

**THE ONE-HUNDRED AND THIRTEENTH DAY**

---

CARSON CITY (Monday), May 30, 2005

Assembly called to order at 12:13 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Atkinson, who was excused.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. We thank You for keeping us safe through this session of the Legislature and bringing us this far in this journey of unending problems that need to be solved. And we thank You for the wisdom that You have given this Body to solve these problems. Please help us to continue with the good will that You have seen fit to provide us in the past. But mostly, mostly we pray for those brave individuals, both men and women, adults and children, military and civilian, who fought and continue to fight so valiantly and whose lives are and have been taken to protect our precious freedom. Bless them one and all. We thank You and we ask these things in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Ocegüera 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 Ways and Means, to which were referred Assembly Bills Nos. 561 and 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 99, 102, 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 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. 93, 101, 137, 162, 299, 440, 532, 533; Senate Bills Nos. 515, 517, 518.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 19, Amendment No. 858; Assembly Bill No. 39, Amendment No. 1084; Assembly Bill No. 42, Amendments Nos. 847, 1040; Assembly Bill No. 43, Amendment No. 848; Assembly Bill No. 44, Amendment No. 859; Assembly Bill No. 52, Amendments Nos. 1037, 1082; Assembly Bill No. 64, Amendment No. 872; Assembly Bill No. 87, Amendment No. 924; Assembly Bill No. 128, Amendment No. 806; Assembly Bill No. 142, Amendment No. 841; Assembly Bill No. 168, Amendment No. 762; Assembly Bill No. 169, Amendments Nos. 729, 1064; Assembly Bill No. 183, Amendment No. 860; Assembly Bill No. 185, Amendment No. 1010; Assembly Bill No. 188, Amendment No. 844; Assembly Bill No. 193, Amendment No. 688; Assembly Bill No. 201, Amendment No. 839; Assembly Bill No. 219, Amendment No. 1009; Assembly Bill No. 221, Amendment No. 888; Assembly Bill No. 236, Amendment No. 687; Assembly Bill No. 240, Amendment No. 1013; Assembly Bill No. 254, Amendment No. 747; Assembly Bill No. 255, Amendment No. 862; Assembly Bill No. 267, Amendment No. 697; Assembly Bill No. 312, Amendment No. 1049; Assembly Bill No. 314, Amendment No. 947; Assembly Bill No. 315, Amendment No. 1000; Assembly Bill No. 327, Amendment No. 1072; Assembly Bill No. 342, Amendment No. 849; Assembly Bill No. 345, Amendment No. 871; Assembly Bill No. 348, Amendment No. 938; Assembly Bill No. 355, Amendment No. 845; Assembly Bill No. 364, Amendment No. 868; Assembly Bill No. 365, Amendment No. 803; Assembly Bill No. 369, Amendment No. 850; Assembly Bill No. 371, Amendment No. 840; Assembly Bill No. 380, Amendment No. 895; Assembly Bill No. 384, Amendment No. 869; Assembly Bill No. 416, Amendment No. 731; Assembly Bill No. 418, Amendments Nos. 726, 957, 1100; Assembly Bill No. 425, Amendments Nos. 896, 1069; Assembly Bill No. 443, Amendments Nos. 758, 1011; Assembly Bill No. 456, Amendment No. 780; Assembly Bill No. 493, Amendment No. 893; Assembly Bill No. 495, Amendment No. 1057; Assembly Bill No. 496, Amendment No. 870; Assembly Bill No. 504, Amendment No. 954; Assembly Bill No. 546, Amendment No. 1030; Assembly Joint Resolution No. 5, Amendment No. 981, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 31, Amendment No. 842; Assembly Bill No. 180, Amendments Nos. 765, 1105; Assembly Bill No. 208, Amendment No. 925; Assembly Bill No. 239, Amendment No. 951; Assembly Bill No. 250, Amendment No. 960; Assembly Bill No. 260, Amendments Nos. 866, 1048; Assembly Bill No. 334, Amendments Nos. 843, 1050; Assembly Bill No. 415, Amendment No. 809; Assembly Bill No. 455, Amendment No. 1089; Assembly Bill No. 497, Amendments Nos. 989, 1103; Assembly Bill No. 540, Amendment No. 1091, 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 respectfully refused to recede from its action on Assembly Bill No. 465, Senate Amendment No. 676, and requests a conference, and appointed Senators Heck, Nolan and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 34, 105, 357, 392, 406, 463.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 391.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 720 to Senate Bill No. 152; Assembly Amendment No. 864 to Senate Bill No. 170; Assembly Amendment No. 856 to Senate Bill No. 175; Assembly Amendment No. 822 to Senate Bill No. 218; Assembly Amendment No. 875 to Senate Bill No. 219; Assembly Amendment No. 999 to Senate Bill No. 263; Assembly Amendment No. 757 to Senate Bill No. 269; Assembly Amendment No. 721 to Senate Bill No. 276; Assembly

Amendment No. 728 to Senate Bill No. 307; Assembly Amendment No. 852 to Senate Bill No. 353; Assembly Amendment No. 761 to Senate Bill No. 381; Assembly Amendment No. 909 to Senate Bill No. 389.

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. 797 to Senate Bill No. 173; Assembly Amendment No. 705 to Senate Bill No. 226; Assembly Amendment No. 970 to Senate Bill No. 460.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 28, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 195, Amendment No. 926; Assembly Bill No. 210, Amendment No. 897; Assembly Bill No. 280, Amendments Nos. 1104, 1114; Assembly Bill No. 290, Amendments Nos. 867, 1062; Assembly Bill No. 296, Amendments Nos. 894, 1047; Assembly Bill No. 485, Amendments Nos. 1106, 1058, 1095; Assembly Bill No. 538, Amendments Nos. 1109, 1110; Assembly Bill No. 550, Amendment No. 953, 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. 757 to Senate Bill No. 269.

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. 712 to Senate Bill No. 290.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 30, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 103.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 34.

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

Motion carried.

Senate Bill No. 105.

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

Motion carried.

Senate Bill No. 357.

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

Motion carried.

Senate Bill No. 391.

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

Motion carried.

Senate Bill No. 392.

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

Motion carried.

Senate Bill No. 406.

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

Motion carried.

Senate Bill No. 463.

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

Motion carried.

Senate Bill No. 515.

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

Motion carried.

Senate Bill No. 517.

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

Motion carried.

Senate Bill No. 518.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 561.

Bill read third time.

Roll call on Assembly Bill No. 561:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 566:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Assembly Bill No. 566 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 12:30 p.m.

#### ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 4.

Bill read third time.

Roll call on Senate Bill No. 4:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Roll call on Senate Bill No. 26:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Roll call on Senate Bill No. 99:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Roll call on Senate Bill No. 104:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Roll call on Senate Bill No. 303:

YEAS—41.

NAYS—None.

EXCUSED—Atkinson.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 42.

The following Senate amendment was read:

Amendment No. 847.

Amend section 1, page 2, lines 3, 8 and 10, by deleting “*person or*”.

Amend section 1, page 2, by deleting lines 12 through 16 and inserting: “*legal obligation if, before issuing the order, the court provides notice and an opportunity to be heard to the governmental entity.*”.

Amend sec. 3, page 4, by deleting lines 10 and 11 and inserting: “resides within this State.

~~[(b) If practicable, together with his siblings.]”.~~

Amend sec. 4, page 5, by deleting line 21 and inserting: “*a person refuses to comply with or disobeys an order issued pursuant to this*”.

Amend the title of the bill, fourth and fifth lines, by deleting: “person or governmental entity who” and inserting: “governmental entity which”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 847 to Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried.

The following Senate amendment was read:

Amendment No. 1040.

Amend section 1, page 2, by deleting lines 2 and 3 and inserting: “thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a governmental entity has a legally enforceable obligation to”.*

Amend the bill as a whole by renumbering sections 2 through 5 as sections 7 through 10 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

“Sec. 3. *An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:*

1. *The subject of an investigation of alleged abuse or neglect of a child;*  
*or*

2. *A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.*

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;

(k) Developing and distributing to persons who are responsible for a child’s welfare a pamphlet that *is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth [the]* :

(1) *Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide*

*assistance to persons who are being investigated for allegedly abusing or neglecting a child;*

*(2) The procedures for taking a child for placement in protective custody ~~and the~~ ; and*

*(3) The state and federal legal rights of ~~persons~~ :*

*(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and*

*(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and*

*(1) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and*

*2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive ~~{ }~~, and section 3 of this act.*

Sec. 5. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides child welfare services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides child welfare services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides child welfare services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;



(c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both; or

(d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. *If an agency which provides child welfare services investigates a report of alleged abuse or neglect of a child pursuant to NRS 432B.010 to 432B.400, inclusive, the agency shall inform the person responsible for the child's welfare who is named in the report as allegedly causing the abuse or neglect of the child of any allegation which is made against the person at the initial time of contact with the person by the agency. The agency shall not identify the person responsible for reporting the alleged abuse or neglect.*

6. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

~~{6.}~~ 7. If an agency which provides child welfare services enters into an agreement with a person to provide services to a child or his family pursuant to subsection ~~{5.}~~ 6, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

~~{7.}~~ 8. An agency which provides child welfare services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

~~{8.}~~ 9. An agency which provides child welfare services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 6. NRS 432B.310 is hereby amended to read as follows:

432B.310 Except as otherwise provided in subsection ~~{5}~~ 6 of NRS 432B.260, the agency investigating a report of abuse or neglect of a child shall, upon completing the investigation, report to the Central Registry:

1. Identifying and demographic information on the child alleged to be abused or neglected, his parents, any other person responsible for his welfare and the person allegedly responsible for the abuse or neglect;

2. The facts of the alleged abuse or neglect, including the date and type of alleged abuse or neglect, the manner in which the abuse was inflicted and the severity of the injuries; and

3. The disposition of the case.”.

Amend sec. 2, page 2, line 18, by deleting “1” and inserting “2”.

Amend the bill as a whole by adding a new section designated sec. 11, following sec. 5, to read as follows:

“Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 3 to 6, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and on July 1, 2005, for all other purposes.

3. Sections 1, 2 and 7 to 10, inclusive, of this act become effective on October 1, 2005.”.

Amend the title of the bill, first line, after “children;” by inserting: “requiring an agency which provides child welfare services to train certain employees concerning the legal rights of persons who are responsible for a child’s welfare; revising the provisions concerning the pamphlet developed and distributed to persons responsible for a child’s welfare; requiring an agency which provides child welfare services to inform persons who are responsible for a child’s welfare and who are the subject of an investigation of alleged abuse or neglect of a child of the allegations against them and their legal rights at the time of initial contact by the agency;”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate Amendment No. 1040 to Assembly Bill No. 42.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

The following Senate amendment was read:

Amendment No. 1072.

Amend sec. 2, page 2, line 38, after “(c)” by inserting: “*Information concerning the provisions of law pertaining to immunity from liability with respect to physicians pursuant to chapter 41 of NRS and limitations on damages in actions involving medical malpractice pursuant to chapter 41A of NRS;*

(d)”.

Amend sec. 2, page 2, line 39, by deleting “(d)” and inserting “[~~(d)~~] (e)”.

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. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor’s office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

shall be presumed to have acted other than in the course of his regular employment or profession.

8. Any person who ~~is~~

~~(a) Has successfully completed a course in cardiopulmonary resuscitation and training in the operation and use of an automated external defibrillator that were conducted in accordance with the standards of the American Heart Association or the American National Red Cross; and~~

~~(b) Gratuitously]~~ *gratuitously* and in good faith renders emergency medical care involving the use of an automated external defibrillator ~~[in accordance with his training,~~

—] is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. ~~[A person or governmental entity that provided the requisite training set forth in subsection 8 to a person who renders emergency care in accordance with subsection 8 is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care.~~

~~—10.]~~ A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) ~~[Ensures that only a person who has at least the qualifications set forth in subsection 8 uses the automated external defibrillator to provide care;~~

(~~e~~) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

~~[(d) Establishes and maintains a program to ensure compliance with current regulations, requirements for training;]~~

(c) *Establishes* requirements for *the* notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 4. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil

damages as a result of any act or omission by him in rendering that care or assistance if:

- (a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;
- (b) The person has not previously provided prenatal or obstetrical care to the woman; and
- (c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

- (a) Is retired or otherwise does not practice on a full-time basis; and
  - (b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,
- is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient ~~[at a health care facility of]~~ for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

~~[(c) "Health care facility" has the meaning ascribed to it in NRS 449.800.]".~~

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

"Sec. 5. 1. This act becomes effective on July 1, 2005.

2. The amendatory provisions of sections 3 and 4 of this act apply only to a cause of action that accrues on or after July 1, 2005."

Amend the title of the bill to read as follows:

“AN ACT relating to medical services; authorizing the board of hospital trustees of a county hospital to compensate physicians for providing certain services to indigent persons; revising the provisions relating to limiting the liability of a person who renders gratuitous medical care involving the use of an automated external defibrillator; revising the provisions limiting the liability of certain medical providers who render gratuitous care or assistance for certain entities; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning provision of medical services. (BDR 40-928)”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 327.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered to transmitted to the Senate.

Assembly Bill No. 337.

The following Senate amendment was read:

Amendment No. 735.

Amend section 1, page 2, lines 4 and 5, by deleting: “*or governmental organization*”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 337.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 947.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 through 8 as sections 1 through 4.

Amend sec. 5, page 9, line 2, by deleting “*90 days*” and inserting “*6 months*”.

Amend sec. 6, page 9, line 26, by deleting “*90 days*” and inserting “*6 months*”.

Amend sec. 7, page 10, line 3, by deleting “*90 days*” and inserting “*6 months*”.

Amend the bill as a whole by deleting sections 9 through 25 and renumbering sec. 26 as sec. 5.

Amend sec. 26, page 22, line 33, by deleting: “public officer or” and inserting: “person appointed by the Legislature, members of the Legislature or the Governor to serve as a”.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; requiring any person appointed by the Legislature, members of the Legislature or the Governor to serve as a

member of a public board to have resided in the State, district, county, township or other area prescribed by law to which the office pertains for at least 6 months immediately preceding the appointment; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires person appointed by Legislature, members of Legislature or Governor to public board to have resided in area pertaining to office for at least 6 months immediately preceding appointment. (BDR 24-436)”.

Assemblywoman Koivisto moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 314.

Remarks by Assemblywoman Koivisto.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 1037.

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

*“(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:”.*

Amend sec. 2, page 3, line 12, by deleting “*paragraph, complete*” and inserting: “*paragraph:*

*(a) Complete*”.

Amend sec. 2, page 3, line 14, by deleting “*1.*” and inserting: “*1; and*

*(b) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the additional 50 hours of supervised experience required pursuant to this subsection and which is signed:*

*(1) By his parent or legal guardian; or*

*(2) If the person applying for the driver’s license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,*

*who attests that the person applying for the driver’s license has completed the additional 50 hours of supervised experience required pursuant to this subsection.”.*

Amend sec. 3, page 3, line 17, by deleting: “*more than one*” and inserting “*a*”.

Amend sec. 3, page 3, line 20, by deleting “*two or*”.

Amend sec. 3, page 3, by deleting lines 21 through 28 and inserting: “*a person who is under 18 years of age is a passenger if:*

*(a) The passenger is a member of the immediate family of the person; or*



*(b) The person operating the motor vehicle has held the driver's license for not less than 3 months."*

Amend sec. 4, page 3, by deleting lines 38 through 42 and inserting: *"person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 3 months."*

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate Amendment No. 1037 to Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried.

The following Senate amendment was read:

Amendment No. 1082.

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

*"Sec. 2. 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if:*

*(a) Except as otherwise provided in subsection 2, he has completed:*

*(1) A course in automobile driver education pursuant to NRS 389.090; or*

*(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;*

*(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;*

*(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:*

*(1) By his parent or legal guardian; or*

*(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,*

*who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);*

*(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;*

*(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and*

*(f) He has held an instruction permit for not less than 6 months before he applies for the driver's license.*

2. *A person who is 16 or 17 years of age and who:*

*(a) Resides in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000; and*

*(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,*

*is not required to complete a course as required pursuant to paragraph (a) of subsection 1.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, a person to whom a driver's license is issued pursuant to section 2 of this act shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age.*

2. *A person to whom a driver's license is issued pursuant to section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.*

Sec. 4. 1. *A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. Except as otherwise provided in subsection 2, a citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.*

2. *A peace officer shall not issue a citation to a person for operating a motor vehicle in violation of section 3 of this act if the person provides satisfactory evidence to the peace officer that the person has held the driver's license for not less than 6 months.*

3. *A violation of section 3 of this act:*

*(a) Is not a moving traffic violation for the purposes of NRS 483.473; and*

*(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.”.*

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

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate Amendment No. 1082 to Assembly Bill No. 52.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 846.

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

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

“Sec. 2. *“Eligible railroad” means a railroad in existence on or before July 1, 2005:*

1. *That is located in a county whose population is less than 100,000; and*
2. *Of which not less than one-half of the ownership interest in the railroad is held by a governmental entity or nonprofit organization, or both.”.*

Amend sec. 2, page 2, line 13, by deleting “summary” and inserting “copy”.

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

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

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

Amend sec. 2, page 3, line 7, after “request;” by inserting “and”.

Amend sec. 2, page 3, by deleting lines 8 through 11.

Amend sec. 2, page 3, line 12, by deleting “(7)” and inserting “(6)”.

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

Amend sec. 2, page 3, by deleting lines 19 through 21 and inserting: “If there is more than one owner of the property, notice must be sent to all owners of the property. If the written offer of”.

Amend sec. 2, page 3, by deleting lines 23 and 24 and inserting “required.”.

Amend sec. 2, page 3, between lines 28 and 29, by inserting:

“3. *If the owner of the property has an appraisal performed on his own behalf, the owner must provide the agency with a copy of the appraisal report.”.*

Amend sec. 4, page 3, line 38, by deleting: “2 and 3” and inserting: “2, 3 and 4”.

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

“Sec. 6. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.”.

Amend sec. 5, page 3, line 41, by deleting ““Blighted” and inserting: ~~“Blighted”~~

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

Amend sec. 5, page 3, line 43, by deleting “1.” and inserting “~~1.~~ (a)”.

Amend sec. 5, page 4, by deleting lines 5 through 35 and inserting:

~~“(a) (1) Defective design and character of physical construction.~~

~~“(b) (2) Faulty arrangement of the interior and spacing of buildings.~~

~~“(c) Overcrowding.~~

~~“(d) (3) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities.~~

~~“(e) (4) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses.~~

~~{2.}~~ (b) An economic dislocation, deterioration or disuse . ~~{, resulting from faulty planning.~~

~~3.}~~ (c) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.

~~{4.}~~ (d) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

~~{5.}~~ (e) The existence of inadequate streets, open spaces and utilities.

~~{6.}~~ (f) The existence of lots or other areas which may be submerged.

~~{7.}~~ (g) Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is *substantially* reduced and tax receipts are inadequate for the cost of public services rendered.

~~{8.}~~ (h) A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.

~~{9.}~~ (i) A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

(j) *The environmental contamination of buildings or property.*

(k) *The existence of an abandoned mine.*

2. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, “blighted area” means an area which is characterized by at least four of the factors set forth in subsection 1 or characterized by one or more of the following factors:*

*(a) The existence of railroad facilities, used or intended to be used, for commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes because of age, obsolescence, deterioration or dilapidation.*

*(b) A growing or total lack of proper utilization of the railroad facilities resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.*

*(c) The lack of adequate rail facilities has resulted or will result in an economic hardship to the community.”.*

Amend the bill as a whole by renumbering sections 6 and 7 as sections 9 and 10 and adding a new section designated sec. 8, following sec. 5, to read as follows:

“Sec. 8. NRS 279.408 is hereby amended to read as follows:

279.408 1. “Redevelopment” means the planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment area, and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including:

- (a) Recreational and other facilities appurtenant thereto.
- (b) *Eligible railroads or facilities related to eligible railroads.*
- (c) The alteration, improvement, modernization, reconstruction or rehabilitation, or any combination thereof, of existing structures in a redevelopment area.
- ~~[(e)]~~ (d) Provision for uses involving open space, such as:
  - (1) Streets and other public grounds;
  - (2) Space around buildings, structures and improvements;
  - (3) Improvements of recreational areas; and
  - (4) Improvement of other public grounds.
- ~~[(d)]~~ (e) The replanning, redesign or original development of undeveloped areas where:

(1) The areas are stagnant or used improperly because of defective or inadequate layouts of streets, faulty layouts of lots in relation to size, shape, accessibility or usefulness, or for other causes; or

(2) The areas require replanning and assembly of land for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency or other reasons.

2. "Redevelopment" does not exclude the continuance of existing buildings or uses whose demolition and rebuilding or change of use are not deemed essential to the redevelopment and rehabilitation of the area."

Amend sec. 6, page 4, line 43, by deleting "2" and inserting "3".

Amend sec. 7, page 5, line 18, by deleting "2" and inserting "3".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 14 through 16 and adding new sections designated sections 11 through 13, following sec. 7, to read as follows:

"Sec. 11. NRS 279.519 is hereby amended to read as follows:

279.519 1. A redevelopment area need not be restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A redevelopment area may include, in addition to blighted areas, lands, buildings or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

2. At least 75 percent of the area included within a redevelopment area must be improved land and may include, without limitation:

(a) Public land upon which public buildings have been erected or improvements have been constructed.

(b) Land on which an abandoned mine, landfill or other similar use is located and which is surrounded by or directly abuts the improved land.

3. The area included within a redevelopment area may be contiguous or noncontiguous.

4. *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad, the area included within a redevelopment area may consist of contiguous or noncontiguous vacant land that:*

- (a) Is located near the eligible railroad; and*
- (b) May accommodate commercial or industrial facilities that may use the eligible railroad.*

5. The taxable property in a redevelopment area must not be included in any subsequently created redevelopment area until at least 50 years after the effective date of creation of the first redevelopment area in which the property was included.

~~{5-}~~ 6. As used in this section, “improved land” means ~~land~~ :

(a) Land that contains structures which:

~~{(a)}~~ (1) Are used for residential, commercial, industrial or governmental purposes; and

~~{(b)}~~ (2) Have been connected to water facilities, sewer facilities or roads, or any combination thereof ~~;~~

~~and any~~ ;

(b) Any areas related to ~~{such structures,}~~ the structures described in paragraph (a), including, without limitation, landscaping areas, parking areas, parks and streets ~~;~~ ; and

(c) *If the subject of the redevelopment is an eligible railroad or facilities related to an eligible railroad:*

*(1) Land on which the eligible railroad is located; and*

*(2) Any areas related to the eligible railroad, including, without limitation, land on which is located railroad tracks, a railroad right-of-way or a facility related to the eligible railroad.*

Sec. 12. NRS 279.586 is hereby amended to read as follows:

279.586 1. If the legislative body determines that:

(a) The redevelopment area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in NRS 279.382 to 279.685, inclusive;

(b) The redevelopment plan would redevelop the area in conformity with NRS 279.382 to 279.685, inclusive, and is in the interests of the peace, health, safety and welfare of the community;

(c) The redevelopment plan conforms to the general plan of the community;

(d) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law;

(e) Adequate permanent housing is or will be made available in the community for displaced occupants of the redevelopment area at rents comparable to those in the community at the time of displacement, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing in the redevelopment area;

(f) All noncontiguous areas of a redevelopment area ~~[are either]~~ :

- (1) Are blighted or necessary for effective redevelopment; or
- (2) Satisfy the requirements set forth in subsection 4 of NRS 279.519;

(g) Inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the area of which they are a part; and

(h) Adequate provisions have been made for the payment of the principal of and interest on any bonds which may be issued by the agency, if provided for in the redevelopment plan,

the legislative body may adopt, by ordinance, the plan as the official redevelopment plan for the redevelopment area.

2. The ordinance must:

(a) Contain a legal description of the boundaries of the redevelopment area covered by the redevelopment plan;

(b) Set forth the purposes and intent of the legislative body with respect to the redevelopment area;

(c) Designate the approved plan as the official redevelopment plan of the redevelopment area and incorporate it by reference; and

(d) Contain the determinations of the legislative body as set forth in subsection 1.

Sec. 13. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

- (1) Master plan adopted pursuant to chapter 278 of NRS;*
- (2) Zoning regulations adopted pursuant to chapter 278 of NRS; and*
- (3) Open-space plan adopted pursuant to chapter 376A of NRS;*

*(c) Each acre of the property is necessary for the purpose of open-space use and will be devoted in perpetuity to open-space use; and*

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

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

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

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

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

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

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

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

3. *As used in this section:*

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

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

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

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

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

Amend sec. 9, page 5, line 41, by deleting "5" and inserting "7".

Amend sec. 9, page 5, line 43, by deleting: "the effective date of this act," and inserting: "October 1, 2005,".

Amend sec. 9, page 5, line 45, by deleting: "the effective date of this act." and inserting: "October 1, 2005,".

Amend the title of the bill, sixth line, after "Law;" by inserting: "establishing certain requirements that a governmental entity must meet before exercising the power of eminent domain to acquire certain property for the purpose of open-space use;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 143.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.



Assembly Bill No. 221.

The following Senate amendment was read:

Amendment No. 888.

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

*“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.”.*

Amend sec. 11, page 5, by deleting line 32 and inserting:

“Sec. 11. 1. Except as otherwise provided in subsection 2 and sections 4 to 11,”.

Amend sec. 11, page 5, after line 36, by inserting:

“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.”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 221.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 697.

Amend sec. 2, page 4, by deleting lines 4 through 7.

Amend sec. 2, page 4, line 8, by deleting “(e)” and inserting “(d)”.

Amend sec. 2, page 4, by deleting lines 10 through 13.

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

Amend sec. 2, page 4, line 15, by deleting “(h)” and inserting “(f)”.

Amend sec. 2, page 4, line 17, by deleting “(i)” and inserting “(g)”.

Amend sec. 2, page 4, line 19, by deleting “(j)” and inserting “(h)”.

Amend sec. 2, page 4, line 24, by deleting “(k)” and inserting “(i)”.

Amend sec. 2, page 4, line 25, by deleting “(l)” and inserting “(j)”.

Amend the bill as a whole by renumbering sections 5 through 18 as sections 6 through 19 and adding a new section designated sec. 5, following sec. 4, to read as follows:

“Sec. 5. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Human Resources;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Human Resources; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Human Resources or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Human Resources.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

~~(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from the offender during a confession.~~

~~(e)}~~ Every person who maintains or is employed by an agency to provide nursing in the home.

~~{(f) Every attorney, unless he has acquired the knowledge of abuse, neglect, exploitation or isolation of the older person from a client who has been or may be accused of such abuse, neglect, exploitation or isolation.~~

~~(g)}~~ (e) Any employee of the Department of Human Resources.

~~[(h)]~~ (f) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

~~[(i)]~~ (g) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

~~[(j)]~~ (h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

~~[(k)]~~ (i) Every social worker.

~~[(l)]~~ (j) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Human Resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Human Resources, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Human Resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor."

Amend the title of the bill, fourth line, by deleting "person;" and inserting: "person by certain persons; revising the provisions pertaining to the persons who are required to report the abuse, neglect, exploitation or isolation of an older person;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes pertaining to abuse, neglect, exploitation or isolation of certain persons. (BDR 15-1244)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

The following Senate amendment was read:

Amend No. 859.

Amend section 1, page 2, by deleting lines 4 through 17 and inserting:

“regular wage rate whenever an employee works ~~for~~

~~(a) More] more~~ than 40 hours in any scheduled week of work . ~~for or~~

~~(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

2. The provisions of subsection 1 do not”.

Amend the title of the bill, fourth line, after “overtime;” by inserting: “eliminating the requirement for payment of overtime whenever an employee works more than 8 hours in a workday;”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 44.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

#### REMARKS FROM THE FLOOR

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

I would like to say a few words today about Memorial Day and taking time out to reflect on the men and women, both military and civilian, who have given their lives for the freedom that we presently enjoy in this great country of ours. I am a military brat. My father, after his second tour in Vietnam, came back with leukemia and died before I was 12 years old, so I know full well the sacrifices that these families make, both the military and civilian personnel abroad and the families and friends who remain at home. They constantly think about these men and women who are serving their country. We move about our daily tasks, day in and day out, sometimes not thinking about them, and we have this one day that we have set aside to reflect on their sacrifices. I would like us, today, to take some time out throughout the day to remember these people, and also to remind yourself that this should not be the only day that we think about them. We should think about them more than just one day a year, because their sacrifices continue throughout the year, year in and year out. I ask you to take that time today, and let us give honor to them. Thank you.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 15, 59, 114, 145, 156, 215, 232, 259, 323, 379, 395, 421; Senate Bills Nos. 36, 71, 78, 93, 112, 133, 193, 201, 225, 229, 255, 295, 315, 318, 331, and 354.

Assemblyman Ocegueda moved that the Assembly adjourn until Tuesday, May 31, 2005, at 11:00 a.m. and that it do so in honor of all the military and civilian men and women who have served the United States.

Motion carried.

Assembly adjourned at 1:00 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*