because:~~

~~(a) The disinterested owner is a lessor or an optionor under a lease that requests, requires, authorizes or consents to his lessee causing the work of improvement to be constructed, altered or repaired upon the property;~~

~~(b) The lessee personally or through his agent or representative enters into a contract and causes the work of improvement to be constructed, altered or repaired upon the property; and~~

~~(c) The lessor or optionor notifies the lessee in writing that pursuant to subsection 4, the lessee must record a surety bond before causing a work of improvement to be constructed, altered or repaired upon the property.] :~~

~~(a) Does not record a notice of waiver as provided in subsection 4 of section 4 of this act; and~~

~~(b) Does not personally or through his agent or representative, directly or indirectly, contract for or cause a work of improvement, or any portion thereof, to be constructed, altered or repaired upon the property or an improvement of the owner.~~

~~The term does not include an owner who is a lessor if the lessee fails to satisfy the requirements set forth in sections 4 and 5 of this act.”.~~

Amend sec. 16, page 13, lines 20 and 30, after “furnished” by inserting: “or to be furnished”.

Amend sec. 24, page 25, lines 5 and 6, by deleting “[~~or services~~” and inserting “or services”.

Amend sec. 24, page 25, by deleting lines 8 and 9 and inserting: “inclusive, of this act unless the notice has been given.”.

Amend sec. 25, page 26, by deleting lines 1 through 3 and inserting: “subcontractor may otherwise possess *or acquire* for delay , *acceleration, disruption or impact* damages or an extension of time for delays incurred, for any delay , *acceleration, disruption or impact event* which was”.

Amend sec. 25, page 26, line 6, before “contractor” by inserting “*prime*”.

Amend sec. 26, page 26, line 39, by deleting “owner” and inserting “~~owner~~ payor”.

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. 44.

Bill read third time.

Roll call on Senate Bill No. 44:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Roll call on Senate Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Roll call on Senate Bill No. 64:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Roll call on Senate Bill No. 214:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblyman Hardy.

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

I rise in support of SB 221 that deals with home-schooled children being allowed to participate in public school interscholastic activities, in addition to those that are governed by the Nevada Interscholastic Activities Association with private schools, should the private schools choose to participate in the NIAA programs. That is to establish Legislative intent. Thank you.

Roll call on Senate Bill No. 221:

YEAS—39.

NAYS—Anderson, Giunchigliani—2.

EXCUSED—Ohrenschall.

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

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry, having voted on the prevailing side, moved that the vote whereby Senate Bill No. 221 passed, as amended, be reconsidered.

Motion Carried.

Assemblywoman Buckley rose to a Point of Order regarding the reconsideration of Senate Bill No. 221.

Mr. Speaker ruled that reconsideration was out of order at this time, but a motion to rescind on a given measure was appropriate.

Assemblyman Arberry moved that the action whereby Senate Bill No. 221 was passed, as amended, be rescinded.

Motion carried.

Assemblywoman Buckley moved that the Assembly recess until 3:00 p.m.

Motion carried.

Assembly in recess at 2:16 p.m.

ASSEMBLY IN SESSION

At 3:34 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 300, 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 Ways and Means, to which was referred Assembly Bill No. 53, 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. 109, 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

NOTICE OF WAIVER

A Waiver requested by Legislative Counsel

For: A New BDR No. S-1456.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3 (all of the above).

Has been granted effective: May 26, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 569—AN ACT relating to health care; making a technical correction to the date by which managed care organizations are required to report certain information to the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and Senate Bills Nos. 87 and 438 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 300.

Bill read third time.

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

Amendment No. 1038.

Amend sec. 2, page 1, line 4, before “*who*” by inserting: “*or any improvement*”.

Amend sec. 8, page 2, line 39, by deleting “sought;” and inserting: “sought ~~[-]~~, *unless the agreement otherwise allows or requires such a payment to be made;*”.

Amend sec. 8, page 3, lines 19 and 20, by deleting the brackets and strike-through.

Amend sec. 8, page 3, line 24, after “notice” by inserting “*of withholding*”.

Amend sec. 8, page 3, line 27, after “of the” by inserting: “*condition or the*”.

Amend sec. 8, page 3, by deleting lines 35 through 39 and inserting: “pursuant to subsection 3 ~~[-may-]~~ *or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:*

(a) *Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or*

(b) *Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of ~~[-a condition described in the notice received pursuant to subsection 3-]~~ the condition or reason for the withholding.* The notice of correction must be”.

Amend sec. 8, pages 3 and 4, by deleting line 45 on page 3 and line 1 on page 4, and inserting: “~~[-subsection-]~~ paragraph, the owner ~~[-must-~~

~~[-a-]~~ shall:

(1) *Pay the amount withheld by the owner for that condition or reason for the withholding on*”.

Amend sec. 8, page 4, line 3, by deleting “(b)” and inserting “~~[-(b)-]~~ (2)”.

Amend sec. 8, page 4, line 6, after “forth the” by inserting “*condition or*”.

Amend sec. 8, page 4, line 10, by deleting “payment” and inserting: “*the payment to be*”.

Amend sec. 8, page 4, by deleting line 12 and inserting: “~~[-conditions-]~~ *the condition or reason for the withholding to which the owner no*”.

Amend sec. 8, page 4, line 14, by deleting “provided” and inserting “*allowed*”.

Amend sec. 8, page 4, by deleting lines 15 and 16 and inserting: “*owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.*”.

Amend sec. 9, page 4, by deleting lines 26 through 28 and inserting:

“(c) After receipt of a notice of withholding given pursuant to subsection 3 or 4 of NRS 624.609, the prime contractor gives the owner written notice pursuant to subsection 4 of NRS 624.609 and thereby disputes in good faith and for reasonable cause the amount withheld or the condition or reason for the withholding; or”.

Amend sec. 9, page 4, line 29, after “*that a*” by inserting “*written*”.

Amend sec. 9, page 4, line 33, by deleting “*unreasonable,*” and inserting: “*unreasonable or does not contain sufficient information to make a determination,*”.

Amend sec. 9, page 4, line 35, by deleting “*unreasonable,*” and inserting: “*unreasonable or explain that additional information and time are necessary to make a determination,*”.

Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting: “*any ~~[profit and]~~ overhead the prime contractor ~~[incurred or]~~ and his lower-tiered subcontractors and suppliers incurred and profit the prime contractor and his lower-tiered subcontractors and suppliers earned*”.

Amend sec. 9, page 6, line 15, after “contractor” by inserting: “*and his lower-tiered subcontractors and suppliers*”.

Amend sec. 9, page 6, by deleting line 17 and inserting: “~~[contract]~~ agreement without a reasonable ~~[cause,]~~ basis in law or fact, the trier of fact may”.

Amend sec. 9, page 6, line 34, by deleting “~~[his]~~” and inserting “his”.

Amend sec. 9, page 6, line 35, by deleting “subcontractors,” and inserting: “~~[subcontractors]~~ or suppliers,”.

Amend sec. 9, page 6, by deleting lines 37 through 39 and inserting: “*prime contractor ~~[subcontractor]~~ or lower-tiered ~~[subcontractor stopping his]~~ subcontractors or suppliers stopping their work or the provision of materials or equipment or terminating ~~[a contract for reasonable cause]~~ an agreement for a reasonable basis in law or fact and in accordance with this section or”.*

Amend sec. 10, page 7, line 36, by deleting “or” and inserting “and”.

Amend sec. 10, page 7, line 37, after “subcontractors” by inserting “and suppliers”.

Amend sec. 10, page 7, line 43, after “notice” by inserting “of withholding”.

Amend sec. 10, page 8, line 1, after “of the” by inserting: “*condition for which or the*”.

Amend sec. 10, page 8, line 8, after “notice” by inserting “of withholding”.

Amend sec. 10, page 8, by deleting line 9 and inserting: “*subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and*”.

Amend sec. 10, page 8, line 12, by deleting “condition.” and inserting: “*condition or reason for the withholding.*”.

Amend sec. 10, page 8, lines 13 and 16, after “condition” by inserting: “*or reason for the withholding*”.

Amend sec. 10, page 8, line 19, by deleting “conditions;” and inserting: “condition ~~[-]~~ *or reason for the withholding;*”.

Amend sec. 10, page 8, line 21, after “condition” by inserting: “*or reason for the withholding*”.

Amend sec. 10, page 8, line 23, by deleting “condition,” and inserting: “condition ~~[-]~~ *or reason for the withholding;*”.

Amend sec. 10, page 8, by deleting line 24 and inserting: “nevertheless pay to the *prime* contractor, along with *the* payment to be made”.

Amend sec. 10, page 8, line 26, by deleting “conditions” and inserting: “~~[-conditions]~~ *the condition or reason for the withholding*”.

Amend sec. 11, page 9, lines 40 and 41, by deleting: “, 624.620 and 624.622” and inserting “*and 624.620*”.

Amend sec. 11, page 10, line 13, after “and the” by inserting “*condition or*”.

Amend sec. 12, page 11, line 8, by deleting “sought;” and inserting: “sought ~~[-]~~ , *unless the agreement otherwise allows or requires such a payment to be made;*”.

Amend sec. 12, page 11, by deleting line 25 and inserting: “subcontractor and his lower-tiered subcontractors and suppliers ~~[-]~~”.

Amend sec. 12, page 11, line 45, before “must:” by inserting “*of withholding*”.

Amend sec. 12, page 12, line 3, after “of the” by inserting: “*condition or the*”.

Amend sec. 12, page 12, line 13, by deleting “may” and inserting: “~~[-may]~~ *or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:*

(a) *Give the higher-tiered contractor a written notice and thereby*”.

Amend sec. 12, page 12, line 14, after “or” by inserting: “*the conditions or*”.

Amend sec. 12, page 12, by deleting lines 15 and 16 and inserting: “*withholding; or*

(b) *Correct any condition or reason for the*”.

Amend sec. 12, page 12, line 17, after “notice” by inserting “*of withholding*”.

Amend sec. 12, page 12, line 27, by deleting “subsection,” and inserting “~~[-subsection,]~~ *paragraph,*”.

Amend sec. 12, page 12, lines 28 through 30, by deleting: “~~[-must:]~~ *shall:*

(a)” and inserting: “~~[-must:]~~

(a) *shall:*

(1)”.

Amend sec. 12, page 12, line 31, after “condition” by inserting: “*or reason for the withholding*”.

Amend sec. 12, page 12, line 33, by deleting “(b)” and inserting “~~[-(b)]~~ (2)”.

Amend sec. 12, page 12, line 36, after “forth the” by inserting “*condition or*”.

Amend sec. 12, page 12, line 41, by deleting “payment” and inserting: “the payment to be”.

Amend sec. 12, page 12, line 43, before “conditions” by inserting “the”.

Amend sec. 12, page 12, after line 44, by inserting:

“5. Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.”.

Amend sec. 13, page 13, line 27, after “that a” by inserting “written”.

Amend sec. 13, page 14, line 3, after “resume” by inserting “his”.

Amend sec. 13, page 15, line 7, by deleting “any”.

Amend sec. 13, page 15, line 26, by deleting “[may] shall” and inserting “may”.

Amend sec. 13, page 15, line 27, after “subcontractor” by inserting: “and his lower-tiered subcontractors and suppliers”.

Amend sec. 13, page 15, line 29, after “without” by inserting “a”.

Amend sec. 13, page 15, line 30, by deleting “cause,” and inserting: “[cause,] basis in law or fact,”.

Amend sec. 13, page 16, line 5, by deleting “subcontractors,” and inserting: “subcontractors ~~or~~ or suppliers,”.

Amend sec. 13, page 16, by deleting lines 8 and 9 and inserting: “[subcontractor ~~or~~] lower-tiered subcontractor and his lower-tiered subcontractors and suppliers stopping ~~his~~ their work or the provision of materials or equipment or terminating ~~a subcontract for reasonable cause~~ an agreement for a reasonable basis in law or fact and”.

Amend sec. 14, page 17, line 27, after “and the” by inserting “condition or”.

Amend sec. 15, page 17, line 41, after “contractor” by inserting: “higher of:

1. The”.

Amend sec. 15, page 17, by deleting lines 42 and 43 and inserting: “between the parties; or

2. The rate equal to the prime rate at the largest bank in this”.

Amend sec. 15, page 18, line 3, by deleting “1.” and inserting “(a)”.

Amend sec. 15, page 18, line 4, by deleting “2.” and inserting “(b)”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Assembly Bill No. 53.

Bill read third time.

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

Amendment No. 1019.

Amend section 1, page 2, line 2, by deleting “18,” and inserting “17,”.

Amend sec. 2, page 2, line 4, by deleting “18,” and inserting “17.”

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

“Sec. 3. *“Advisory Committee” means the Committee created in the Office pursuant to section 15 of this act.*

Sec. 4. *“Health care” includes, without limitation, mental health care.*

Sec. 5. *“Manager” means the Manager of the Office of Minority Health of the Department.*

Sec. 6. *“Minority group” means a racial or ethnic minority group.*

Sec. 7. *“Office” means the Office of Minority Health of the Department.”.*

Amend sec. 8, page 2, by deleting line 18 and inserting:

“Sec. 8. *The Office of Minority Health is hereby created within the Department. The purposes of the Office are to:”.*

Amend sec. 9, page 2, line 26, by deleting “Division” and inserting “Office”.

Amend sec. 9, pages 2 and 3, by deleting lines 39 and 40 on page 2 and lines 1 through 3 on page 3, and inserting:

“(d) Hold conferences and provide training concerning cultural”.

Amend sec. 9, page 3, line 9, by deleting “(f)” and inserting “(e)”.

Amend sec. 9, page 3, line 11, by deleting “(g)” and inserting “(f)”.

Amend sec. 9, page 3, line 13, by deleting “(h)” and inserting “(g)”.

Amend sec. 9, page 3, lines 14 and 16, by deleting “Division” and inserting “Office”.

Amend sec. 10, page 3, line 18, by deleting “Division” and inserting “Office”.

Amend sec. 10, page 3, line 25, by deleting “18,” and inserting “17.”

Amend sec. 11, page 3, line 26, by deleting “The Administrator” and inserting:

“The Director shall appoint a Manager of the Office. The Manager”.

Amend sec. 12, page 3, line 30, by deleting “Administrator” and inserting “Manager”.

Amend sec. 12, page 3, line 31, by deleting “Division” and inserting “Office”.

Amend sec. 12, page 3, line 33, by deleting “Division;” and inserting “Office;”.

Amend sec. 12, page 3, by deleting lines 34 through 36 and inserting:

“3. Attend the meetings of the Advisory Committee, serve as”.

Amend sec. 12, page 3, line 38, by deleting “5.” and inserting “4.”.

Amend sec. 12, page 3, by deleting line 40 and inserting:

“5. Serve as the contracting officer for the Office to receive”

Amend sec. 12, page 3, by deleting line 42 and inserting:

“6. Act as liaison between the Office, members of minority”.

Amend sec. 13, page 4, by deleting lines 4 and 5 and inserting: “*the Manager shall submit a report to the Governor and to the Director of the Legislative*”.

Amend sec. 13, page 4, lines 7 and 10, by deleting “*Division*” and inserting “*Office*”.

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 19 as sections 14 through 18.

Amend sec. 15, page 4, line 22, by deleting “*Administrator*” and inserting “*Manager*”.

Amend sec. 15, page 4, line 25, by deleting “18,” and inserting “17,”.

Amend sec. 15, page 4, line 26, by deleting “*Administrator*” and inserting “*Manager*”.

Amend sec. 15, page 4, line 29, by deleting “*Administrator;*” and inserting “*Manager;*”.

Amend sec. 15, page 4, lines 30 and 32, by deleting “*Administrator*” and inserting “*Manager*”.

Amend sec. 15, page 4, line 33, by deleting “*Division*” and inserting “*Office*”.

Amend sec. 16, page 4, line 35, by deleting “*Division*” and inserting “*Office*”.

Amend sec. 16, page 4, by deleting lines 36 through 41 and inserting: “*Advisory Committee consisting of nine members appointed by the Governor.*”

Amend sec. 17, page 5, lines 13 and 21, by deleting “*Administrator*” and inserting “*Manager*”.

Amend sec. 18, page 5, line 35, by deleting “*Administrator*” and inserting “*Manager*”.

Amend sec. 18, page 5, lines 36, 38 and 40, by deleting “*Division*” and inserting “*Office*”.

Amend sec. 18, page 5, line 41, by deleting “*Administrator;*” and inserting “*Manager;*”.

Amend sec. 19, page 6, line 3, by deleting “18,” and inserting “17,”.

Amend the bill as a whole by deleting sections 20 and 21, renumbering sec. 22 as sec. 20 and adding a new section designated sec. 19, following sec. 19, to read as follows:

“Sec. 19. 1. There is hereby appropriated from the State General Fund to the Department of Human Resources to establish the Office of Minority Health:

For the Fiscal Year 2005-2006.....\$134,234

For the Fiscal Year 2006-2007.....\$114,262

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.”.

Amend the title of the bill to read as follows:

“AN ACT relating to health care; creating the Office of Minority Health within the Department of Human Resources; creating an Advisory Committee to the Office of Minority Health; making an appropriation; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Office of Minority Health within Department of Human Resources. (BDR 18-146)”.

Assemblywoman Leslie moved the adoption of the amendment.

Remarks by Assemblywoman Leslie.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 109.

Bill read third time.

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

Amendment No. 1078.

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

“Sec. 3. NRS 385.3692 is hereby amended to read as follows:

385.3692 1. Each technical assistance partnership established for a public school shall complete a form prescribed by the Department pursuant to this section or an expanded form, if applicable, that includes:

(a) A review and analysis of the operation of the school, including, without limitation, the design and operation of the instructional program of the school;

(b) A review and analysis of the data pertaining to the school based upon the report required pursuant to subsection 2 of NRS 385.347 and a review and analysis of any data that is more recent;

(c) A review of the most recent plan to improve the achievement of the school's pupils; and

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the *names and* duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. *A technical assistance partnership may require the school for which the partnership was established to submit plans, strategies, tasks and measures that, in the determination of the partnership, will assist the school in improving the achievement and proficiency of pupils enrolled in the school."*

Amend sec. 3, page 6, line 43, by deleting "Department;" and inserting: "Department ~~{+}~~, who must serve as the facilitator of the support team;"

Amend the bill as a whole by renumbering sections 4 and 5 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 385.3741 is hereby amended to read as follows:

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

~~{+}~~ (a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

~~{2.}~~ (b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

~~{3.}~~ (c) Review the most recent plan to improve the achievement of the school's pupils.

~~{4.}~~ (d) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~{5.}~~ (e) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~{6.}~~ (f) Except as otherwise provided in this ~~{subsection,}~~ paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department.

~~{7.}~~ (g) In accordance with its findings pursuant to this ~~{subsection}~~ section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

~~{(a)}~~ (1) Comply with NRS 385.357;

~~{(b)}~~ (2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

~~{(c)}~~ (3) Include the data and findings of the support team that provide support for the revisions;

~~{(d)}~~ (4) Set forth goals , ~~{and}~~ objectives , *tasks and measures* for the school that are:

~~{(1)}~~ (I) Designed to improve the achievement of the school's pupils;

~~{(2)}~~ (II) Specific;

~~{(3)}~~ (III) Measurable; and

~~{(4)}~~ (IV) Conducive to reliable evaluation;

~~{(e)}~~ (5) Set forth a timeline to carry out the revisions;

~~{(f)}~~ (6) Set forth priorities for the school in carrying out the revisions; and

~~{(g)}~~ (7) Set forth the *names and* duties of each person who is responsible for carrying out the revisions.

~~{8.}~~ (h) Except as otherwise provided in this ~~{subsection,}~~ paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State

Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school.

~~{9-}~~ (i) *Prepare a monthly progress report in the format prescribed by the Department and:*

(1) *Submit the progress report to the Department.*

(2) *Distribute copies of the progress report to each employee of the school for review.*

(j) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. *A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.*

3. *The Department shall prescribe a concise monthly progress report for use by each support team in accordance with paragraph (i) of subsection 1.”.*

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

“Sec. 8. This act becomes effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

"AN ACT relating to education; revising provisions governing the statewide system of accountability for public schools; redesignating the four regional training programs for the professional development of teachers and administrators based upon the geographic regions served by those programs; designating the board of trustees of certain school districts as the fiscal agent for the programs; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing statewide system of accountability and regional training programs for professional development of teachers and administrators. (BDR 34-479)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

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

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 339, 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*

GENERAL FILE AND THIRD READING

Senate Bill No. 339.

Bill read third time.

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

Amendment No. 1085.

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

“Sec. 4. 1. In addition to the determinations made pursuant to NRS 612.340, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall, on or before January 1, 2007, determine the average hourly wage in the State and in each county for nonmanagerial employees.

2. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall establish a method to determine the average hourly wage in the State and in each county which segregates wages for nonmanagerial employees from wages for managerial and administrative employees. The Administrator shall identify and define the various types of managerial and administrative positions to allow the computation of a wage that represents the average hourly wage paid to nonmanagerial employees.

3. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall report to the 74th Session of the Legislature the information determined pursuant to subsections 1 and 2 and recommendations concerning changes in the average hourly wage required to be paid to managerial and nonmanagerial employees to be eligible for the partial abatement of taxes pursuant to NRS 360.750 and 361.0687.”.

Amend sec. 4, page 10, line 1, by deleting: “1 and 2” and inserting: “1, 2 and 4”.

Amend the title of the bill, eighth line, after “governments;” by inserting: “requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to determine the average hourly wage for nonmanagerial employees and report to the Legislature concerning the average hourly wage required to be paid to be eligible for the partial abatement of certain taxes;”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Koivisto moved to rescind the action whereby Amendment No. 1034 to Senate Bill No. 224 was adopted.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Roll call on Senate Bill No. 221:

YEAS—35.

NAYS—Anderson, Giunchigliani, Kirkpatrick, Koivisto, Parks, Seale—6.

EXCUSED—Ohrenschall.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Roll call on Senate Bill No. 235:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 325.

Bill read third time.

Remarks by Assemblymen Conklin and Weber.

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

ASSEMBLYMAN CONKLIN:

I rise in support of this bill and I want to get something on the record. There was an amendment yesterday on Senate Bill 325 that talked about condo conversions, and we added in that items that may expire within a ten-year period from the conversion to a condo be fully funded in the reserves. I want to make sure that the legislative intent is understood that it is in addition to the standard reserves that are put into place by the developer prior to sale.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 325:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 325 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Remarks by Assemblymen Sibley and Parks.

Potential conflict of interest declared by Assemblymen Sibley and Parks.

Roll call on Senate Bill No. 332:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 332 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblymen Anderson and Hettrick.

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

ASSEMBLYMAN ANDERSON:

Senate Bill 347 revises provisions concerning personal identifying information. Senate Bill 347 requires data collectors that maintain records containing personal information to implement and maintain reasonable security measures to protect the information and requires that data collectors immediately provide notification concerning any breach of security. Senator Weiner, Clark County Senatorial District 3, requested this specific statement be included: "Personal information" to include "employer identification number"; and it is important to note, for the record, that the term "employer identification number" refers to the federal employer identification number issued by the Internal Revenue Service.

Further, S.B. 347 prohibits the establishment of a financial forgery laboratory and also enhances penalties for crimes involving personal identifying information that are committed against older persons or vulnerable persons. The bill also makes various changes relating to credit card issuers and businesses that maintain records concerning personal information to ensure the security of the information.

I would like to note, for the members in particular, the sections of this bill creating a crime and enhancing penalties are effective October 1, 2005. The sections of the bill concerning credit card issuers, data collectors, and businesses are effective January 1, 2006. The section prohibiting a business from transferring certain personal information that is not encrypted outside its secure system is effective October 1, 2008.

I want to make sure this becomes part of the current record, since this is landmark legislation.

ASSEMBLYMAN HETTRICK:

I want to thank the Chairman of Judiciary for amending this bill on short notice when we found a problem. I do appreciate it.

Roll call on Senate Bill No. 347:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 466 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Roll call on Senate Bill No. 426:

YEAS—26.

NAYS—Allen, Angle, Carpenter, Christensen, Gansert, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Sibley, Weber—15.

EXCUSED—Ohrenschall.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Roll call on Senate Bill No. 428:

YEAS—40.

NAYS—Carpenter.

EXCUSED—Ohrenschall.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Roll call on Senate Bill No. 467:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:00 p.m.

ASSEMBLY IN SESSION

At 4:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bills Nos. 46, 67, 82, 181, 233, 251, and 346 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 63.

The following Senate amendment was read:

Amendment No. 919.

Amend section 1, page 2, line 3, by deleting “*subsection 2,*” and inserting “*this section,*”.

Amend section 1, page 2, between lines 26 and 27, by inserting:

“3. *The provisions of this section do not prohibit an insurer from including in a policy of health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:*

(a) *A concentration of alcohol of 0.08 or more in his blood or breath; or*

(b) *An amount of a prohibited substance in his blood or urine that is equal to or greater than:*

	<i>Urine</i>	<i>Blood</i>
<i>Prohibited substance</i>	<i>Nanograms per milliliter</i>	<i>Nanograms per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>

(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 3, page 3, line 9, by deleting "subsection 2," and inserting "this section,".

Amend sec. 3, page 3, between lines 32 and 33, by inserting:

"3. The provisions of this section do not prohibit an insurer from including in a policy of group health insurance a provision which excludes the insurer from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 4, page 3, line 35, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 4, page 4, between lines 13 and 14, by inserting:

“3. The provisions of this section do not prohibit a carrier from including in a health benefit plan a provision which excludes the carrier from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5
(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 5, page 4, line 16, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 5, page 4, between lines 37 and 38, by inserting:

“3. The provisions of this section do not prohibit a society from including in a benefit contract a provision which excludes the society from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical

record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50
(3) <i>Cocaine metabolite</i>	150	50
(4) <i>Heroin</i>	2,000	50
(5) <i>Heroin metabolite:</i>		
(I) <i>Morphine</i>	2,000	50
(II) <i>6-monoacetyl morphine</i>	10	10
(6) <i>Lysergic acid diethylamide</i>	25	10
(7) <i>Marijuana</i>	10	2
(8) <i>Marijuana metabolite</i>	15	5
(9) <i>Methamphetamine</i>	500	100
(10) <i>Phencyclidine</i>	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 6, page 4, line 40, by deleting "subsection 2," and inserting "this section,".

Amend sec. 6, page 5, between lines 19 and 20, by inserting:

"3. The provisions of this section do not prohibit a medical services corporation from including in a contract for hospital, medical or dental services a provision which excludes the medical services corporation from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) <i>Amphetamine</i>	500	100
(2) <i>Cocaine</i>	150	50

(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend sec. 7, page 5, line 22, by deleting “subsection 2,” and inserting “this section,”.

Amend sec. 7, page 5, line 40, by deleting “insured’s” and inserting “enrollee’s”.

Amend sec. 7, page 5, after line 45, by inserting:

“3. The provisions of this section do not prohibit a health maintenance organization from including in a health care plan a provision which excludes the health maintenance organization from liability for a claim that involves an injury sustained by an enrollee as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the enrollee was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 8, page 6, line 3, by deleting "subsection 2," and inserting "this section,".

Amend sec. 8, page 6, line 21, by deleting "insured's" and inserting "member's".

Amend sec. 8, page 6, between lines 26 and 27, by inserting:

"3. The provisions of this section do not prohibit an organization for dental care from including in a plan for dental care a provision which excludes the organization from liability for a claim that involves an injury sustained by a member as a consequence of being intoxicated or under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the member was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
(1) Amphetamine	500	100
(2) Cocaine	150	50
(3) Cocaine metabolite	150	50
(4) Heroin	2,000	50
(5) Heroin metabolite:		
(I) Morphine	2,000	50
(II) 6-monoacetyl morphine	10	10
(6) Lysergic acid diethylamide	25	10
(7) Marijuana	10	2
(8) Marijuana metabolite	15	5
(9) Methamphetamine	500	100
(10) Phencyclidine	25	10

4. As used in this section, "concentration of alcohol of 0.08 or more in his blood or breath" means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath."

Amend sec. 10, page 7, line 11, by deleting "subsection 2," and inserting "this section,".

Amend sec. 10, page 7, between lines 34 and 35, by inserting:

"3. The provisions of this section do not prohibit a managed care organization from including in a health care plan a provision which excludes the managed care organization from liability for a claim that involves an injury sustained by an insured as a consequence of being intoxicated or

under the influence of a prohibited substance if the provision is limited to injuries for which there is a notation in a medical record or law enforcement record indicating that, within a reasonable period before or after the injury, the insured was tested and had:

- (a) A concentration of alcohol of 0.08 or more in his blood or breath; or*
- (b) An amount of a prohibited substance in his blood or urine that is equal to or greater than:*

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
<i>(1) Amphetamine</i>	<i>500</i>	<i>100</i>
<i>(2) Cocaine</i>	<i>150</i>	<i>50</i>
<i>(3) Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>(4) Heroin</i>	<i>2,000</i>	<i>50</i>
<i>(5) Heroin metabolite:</i>		
<i>(I) Morphine</i>	<i>2,000</i>	<i>50</i>
<i>(II) 6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>(6) Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>(7) Marijuana</i>	<i>10</i>	<i>2</i>
<i>(8) Marijuana metabolite</i>	<i>15</i>	<i>5</i>
<i>(9) Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>(10) Phencyclidine</i>	<i>25</i>	<i>10</i>

4. As used in this section, “concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.”.

Amend the title of the bill, eighth line, after “circumstances;” by inserting: “allowing certain health insurers to include a provision in a policy or contract of health insurance that excludes the insurer from liability when an injury occurs as a consequence of the insured being intoxicated or under the influence of a prohibited substance in certain circumstances;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to practices by health insurers with regard to injuries sustained by insured while under influence of alcohol or prohibited substance. (BDR 57-207)”.

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 63.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 707.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: “*post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park or other common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:*

1. *A copy of the utility bill for the park; and*
2. *A statement indicating the portion of the utility bill for which each tenant is responsible.”.*

Amend sec. 3, page 3, by deleting lines 2 through 5 and inserting: “~~appoint a natural person, not the manager or assistant manager, who possesses a financial interest in the manufactured home park to} a:~~

(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.”.

Amend sec. 7, page 7, by deleting lines 37 through 41 and inserting:

“118B.177 1. If a landlord closes a manufactured home park ~~he~~, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amount described in subsection 2 or 3, in”.

Amend sec. 8, page 9, by deleting lines 32 through 36 and inserting:

“(a) For 180 days before ~~applying~~ filing an application for a change in land use, permit or variance affecting the manufactured home park ~~to~~; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.”.

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

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

Assemblywoman Buckley moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 437.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67

Bill read third time.

Remarks by Assemblymen Buckley, Parks, and Horne.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Parks moved that Senate Bill No. 67 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Roll call on Senate Bill No. 181:

YEAS—25.

NAYS—Angle, Buckley, Christensen, Gansert, Gerhardt, Hardy, Hettrick, Holcomb, Koivisto, Leslie, Mabey, Manendo, Marvel, Perkins, Sherer, Weber—16.

EXCUSED—Ohrenschall.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 233 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Remarks by Assemblymen Manendo, Parks, and Ocegüera.

Roll call on Senate Bill No. 251:

YEAS—31.

NAYS—Denis, Kirkpatrick, Koivisto, Mabey, Manendo, McClain, McCleary, Munford, Parnell, Smith—10.

EXCUSED—Ohrenschall.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

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

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

Potential conflict of interest declared Assemblymen Allen, Anderson, Angle, Arberry, Atkinson, Buckley, Carpenter, Christensen, Claborn, Conklin, Denis, Gansert, Gerhardt, Giunchigliani, Goicoechea, Grady, Hardy, Hettrick, Hogan, Holcomb, Horne, Kirkpatrick, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Munford, Ocegüera, Ohrenschall, Parks, Parnell, Pierce, Seale, Sherer, Sibley, Smith, Weber, and Mr. Speaker.

Roll call on Senate Bill No. 346:

YEAS—40.

NAYS—Carpenter.

EXCUSED—Ohrenschall.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:36 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 224.

Bill read third time.

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

Amendment No. 1102.

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

“Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :

(a) *Designate the area at the building for the gathering of signatures; and*
(b) *On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.*

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~Not later than 3 days after the date of the decision that aggrieved the person,~~ a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~designated a reasonable area as required by~~ *violated* subsection 1 ~~or~~.

~~4. The~~ *or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State may order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may*

only be appealed in the First Judicial District Court. *If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State ~~for~~ :

1. On or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 ; or

2. *On or after the date the person has completed an application to register to vote which is to be mailed to the county clerk, if the person is deemed to be registered pursuant to subsection 5 of NRS 293.5235 ~~+~~ not more than 3 working days after the date the person signs the petition.*

Amend section 1, page 2, by deleting lines 2 through 13 and inserting: “adding thereto the provisions set forth as sections 4 through 13 of this act.”

Amend the bill as a whole by renumbering sec. 2 as sec. 14 and adding new sections designated sections 4 through 13, following section 1, to read as follows:

“Sec. 4. 1. “Committee for a statewide ballot measure” means every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum, including, without limitation:

(a) Circulating a petition for an initiative or a referendum to obtain signatures;

(b) Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum; or

(c) Making an expenditure designed to advocate the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum.

2. “Committee for a statewide ballot measure” does not include:

(a) An individual natural person acting alone and not in conjunction with any other person who circulates a petition for an initiative or a referendum for the purpose of obtaining signatures and who does not solicit or receive contributions or make expenditures as described in paragraphs (b) and (c) of subsection 1.

(b) A committee for political action.

(c) A committee for the recall of a public officer.

Sec. 5. 1. *A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:*

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures, designed to affect the outcome of any primary, general or special election or question on the ballot.

2. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.*

Sec. 6. 1. *Each committee for a statewide ballot measure shall, before engaging in any activity in this State, register with the Secretary of State on forms supplied by him.*

2. *The form must require:*

(a) The name, address and telephone number of the committee;

(b) The purpose for which the committee organized;

(c) The names, addresses and telephone numbers of the officers of the committee;

(d) If the committee is affiliated with any other organizations, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of the resident agent of the committee; and

(f) Any other information deemed necessary by the Secretary of State.

3. *A committee for a statewide ballot measure shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.*

4. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 2.*

Sec. 7. *Each committee for a statewide ballot measure shall appoint and keep in this State a resident agent who must be a natural person who resides in this State.*

Sec. 8. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;

(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may

appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election, report each campaign contribution in excess of \$100 received during that 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 section 10 of this act. The form must be signed by a representative of the committee for a statewide ballot measure under penalty of perjury.

2. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

3. The reports required pursuant to this section must be filed with the Secretary of State.

4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(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 Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 9. 1. Every committee for a statewide ballot measure shall, not later than:

(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;

(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a

referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,

report each expenditure made during the period on behalf of or against the constitutional amendment or a statewide measure proposed by an initiative or a referendum in excess of \$100 on the form designed and provided by the Secretary of State pursuant to section 10 of this act and signed by the person or a representative of the group under penalty of perjury.

2. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

3. The reports required pursuant to this section must be filed with the Secretary of State.

4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(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 Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 10. 1. The Secretary of State shall design a single form to be used for reports of campaign contributions and expenses or expenditures that are required to be filed by a committee for a statewide ballot measure pursuant to sections 8 and 9 of this act.

2. The form designed by the Secretary of State pursuant to this section:

(a) Must request information specifically required by statute; and

(b) Must include a space to list:

(1) The amount of cash on hand at the beginning of the reporting period;

(2) The amount of cash on hand at the beginning of the reporting year;

(3) The amount of cash on hand at the end of the reporting period; and

(4) The amount of cash on hand at the end of the reporting year.

3. *Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each committee for a statewide ballot measure. An explanation of the applicable provisions of sections 8 and 9 of this act relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.420 must be developed by the Secretary of State and provided upon request. The committee for a statewide ballot measure shall acknowledge receipt of the material.*

Sec. 11. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 *Except as otherwise provided in section 8 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, 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 received during that 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. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

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

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

report each campaign contribution in excess of \$100 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 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the 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.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

report each campaign contribution in excess of \$100 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. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot 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 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. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate 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.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

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

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

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

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

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot 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 expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing 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 filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.”.

Amend the bill as a whole by renumbering sec. 3 as sec. 20 and adding new sections designated section 15 through 19, following sec. 2, to read as follows:

“Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 *and section 9 of this act* must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to

NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ~~{-}~~ *and committees for a statewide ballot measure*:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~{-}~~ *or a committee for a statewide ballot measure*, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~{-}~~ *or a committee for a statewide ballot measure*, disregard any action taken by a group or entity that would otherwise constitute a committee for political action *or a committee for a statewide ballot measure* if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 1. The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) *Committee for a statewide ballot measure.*

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

(d) *A committee for a statewide ballot measure.*

Sec. 19. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 *or section 8 or 9 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230,

294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 or section 8 or 9 of this act is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.”

Amend sec. 3, page 3, line 9, by deleting:

“4 and 5” and inserting:

“21 and 22”.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 21.

Amend sec. 5, page 3, by deleting line 24 and inserting:

“Sec. 21. 1. *Each petition for initiative must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 29 and 30, by inserting:

“(b) *Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.*”.

Amend sec. 5, page 3, by deleting line 30 and inserting:

“2. *Each petition for referendum must:*

(a) *Embrace but one*”.

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

“(b) Set forth, in not more than 200 words, an accurate description of the effect of the referendum if it is approved by the voters. The description must appear at the top of each signature page of the petition.

3. For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.”.

Amend the bill as a whole by renumbering sec. 6 as sec. 25 and adding new sections designated sections 22 through 24, following sec. 5, to read as follows:

“Sec. 22. 1. After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.

2. The Chairman of the Legislative Commission shall schedule a meeting of the Legislative Commission to conduct a public hearing on the proposed initiative or referendum.

3. The Secretary of State may use the results of the public hearing on an initiative or referendum to assist him in preparing the condensation and explanation of the initiative or referendum pursuant to subsection 5 of NRS 293.250.

Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 *1. A copy of a petition for initiative or referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.*

2. Upon receipt of a copy of a petition for initiative or referendum pursuant to subsection 1, the Secretary of State shall:

(a) Determine the number of signatures of registered voters required to file the petition;

(b) Inform the person placing the copy of the petition on file of the number of signatures of registered voters required to file the petition;

(c) Review the title of the petition to determine if the title satisfies the requirements of section 21 of this act and shall reject each title that does not satisfy the requirements of section 21 of this act;

(d) Review the description of the effect of the initiative or referendum to determine if the description satisfies the requirements of section 21 of this act and shall reject each description that does not satisfy the requirements of section 21 of this act;

(e) Consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated

financial effect on the State or local governments if the initiative or referendum is approved by the voters and if the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect; and

(f) Not later than 10 business days after the Secretary of State receives the petition filed pursuant to subsection 1, post a copy of the petition, including the description required pursuant to section 21 of this act and any fiscal note prepared pursuant to paragraph (e), on his Internet website.

3. The decision of the Secretary of State to reject a title or a description pursuant to subsection 2 is a final decision for the purposes of judicial review. Not later than 10 days after the Secretary of State rejects the title or the description pursuant to subsection 2, the person filing the copy of the petition for initiative or referendum pursuant to subsection 1 may appeal that rejection to the First Judicial District Court. The Court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the Court, except for criminal proceedings.

Sec. 24. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~{A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.~~

2.} A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

~~{3.}~~ 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

~~{4.}~~ 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

~~{5.}~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~{6.}~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed."

Amend sec. 6, page 3, by deleting lines 37 through 40 and inserting:

"295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 21 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than*

30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

2. The legal sufficiency of a petition ~~filed pursuant to NRS 295.015 to 295.061, inclusive,~~ for initiative or referendum may be challenged by filing a complaint in ~~{district court}~~ the First Judicial District Court not later than ~~{5}~~ 30 days, Saturdays, Sundays and holidays excluded, after a copy of the”.

Amend sec. 6, page 3, line 41, by deleting “filed” and inserting: “~~{filed}~~ initially placed on file”.

Amend the bill as a whole by adding new sections designated sections 26 through 37, following sec. 6, to read as follows:

“Sec. 26. NRS 295.085 is hereby amended to read as follows:

295.085 The registered voters of a county may:

1. Propose ordinances to the board and, if the board fails to adopt an ordinance so proposed without change in substance, to adopt or reject it at a ~~{primary or}~~ general election.

2. Require reconsideration by the board of any adopted ordinance and, if the board fails to repeal an ordinance so reconsidered, to approve or reject it at a ~~{primary or}~~ general election.

Sec. 27. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any ~~{five}~~ 10 registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~{eighty}~~ fifty days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and ~~{thirty}~~ forty-five days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must

contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 28. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is submitted to the county clerk pursuant to NRS 295.095, the county clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request board review under subsection 3 within the time required, the county clerk shall promptly present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient,

the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

- (a) Make recommendations pursuant to subsection 5; and
- (b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee.~~ *, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the

submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~primary or~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

5. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

6. Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.

7. If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

8. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~primary or~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~five~~ 10 registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ *fifty* days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~thirty~~ *forty-five* days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 35. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is submitted to the city clerk pursuant to NRS 295.205, the city clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request council review under subsection 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and

the council's determination is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~{primary or}~~ general city election ~~{or primary}~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~appoint the committee.~~, *in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. *If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is*

filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a city whose population is less than 10,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481.”

Amend the title of the bill to read as follows:

“AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal

of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections. (BDR 24-698)”.

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor: Assemblywoman Gansert.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

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

Assemblywoman Buckley moved that the Assembly recess until 7:30 p.m.
Motion carried.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 8:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 327, 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*

GENERAL FILE AND THIRD READING

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 877.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 8 as sections 4 through 10 and adding a new sections designated sections 1 through 3, following the enacting clause, to read as follows:

“Section 1. Chapter 373 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In a county whose population is 400,000 or more:*

1. *The commission shall provide for the construction and maintenance of benches and shelters for passengers of public mass transportation.*

2. *In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction and maintenance of such benches and shelters. The commission may:*

(a) *Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or*

(b) *Grant an exclusive franchise to any person to provide those services.*

3. *The commission shall post on each bench, and within each shelter, a notice that provides a telephone number that a person may use to report damage to the bench or shelter.*

4. *No board of county commissioners, governing body of an incorporated city or town board may provide for the construction or maintenance of benches and shelters for passengers of public mass transportation.*

Sec. 3. 1. *In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction and maintenance of benches and shelters for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:*

(a) *Two members of the general public from each city within the county who are appointed by the governing body of that city; and*

(b) *Six members of the general public appointed by the commission.*

2. *Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*

3. *A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*

4. *The advisory committee shall meet at least six times annually.*

5. *At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice chairman from among its members.*

6. *Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.”.*

Amend sec. 2, page 2, line 24, by deleting “1” and inserting “2”.

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

Amend sec. 4, page 3, line 26, by deleting “1” and inserting “2”.

Amend sec. 5, page 3, line 35, by deleting “1” and inserting “2”.

Amend sec. 6, page 4, line 37, by deleting “1” and inserting “2”.

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

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

“Sec. 11. 1. The regional transportation commission for a county whose population is 400,000 or more shall, in accordance with section 2 of this act, provide for the construction of at least a total of 20 benches or shelters, or any combination thereof, for passengers of public mass transportation during each fiscal year of the 2005-2007 biennium.

2. In providing for the construction of benches and shelters pursuant to subsection 1, the regional transportation commission shall, to the extent practicable, give priority to the construction of benches and shelters along

fixed bus routes where the period of waiting between buses is 45 minutes or more.

3. On or before January 1, 2007, the regional transportation commission shall:

(a) Prepare a report that:

(1) Identifies the locations of the benches and shelters for passengers of public mass transportation that were constructed pursuant to subsection 1 during the 2005-2007 biennium;

(2) Describe the activities and plans of the regional transportation commission relating to future construction of benches and shelters for passengers of public mass transportation;

(3) Describe the activities and plans of the regional transportation commission relating to the maintenance of the benches and shelters, including, without limitation, any renegotiation of existing contracts for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

(4) Describe the activities of any advisory committees created by the regional transportation commission, and of the advisory committee established pursuant to section 3 of this act, relating to the construction and maintenance of benches and shelters for passengers of public mass transportation.

(b) Submit the report prepared pursuant to paragraph (a) to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Legislature.”.

Amend the title of the bill, fifth line, after “counties;” by inserting: “requiring the regional transportation commission to establish an advisory committee to provide information and advice to the regional transportation commission concerning the construction and maintenance of those benches and shelters; requiring the regional transportation commission to provide for the construction of a minimum number of those benches and shelters during the 2005–2007 biennium; requiring the regional transportation commission to prepare and submit a report relating to the construction and maintenance of those benches and shelters to the Legislature;”.

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 28, 41, 52, 110, 118, 119, 153, 188, 238, 240, 256, 280, 281, 282, 365, and 458 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 18.

Bill read third time.

Roll call on Senate Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Roll call on Senate Bill No. 80:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Roll call on Senate Bill No. 212:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

Roll call on Senate Bill No. 252:

YEAS—31.

NAYS—Angle, Christensen, Goicoechea, Grady, Hardy, Holcomb, Mabey, Seale, Sherer, Weber—10.

EXCUSED—Ohrenschall.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Roll call on Senate Bill No. 302:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 356.

Bill read third time.

Roll call on Senate Bill No. 356:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Roll call on Senate Bill No. 386:

YEAS—30.

NAYS—Angle, Carpenter, Christensen, Grady, Hardy, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—11.

EXCUSED—Ohrenschall.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—25.

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

EXCUSED—Ohrenschall.

Senate Bill No. 396 having failed to received a two-thirds majority, Mr. Speaker declared it lost.

Senate Bill No. 422.

Bill read third time.

Roll call on Senate Bill No. 422:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

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

Assembly in recess at 8:26 p.m.

ASSEMBLY IN SESSION

At 8:33 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 500 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Gansert moved to rescind the action whereby Senate Bill No. 396 was lost.

Motion carried.

Assemblyman Conklin moved to rescind the action whereby Senate Bill No. 252 was passed.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 252 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 396.

Bill read third time.

Roll call on Senate Bill No. 396:

YEAS—30.

NAYS—Angle, Carpenter, Christensen, Goicoechea, Grady, Hettrick, Holcomb, Mabey, Marvel, Sherer, Weber—11.

EXCUSED—Ohrenschall.

Senate Bill No. 396 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Roll call on Senate Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Roll call on Senate Bill No. 438:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Roll call on Senate Bill No. 67:

YEAS—30.

NAYS—Allen, Angle, Buckley, Conklin, Gerhardt, Horne, Koivisto, Leslie, Manendo, McCleary, Smith—11.

EXCUSED—Ohrenschall.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:39 p.m.

ASSEMBLY IN SESSION

At 8:41 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Buckley moved that Senate Bills Nos. 17, 120, 126, 245, 328, 343, 358, 394, and 457 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Roll call on Assembly Bill No. 36:

YEAS—40.

NAYS—None.

EXCUSED—2—Mortenson, Ohrenschall.

Assembly Bill No. 36 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Roll call on Assembly Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 53 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Roll call on Assembly Bill No. 109:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 109 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Roll call on Assembly Bill No. 189:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 189 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Roll call on Assembly Bill No. 321:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 321 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 388 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 524 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Roll call on Senate Bill No. 20:

YEAS—32.

NAYS—Christensen, Hettrick, Mabey, Marvel, Parnell, Seale, Sherer, Smith, Weber—9.

EXCUSED—Ohrenschall.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Manendo.

Roll call on Senate Bill No. 32:

YEAS—24.

NAYS—Anderson, Arberry, Buckley, Carpenter, Claborn, Conklin, Denis, Gerhardt, Giunchigliani, Kirkpatrick, Koivisto, Manendo, McClain, Mortenson, Munford, Parks, Pierce—17.

EXCUSED—Ohrenschall.

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

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 37 be taken from its position on General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 62.

Bill read third time.

Roll call on Senate Bill No. 62:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblymen Atkinson, Giunchigliani, Sibley, Buckley, Ocegüera, and Horne.

Roll call on Senate Bill No. 115:

YEAS—17.

NAYS—Allen, Anderson, Angle, Arberry, Buckley, Carpenter, Claborn, Conklin, Denis, Giunchigliani, Hogan, Horne, Koivisto, Leslie, Mabey, Manendo, Marvel, McClain, McCleary, Mortenson, Parnell, Pierce, Sibley, Smith—24.

EXCUSED—Ohrenschall.

Senate Bill No. 115 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that all rules be suspended and that Senate Bills Nos. 198 and 267 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 198.

Bill read third time.

Roll call on Senate Bill No. 198:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 267:

YEAS—28.

NAYS—Angle, Christensen, Claborn, Gansert, Hardy, Hettrick, Holcomb, Mabey, Marvel, Seale, Sherer, Smith, Weber—13.

EXCUSED—Ohrenschall.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—40.

NAYS—None.

NOT VOTING—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Roll call on Senate Bill No. 296:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Roll call on Senate Bill No. 300:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 333.

Bill read third time.

Roll call on Senate Bill No. 333:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Roll call on Senate Bill No. 397:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Roll call on Senate Bill No. 431:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 431 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Roll call on Senate Bill No. 434:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Roll call on Senate Bill No. 509:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 9:20 p.m.

ASSEMBLY IN SESSION

At 11:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 500 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Buckley moved that Senate Bill No. 457 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 17, 37, 126, and 343 be taken from their position on the General File and placed on General File immediately following Senate Bill No. 457.

Motion carried.

Assemblywoman Buckley moved that Senate Bills Nos. 120, 28, 118, 119, 188, 240, 256, 281, and 282 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

The following amendment was proposed by the Assemblyman Ocegueda:
Amendment No. 1108.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2 to 11, inclusive,".

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 4 through 11, following sec. 3, to read as follows:

"Sec. 4. As used in sections 4 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

Sec. 6. "Alcoholic beverage awareness program" means a program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.

Sec. 7. "Commission" means the Commission on Postsecondary Education created by NRS 394.383.

Sec. 8. 1. "Establishment" means a business that:

(a) Sells alcoholic beverages by the drink for consumption on the premises; or

(b) Sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.

2. The term includes, without limitation, a retail liquor store.

3. The term does not include:

(a) A wholesale dealer; or

(b) A private club or other facility not in fact open to the public.

Sec. 9. 1. Except as otherwise provided in subsection 2:

(a) On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.

(b) On and after January 1, 2008, a person who owns or operates an establishment shall not:

(1) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(2) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or

(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.

(c) The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:

(1) For the first violation within a 24-month period, \$500.

(2) For the second violation within a 24-month period, \$1,000.

(3) For the third and any subsequent violation within a 24-month period, \$5,000.

(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.

(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.

2. The provisions of this section apply only in a jurisdiction that:

(a) Is located in a county whose population is 400,000 or more; and

(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment.

Sec. 10. 1. *The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.*

2. *The curriculum described in subsection 1:*

(a) *Must consist of not fewer than 2 hours of instruction; and*

(b) *Must include, without limitation, instruction on the following topics:*

(1) *The clinical effects of alcohol on the human body;*

(2) *Methods of identifying intoxicated persons;*

(3) *Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;*

(4) *Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and*

(5) *Methods of preventing:*

(I) *The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;*

(II) *The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and*

(III) *The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.*

3. *The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:*

(a) *The program meets the curricular requirements set forth in subsection 2; and*

(b) *The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.*

4. *The Commission shall adopt such regulations:*

(a) *As the Commission determines to be necessary or advisable to carry out the provisions of this section; and*

(b) *As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.*

5. *As used in this section, "minor" means a person who is under 21 years of age.*

Sec. 11. 1. *Except as otherwise provided in subsection 2 and sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.*

2. *The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply."*

Amend the bill as a whole by renumbering sec. 5 as sec. 15 and adding new sections designated sections 13 and 14, following sec. 4, to read as follows:

“Sec. 13. NRS 244.350 is hereby amended to read as follows:

244.350 1. The board of county commissioners, and in a county whose population is less than 400,000, the sheriff of that county constitute a liquor board. The liquor board may, without further compensation, grant or refuse liquor licenses, and revoke those licenses whenever there is, in the judgment of a majority of the board, sufficient reason for revocation. The board shall elect a chairman from among its members.

2. The liquor board in each of the several counties shall enact ordinances:

- (a) Regulating the sale of intoxicating liquors in their respective counties.
- (b) Fixing the hours of each day during which liquor may be sold or disposed of.
- (c) Prescribing the conditions under which liquor may be sold or disposed of.

(d) Prohibiting the employment or service of minors in the sale or disposition of liquor.

(e) Prohibiting the sale or disposition of liquor in places where, in the judgment of the board, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

3. In a county whose population is 400,000 or more, the liquor board shall refer any petition for a liquor license to the metropolitan police department. The department shall conduct an investigation relating to the petition and report its findings to the liquor board at the next regular meeting of the board.

4. All liquor dealers within any incorporated city are exempt from the effect of this section, and are to be regulated only by the government of that city.

5. *The liquor board may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

6. The liquor board shall not deny a license to a person solely because he is not a citizen of the United States.

Sec. 14. NRS 268.090 is hereby amended to read as follows:

268.090 1. In addition to any authority or power now provided by the charter of any incorporated city in this State, whether incorporated by general or special act, or otherwise, there is hereby granted to each of the cities incorporated under any law of this State the power and authority to fix, impose and collect a license tax on, and regulate the sale of, beer, wines or other beverages now or hereafter authorized to be sold by act of Congress.

2. *An incorporated city may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

3. An incorporated city shall not deny a license to a person solely because he is not a citizen of the United States.”.

Amend the title of the bill, fifth line, after “liquor;” by inserting: “requiring certain persons employed at certain establishments where alcoholic beverages are sold to complete certain training; requiring the Department of Taxation to impose administrative fines upon the owners or operators of certain establishments for certain violations;”.

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. 17.

Bill read third time.

Roll call on Senate Bill No. 17:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Roll call on Senate Bill No. 37:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Roll call on Senate Bill No. 126:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Roll call on Senate Bill No. 343:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Roll call on Senate Bill No. 224:

YEAS—37.

NAYS—Allen, Angle, Christensen, Parnell—4.

EXCUSED—Ohrenschall.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Roll call on Senate Bill No. 245:

YEAS—40.

NAYS—Anderson.

EXCUSED—Ohrenschall.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Oceguela moved that Senate Bill No. 327 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblywoman Weber.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 358:

YEAS—40.

NAYS—Leslie.

EXCUSED—Ohrenschall.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—Leslie.

EXCUSED—Ohrenschall.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Roll call on Senate Bill No. 41:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Roll call on Senate Bill No. 52:

YEAS—31.

NAYS—Allen, Angle, Christensen, Hardy, Hettrick, Holcomb, Mabey, Seale, Sherer, Weber—10.

EXCUSED—Ohrenschall.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblywoman Weber.

Potential conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 153:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 238.

Bill read third time.

Roll call on Senate Bill No. 238:

YEAS—37.

NAYS—Anderson, Angle, Carpenter, Hardy—4.

EXCUSED—Ohrenschall.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Roll call on Senate Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:33 p.m.

ASSEMBLY IN SESSION

At 11:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 282 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ocegüera moved that Senate Bill No. 457 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.

Bill read third time.

Roll call on Senate Bill No. 457:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved to waive Joint Standing Rule 14.3, which pertains to final action on a bill being taken by the second House on the 110th calendar day of the legislative day, and extend it to the 111th calendar day at 3:00 a.m.

Motion carried.

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

Assembly in recess at 11:40 p.m.

ASSEMBLY IN SESSION

At 2:05 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Senate Bills Nos. 365, 458, 120, 28, 256, and 281 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 365.

Bill read third time.

Roll call on Senate Bill No. 365:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblymen Carpenter and Leslie.

Roll call on Senate Bill No. 458:

YEAS—24.

NAYS—Anderson, Angle, Carpenter, Christensen, Claborn, Gansert, Goicoechea, Grady, Hardy, Hettrick, Holcomb, Kirkpatrick, Mabey, Manendo, Marvel, Sherer, Weber—17.

EXCUSED—Ohrenschall.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Roll call on Senate Bill No. 120:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:13 a.m.

ASSEMBLY IN SESSION

At 2:14 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Arberry moved that Senate Bill No. 28 be taken from the General File and rereferred to the Committee on Ways and Means.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 256.

Bill read third time.

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

Assembly in recess at 2:16 a.m.

ASSEMBLY IN SESSION

At 2:18 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Goicoechea and Anderson.

Roll call on Senate Bill No. 256:

YEAS—36.

NAYS—Angle, Carpenter, Goicoechea, Grady, Mabey—5.

EXCUSED—Ohrenschall.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Roll call on Senate Bill No. 281:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:22 a.m.

ASSEMBLY IN SESSION

At 2:50 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 27, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 28.

MARK STEVENS
Fiscal Analysis Division

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Angle, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Lent.

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Leanne Ferdig and Hilary Ferdig.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Thiede, Ms. Angela Orr, Ms. Noelle Mackey, Alexa Bowers, Shanda Crain, Breanna Cuesta, Molly Dugan, Nicholas Hassert, Elise Heberger, Tasi Hogan, Justin Holmes, Kaitlyn Holstine, Mikaela Humphreys,

Jamie Jackson, Shang Lin, Brenda Martinez, Kelte McCreary, Nicole McGlone, Salina Parigini, Hailey Pitts, Amanda Prasad, Taylor Quinalty, Megan Rainey, Katie Rands, Britney Ricketts, Kelly Souto, Geoffrey Sperle, Jacob Stiteler, Karen Torrisi, and Samantha Ybarra.

On request of Assemblyman Holcomb, the privilege of the floor of the Assembly Chamber for this day was extended to Brigitte Frost, Kathie Stille, Linda Aaquist, Bernie Hamm, Graham Baird, Cortney Kennedy, Sarena Shaver-Sheridan, Martin Boren, Sarah Dover, David Friberg, Graham Gearhart, Briana Husoen, Kristof Janvary, Danielle Lane, Zia Mars, Lindsey Christianson, Eric Eckert, Cady Fine, Thomas Friberg, Ryan Kennedy, Quinten Perkins, Allie Albiniano, Shion Galata, Alex Gearhart, Stephanie Huseon, Adam Janvary, Kai Mars, Tiffany Yang, Tho-minh Bradley, Jim Dunn, John Ewing, Erica Hicks, Madelyn Macias, Samantha Edge, Johnny Botelho, Karl Freitag, Miranda Johnson, Yuki Nakamura, Francisco Rodarte, Emilia Trujillo, Natalie Velarde, Deliah Walker-Jones, Jennie Wilson, Logan Beers, Aaron Dundon, Nathan Navarro Griffin, Samantha Martinez, Zoya Miller, Zach Pepper, and Drew Wheeler.

Assemblywoman Buckley moved that the Assembly adjourn until Monday, May 30, 2005, at 12:00 p.m.

Motion carried.

Assembly adjourned at 2:51 a.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly