

THE ONE-HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 31, 2005

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Ohrenschall, who was excused.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, who is the God of the universe, who hears our words, sees our actions. Guide us to the straight path. Inspire us, so that our tongues will speak goodness and truth, and whatever that pleases You. Inspire us in our actions, so that we do righteous deeds, and avoid any injustice, and whatever that displeases You. Bless our nation, our leaders and our lawmakers with wisdom and strength and protect us all from all evil. Make our nation a manifestation of justice and liberty for all humanity, during times of peace and times of war.

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 Government Affairs, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID PARKS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 563; Senate Bills Nos. 96, 187, 485, 510, 511, 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 re-referred Assembly Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 98 and 460; Senate Bills Nos. 89, 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 461, 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 re-referred Senate Bill No. 311, 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 30, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 904 to Senate Bill No. 122; Assembly Amendment No. 998 to Senate Bill No. 326.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblyman Perkins:

Assembly Joint Resolution No. 17—Urging the Base Realignment and Closure Commission to reconsider and reject the recommendations of the Department of Defense concerning Naval Air Station Fallon, Nevada Air National Guard stationed at Reno-Tahoe International Airport and Hawthorne Army Depot.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

By Assemblyman Perkins:

Assembly Joint Resolution No. 18—Proposing to amend the Nevada Constitution to effect a limitation on property taxes collected annually from senior citizens.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution is amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. *Except as otherwise provided in this section, the amount of the property tax which may be collected annually for a residence owned and occupied by a senior citizen who has paid property taxes in this State during each of the previous 10 years must be limited to an amount that does not exceed the lesser of:*

(a) The tax upon the assessed value of the property in the year in which the person:

(1) Reaches the age of retirement, as defined by the Legislature; or

(2) Has paid property taxes in this State for each of the previous 10 years, whichever is later;

or

(b) The tax that would otherwise apply to the property for the current year.

The amount of the property tax which, but for the provisions of this subsection, would otherwise be collected for a residence owned and occupied by a senior citizen becomes due and payable when the senior citizen ceases to occupy the residence, upon the sale of the senior citizen's interest in the residence or upon the death of the senior citizen, whichever occurs first.

Assemblyman Ocegüera moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ocegüera.

Motion carried unanimously.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblymen Perkins, Anderson, and Sherer.

Roll call on Assembly Joint Resolution No. 17:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 17 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 18 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.

Bill read third time.

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

Amendment No. 1118.

Amend section 1, page 2, line 2, by deleting “and 3” and inserting: “to 9, inclusive,”.

Amend the bill as a whole by renumbering sections 2 through 5 as sections 8 through 11, and adding new sections designated sections 2 through 7, following section 1, to read as follows:

“Sec. 2. 1. *The natural parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:*

- (a) *The child and his natural parent or parents;*
- (b) *The adoptive parent or parents and the natural parent or parents; or*
- (c) *Any combination thereof.*

2. *An agreement that provides for postadoptive contact is enforceable if the agreement:*

- (a) *Is in writing and signed by the parties; and*
- (b) *Is incorporated into an order or decree of adoption.*

3. *The identity of a natural parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the natural parent must be provided in the agreement.*

4. *A court that enters an order or decree of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:*

- (a) *The child reaches 18 years of age;*

(b) The child becomes emancipated; or

(c) The agreement is terminated.

5. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.

Sec. 3. 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 2 of this act shall notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order or decree of adoption of the child.

2. Each:

(a) Director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act, notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement.

Sec. 4. 1. Before a court may enter an order or decree of adoption of a child, the court must address in person:

(a) Each prospective adoptive parent of the child to be adopted;

(b) Each director or authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and the natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act.

2. If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order or decree of adoption.

Sec. 5. 1. *A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may, for good cause shown:*

(a) Petition the court that entered the order or decree of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order or decree of adoption; and

(b) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act.

2. *An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may:*

(a) During the period set forth in subsection 2 of section 6 of this act, petition the court that entered the order or decree of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 2 of this act; and

(b) Petition the court that entered the order or decree of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 7 of this act.

Sec. 6. 1. *Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may not be used as a ground to:*

(a) Set aside an order or decree of adoption;

(b) Revoke, nullify or set aside a valid release for or consent to an adoption or a relinquishment for adoption; or

(c) Except as otherwise provided in section 14 of this act, award any civil damages to a party to the agreement.

2. *Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.*

Sec. 7. 1. *An agreement that provides for postadoptive contact entered into pursuant to section 2 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order or decree which included the agreement. The court may grant a request to modify or terminate the agreement only if:*

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interests of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interests of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.”.

Amend sec. 2, page 2, lines 7 and 13, by deleting “3” and inserting “9”.

Amend sec. 3, page 2, line 18, by deleting “2” and inserting “8”.

Amend sec. 4, page 2, line 30, by deleting “section 2” and inserting: “sections 2 to 8, inclusive,”.

Amend sec. 4, page 3, line 1, by deleting “section 2” and inserting: “sections 2 to 8, inclusive,”.

Amend sec. 5, page 3, line 34, by deleting “3” and inserting “9”.

Amend the bill as a whole by adding new sections designated sections 12 through 14, following sec. 5, to read as follows:

“Sec. 12. NRS 127.140 is hereby amended to read as follows:

127.140 1. All hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except ~~upon~~ ^{upon}:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor ~~for it~~;

(b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions ~~for~~; or

(c) As provided pursuant to subsections 3, 4 and 5.

3. An adoptive parent who intends to file a petition pursuant to section 5 or 7 of this act to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to section 5 of this act to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to section 14 of this act may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. *The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.*

Sec. 13. NRS 127.171 is hereby amended to read as follows:

127.171 1. ~~1. In~~ *Except as otherwise provided in sections 2 to 7, inclusive, of this act, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.*

2. *The court may not grant a right to visit the child to any person other than as specified in subsection 1.*

Sec. 14. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A natural parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to section 2 of this act may bring a civil action against a person if:*

(a) The person knowingly provided false information in response to a question asked by a court pursuant to section 4 of this act; and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to section 4 of this act.

2. *If a person is liable to a natural parent of an adopted child pursuant to subsection 1, the natural parent may recover his actual damages, costs, reasonable attorney's fees and any punitive damages that the facts may warrant.*

3. *The liability imposed by this section is in addition to any other liability imposed by law."*

Amend the title of the bill, first line, by deleting: "the adoption of children;" and inserting: "adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for postadoptive contact; requiring certain persons to notify the court of the existence of such an agreement; authorizing a natural parent who has entered into such an agreement to petition a court to prove the existence of the agreement, to enforce its terms and to bring certain civil actions related to the agreement; authorizing an adoptive parent who has entered into such an agreement to petition the court to enforce the terms of the agreement and to modify or terminate the agreement;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to adoptions of children. (BDR 11-674)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 98.

Bill read third time.

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

Amendment No. 1124.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "Administration the sum of \$1,213,174 for additional vehicles."

Remarks by Assemblyman Arberry.

Amendment adopted.

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

Assembly Bill No. 460.

Bill read third time.

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

Amendment No. 1122.

Amend section 1, page 1, by deleting line 3 and inserting: "Inc. the sum of \$250,000 for new programs".

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

"Sec. 4. There is hereby appropriated from the State General Fund to the Nevada Public Education Foundation of Washoe County the sum of \$150,000 for new programs and the expansion of outreach efforts.

Sec. 5. Upon acceptance of the money appropriated by section 4 of this act, the Nevada Public Education Foundation shall:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by section 4 of this act from the date on which the money was received by the Nevada Public Education Foundation through December 1, 2006; and

2. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise of the Nevada Public Education Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to section 4 of this act.

Sec. 6. Any remaining balance of the appropriation made by section 4 of this act must not be committed for expenditure after June 30, 2007, and must be reverted to the State General Fund on or before September 21, 2007."

Amend sec. 4, page 2, line 10, by deleting: "on July 1, 2005." and inserting: "upon passage and approval."

Amend the title of the bill by deleting the second line and inserting: “Education Foundation and the Nevada Public Education Foundation of Washoe County for new”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriations to Clark County Public Education Foundation and Nevada Public Education Foundation of Washoe County for new programs and expansion of outreach efforts. (BDR S-826)”.

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. 461.

Bill read third time.

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

Amendment No. 1116.

Amend section 1, page 1, lines 5 and 12, by deleting “teachers” and inserting “licensed personnel”.

Amend section 1, page 2, lines 3 and 6, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 11, after “(3)” by inserting: “A program for the mentoring of teachers that provides for the payment of increased compensation for mentor teachers and that includes criteria for the selection of mentor teachers and teachers who will be mentored.

(4)”.

Amend section 1, page 2, line 12, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, by deleting line 14 and inserting: “and to retain licensed employees who teach in at-risk schools.

(5) The payment of signing bonuses and other financial incentives for licensed employees who:

(I) Are newly hired by the school district and have been employed by the school district for at least 30 days; and

(II) Have not been previously employed by a school district in this State.

(6) The payment of bonuses to licensed employees based upon the attainment of specified standards of achievement by pupils.

(7) Notwithstanding the provisions of NRS 391.165 to the contrary, the payment to licensed employees of the cost of purchasing service pursuant to subsection 2 of NRS 286.300 or the payment of equivalent financial incentives. If a school district makes payments pursuant to this subparagraph, it shall be deemed to have complied with NRS 391.165 on behalf of each employee who is otherwise eligible for the purchase of service pursuant to

that section for each year of the 2005-2007 biennium that the school district makes payments pursuant to this subparagraph.”.

Amend section 1, page 2, line 17, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 25, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, between lines 27 and 28, by inserting:

“4. The Department of Education shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1, 2005, and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

5. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining qualified licensed personnel. On or before February 1, 2007, the board of trustees shall submit a report of its evaluation and any recommendations to the:

(a) State Board of Education.

(b) Department of Education.

(c) Legislative Committee on Education.

(d) Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

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

“Sec. 3. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula defining at-risk schools and on July 1, 2005, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2005.”.

Amend the title of the bill, fifth line, by deleting “teachers;” and inserting “licensed personnel;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education for programs of performance pay and enhanced compensation for recruitment, retention and mentoring of licensed personnel. (BDR S-1391)”.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Buckley moved that Assembly Bill No. 461 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 563.

Bill read third time.

Roll call on Assembly Bill No. 563:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Assembly Bill No. 563 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Perkins moved that Assembly Joint Resolution No. 18 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Joint Resolution No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Joint Resolution No. 18 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

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

Amendment No. 1123.

Amend section 1, page 1, line 3, by deleting “\$261,620” and inserting “\$361,620”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

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

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

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.

Mr. Speaker presiding.

Quorum present.

Senate Bill No. 96.

Bill read third time.

Roll call on Senate Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read second time.

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

Amendment No. 1125.

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

“Section 1. Chapter 457 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, “Task Force” means the Task Force on Cervical Cancer created by section 3 of this act.*

Sec. 3. 1. *The Task Force on Cervical Cancer, consisting of 11 members, is hereby created. The Task Force consists of:*

(a) The Executive Officer of the Public Employees’ Benefits Program as ex officio member; and

(b) The following members appointed by the Governor:

(1) Two members who are physicians licensed pursuant to chapter 630 or 633 of NRS;

(2) One member who is an officer or employee of the Nevada System of Higher Education;

(3) One member who is an employee of the Health Division;

(4) *One member who is a representative of a women's health organization;*

(5) *One member who is a representative of the Nevada Cancer Institute;*

(6) *One member who has had cervical cancer;*

(7) *One member who is related to a person who has had cervical cancer; and*

(8) *Two members who are representatives of business.*

2. *Vacancies of members appointed to the Task Force must be filled in the same manner as original appointments.*

3. *The Task Force shall annually submit a report concerning its activities and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.*

Sec. 4. 1. *The members of the Task Force shall annually elect a member to serve as Chairman of the Task Force.*

2. *The members of the Task Force shall meet at least four times each year and at the call of the Chairman. The Task Force shall prescribe regulations for its management and government.*

3. *Six members of the Task Force constitute a quorum, and a quorum may exercise all the powers conferred on the Task Force.*

4. *After the initial terms, the term of each appointed member of the Task Force is 4 years. The Governor shall not appoint a member to serve more than two terms.*

5. *The members of the Task Force serve without compensation. While engaged in the business of the Task Force, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

6. *The members of the Task Force who are state employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Task Force in the most timely manner practicable. The state employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Task Force or take annual leave or compensatory time for the absence.*

Sec. 5. *The Task Force may:*

1. *Compile research and information concerning cervical cancer.*

2. *Identify and evaluate the methods used by the State and local governments to increase the awareness of the general public concerning the risk, treatment and prevention of cervical cancer.*

3. *Identify and evaluate methods to improve communication among institutions and other entities in this State that are involved in the research and treatment of cervical cancer.*

4. *Identify and evaluate methods to increase funding for institutions and other entities in this State that are involved in cancer research.*

5. *Identify and evaluate methods to increase the number of women in this State who are regularly tested for the presence of cervical cancer.*

6. *Identify and evaluate methods to increase the awareness and education of the general public concerning cervical cancer.*

7. *Apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.*

Sec. 6. *The Director of the Department of Human Resources shall provide the personnel, facilities, equipment and supplies required by the Task Force to carry out the provisions of sections 2 to 6, inclusive, of this act.”.*

Amend the bill as a whole by renumbering sections 2 through 4 as sections 9 through 11 and inserting a new section, designated sec. 8, following section 1, to read as follows:

“Sec. 8. 1. There is hereby appropriated from the State General Fund to the Department of Administration the sum of \$50,000 for allocation to provide necessary assistance to the Task Force on Cervical Cancer.

2. Upon acceptance of the money appropriated by subsection 1, the Task Force on Cervical Cancer agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 15, 2006, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Task Force on Cervical Cancer through December 1, 2006; and

(b) Upon request of the Legislative Commission, make available to the Legislative Auditor any books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise and irrespective of their form or location, which the Legislative Auditor deems necessary to conduct any audit of the use of the money appropriated pursuant to subsection 1.”.

Amend sec. 3, page 2, line 34, after “2” by inserting “or 3”.

Amend the title of the bill, first line, after “cancer;” by inserting: “creating the Task Force on Cervical Cancer and providing its duties;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Creates Task Force on Cervical Cancer and revises provisions relating to Task Force on Prostate Cancer. (BDR 40-1210)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

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

Senate Bill No. 107.

Bill read third time.

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

Amendment No. 958.

Amend sec. 4, page 3, line 20, before “*Director*” by inserting: “*Department of Taxation and the*”.

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

“Sec. 7. NRS 354.596 is hereby amended to read as follows:

354.596 1. The officer charged by law shall prepare, or the governing body shall cause to be prepared, on appropriate forms prescribed by the Department of Taxation for the use of local governments, a tentative budget for the ensuing fiscal year. The tentative budget for the following fiscal year must be submitted to the county auditor and filed for public record and inspection in the office of:

- (a) The clerk or secretary of the governing body; and
- (b) The county clerk.

2. On or before April 15, a copy of the tentative budget must be submitted:

- (a) To the Department of Taxation; and
- (b) In the case of school districts, to the Department of Education.

3. At the time of filing the tentative budget, the governing body shall give notice of the time and place of a public hearing on the tentative budget and shall cause a notice of the hearing to be published once in a newspaper of general circulation within the area of the local government not more than 14 nor less than 7 days before the date set for the hearing. The notice of public hearing must state:

- (a) The time and place of the public hearing.
- (b) That a tentative budget has been prepared in such detail and on appropriate forms as prescribed by the Department of Taxation.
- (c) The places where copies of the tentative budget are on file and available for public inspection.

4. Budget hearings must be held:

- (a) For county budgets, on the third Monday in May;
- (b) For cities, on the third Tuesday in May;
- (c) For school districts, on the third Wednesday in May; and
- (d) For all other local governments, on the third Thursday in May ~~or~~ *or the Friday immediately succeeding the third Thursday in May,*

except that the board of county commissioners may consolidate the hearing on all local government budgets administered by the board of county commissioners with the county budget hearing.

5. The Department of Taxation shall examine the submitted documents for compliance with law and with appropriate regulations and shall submit to the governing body at least 3 days before the public hearing a written certificate of compliance or a written notice of lack of compliance. The written notice must indicate the manner in which the submitted documents fail to comply with law or appropriate regulations.

6. Whenever the governing body receives from the Department of Taxation a notice of lack of compliance, the governing body shall forthwith proceed to amend the tentative budget to effect compliance with the law and with the appropriate regulation.”.

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill to read as follows:

“AN ACT relating to governmental administration; requiring certain state agencies to report information concerning capital improvements to the Legislature; requiring local governments to report information concerning capital improvements to the Legislature and the Department of Taxation; requiring the State Public Works Board to compile a report concerning projects of construction of state buildings that are financed by certain bonds or obligations; authorizing an additional date for the holding of budget hearings by certain local governments; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to governmental administration. (BDR 27-31)”.

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. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

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

Amendment No. 1115.

Amend section 1, page 2, by deleting lines 20 through 24 and inserting: “supplemental allowance which must not exceed:

(a) A total of ~~[\$6,800]~~ \$10,000 during each regular session of the”.

Amend section 1, page 5, by deleting lines 4 through 17.

Amend sec. 2, page 5, line 18, by deleting “approval.” and inserting: “approval and applies to reimbursement of expenses for the 73rd Session of the Nevada Legislature.”.

Amend the title of the bill to read as follows:

“AN ACT relating to the Legislature; increasing the amount of the supplemental allowance a Legislator is entitled to receive for reimbursement of travel and other expenses during a legislative session; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases allowance for Legislators for reimbursement of travel and other expenses during legislative session. (BDR 17-742)”.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Senate Bill No. 510:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—40.

NAYS—Angle.

EXCUSED—Ohrenschall.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Ocegüera moved that KAZR-TV: Anya Arechiga, Adolfo Segura; KLAS-TV: Adam White; KOLO-TV: Danelle Juline; KRNV-TV News 4: M. Colin Hackman; NEVADA APPEAL: Kirk Caraway; THE REBEL YELL: Marek Biernacinski, Melissa Rothermel; RENO GAZETTE-JOURNAL: Bill O'Driscoll; UNIVERSITY OF NEVADA, RENO: Jean Dixon; WINNEMUCCA PUBLISHING CO: Forrest Newton, be accepted as accredited press representatives, that they be assigned space at the press table

in the Assembly Chambers, and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Ocegüera moved that for the balance of the session, the reading of titles to all bills and joint resolutions in Unfinished Business be dispensed with.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2005

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Senators Cegavske, Amodei, Beers, Care, Carlton, Coffin, Hardy, Heck, Horsford, Lee, Mathews, McGinness, Nolan, Raggio, Rhoads, Schneider, Tiffany, Titus, Townsend, Washington, Wiener; Assemblymen Weber, 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, Perkins, Pierce, Seale, Sherer, Sibley, and Smith:

Senate Concurrent Resolution No. 44—Recognizing the Southern Nevada Area Health Education Center for its contributions towards the prevention of child abuse.

WHEREAS, Child abuse and neglect are critical and continuing problems among Nevada's families, with more than 13,000 reported cases each year; and

WHEREAS, A child in Nevada is abused or neglected every 2 hours, and half of these victims of abuse and neglect are 5 years old or younger; and

WHEREAS, Child abuse is more common in families that face risk factors such as poverty, insufficient or no access to social services, limited parenting skills, substance abuse and parents who were raised with abuse themselves; and

WHEREAS, Research has shown that the risk of child abuse can be lessened through such preventive strategies as strengthening parenting skills, providing support for families in crisis, facilitating children's social and emotional development, and linking families to services and opportunities; and

WHEREAS, The Southern Nevada Area Health Education Center is a nonprofit organization dedicated to improving Nevada's health status through educational services and community outreach; and

WHEREAS, The mission of the Center's Child Abuse Prevention Program is to prevent child abuse and neglect in Nevada through early intervention, awareness and education; and

WHEREAS, Early this year, the Center was awarded full chapter status as the Nevada Chapter of Prevent Child Abuse America, a nationally recognized initiative for the prevention of child abuse; and

WHEREAS, The Center offers a statewide resource for prevention services, information sharing, learning and program development for children, parents, professionals and communities; and

WHEREAS, The Center partners with providers of children's services, community organizations and other persons and entities throughout the State to address the needs of both rural and urban communities; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 73rd Session of the Nevada Legislature hereby recognize the outstanding contributions of the Southern Nevada Area Health Education Center to child abuse prevention, education and intervention for communities in Nevada; and be it further

RESOLVED, That the Legislature hereby congratulates the Center on becoming an official chapter of Prevent Child Abuse America; and be it further

RESOLVED, That the Legislature recognizes the ongoing need to support viable efforts to prevent child abuse and neglect in this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Debbie Barter, Child Abuse Prevention Program Manager of the Southern Nevada Area Health Education Center, Frank Lassus, Chairman of the Board of Trustees of the Southern Nevada Area Health Education Center, and Rose Yuhos, Executive Director of the Southern Nevada Area Health Education Center.

Assemblywoman Weber moved the adoption of the resolution.

Remarks by Assemblywoman Weber.

Resolution adopted.

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

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 208.

The following Senate amendment was read:

Amendment No. 925.

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

“Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board 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.*

Sec. 3. 1. Any physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board 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.

2. The willful failure of a physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the physician.

3. The Board has additional grounds for initiating disciplinary action against a physician if the report from the Federal Bureau of Investigation indicates that the physician has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or

(b) A violation of NRS 630.400.”.

Amend sec. 2, page 3, line 24, by deleting “national” and inserting “[national]”.

Amend sec. 2, page 3, line 25, by deleting “regulation.” and inserting: “regulation [] based on a national code of ethics.”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 14 and 15 and adding new sections designated sections 5 through 13, following sec. 2, to read as follows:

“Sec. 5. Chapter 630A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this act.

Sec. 6. 1. The Nevada Institutional Review Board is hereby created.

2. The Nevada Institutional Review Board shall be under the supervision of the Board of Homeopathic Medical Examiners.

3. The Nevada Institutional Review Board consists of seven members as follows:

(a) One person, who may be a member of the Board of Homeopathic Medical Examiners, appointed by the Board of Homeopathic Medical Examiners;

(b) One person, who may be a member of the Board of Medical Examiners, appointed by the Board of Medical Examiners;

(c) One person, who may be a member of the Board of Osteopathic Medical Examiners, appointed by the Board of Osteopathic Medical Examiners;

(d) One person, who may be a member of the State Board of Pharmacy, appointed by the State Board of Pharmacy; and

(e) Three residents of Nevada appointed by the Board of Homeopathic Medical Examiners.

4. The Board of Homeopathic Medical Examiners shall appoint three residents of Nevada to serve as alternates to the Nevada Institutional Review

Board. If there is a vacancy, either permanent or temporary, on the Nevada Institutional Review Board, the Board of Homeopathic Medical Examiners shall appoint one of the alternates to fill the vacancy.

5. The members of the Nevada Institutional Review Board are entitled to receive, out of the money coming into the possession of the Nevada Institutional Review Board, a salary and per diem allowance and travel expenses, as fixed by the Nevada Institutional Review Board.

6. Four members of the Nevada Institutional Review Board constitute a quorum. A quorum may exercise all the power and authority conferred on the Nevada Institutional Review Board.

Sec. 7. Before entering upon the duties of his office, each member of the Nevada Institutional Review Board shall take:

- 1. The constitutional oath or affirmation of office; and*
- 2. An oath or affirmation that he is legally qualified to serve on the Nevada Institutional Review Board.*

Sec. 8. 1. The Nevada Institutional Review Board shall:

(a) Assist the Board of Homeopathic Medical Examiners in:

(1) Protecting the public by exercising control of research studies using devices, therapies and substances regulated by the Board;

(2) Evaluating, determining and acting upon the safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies; and

(3) Analyzing, coordinating and integrating the diagnostic techniques and treatments related to complementary integrative medicine with the diagnostic techniques and treatments of other healthcare practices;

(b) Oversee, review and control any research studies submitted to the Nevada Institutional Review Board which involve complementary integrative medicine and the use of human research subjects and any related issues, including, without limitation:

(1) The qualifications required for conducting such research studies;

(2) The proper clinical outcome to be attributed to such research studies; and

(3) The safety, efficacy, reimbursement and availability of diagnostic devices, substances, other modalities, therapies and methods of treatment used in such research studies;

(c) Evaluate:

(1) The social and economic impact of submitted research studies; and

(2) The relationship between complementary integrative medicine and other healthcare practices;

(d) Keep a record of all transactions and provide the Board of Homeopathic Medical Examiners with periodic reports of all transactions; and

(e) Be accountable to the Board of Homeopathic Medical Examiners for all the activities of the Nevada Institutional Review Board and make any

reports or recommendations to the Board of Homeopathic Medical Examiners as the Board of Homeopathic Medical Examiners requires.

2. *The Nevada Institutional Review Board may adopt such regulations as are necessary to carry out the provisions of sections 6 to 10, inclusive, of this act. All regulations adopted by the Nevada Institutional Review Board must be approved by the Board of Homeopathic Medical Examiners.*

Sec. 9. 1. *All money received by the Nevada Institutional Review Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 678.755. The money must be kept separate from any money to be used by or for the Board of Homeopathic Medical Examiners.*

2. *The deposited money must only be used to carry out the activities of the Nevada Institutional Review Board and to pay the expenses incurred by the Nevada Institutional Review Board in the discharge of its duties.*

Sec. 10. 1. *The Nevada Institutional Review Board may be funded by:*

(a) *A nonprofit organization, created by the Board of Homeopathic Medical Examiners, which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and*

(b) *Grants, gifts, appropriations or donations to assist the Nevada Institutional Review Board in carrying out its duties pursuant to the provisions of sections 6 to 10, inclusive, of this act.*

2. *Any money received by the Nevada Institutional Review Board must be placed with the financial institutions described in section 9 of this act.*

Sec. 11. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. *This Except as otherwise provided in section 8 of this act and NRS 630A.155, this chapter does not apply to:*

(a) *The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.*

(b) *A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.*

(c) *Licensed or certified nurses in the discharge of their duties as nurses.*

(d) *Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.*

2. *This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.*

3. *This chapter does not prohibit:*

(a) *Gratuitous services of a person in case of emergency.*

(b) *The domestic administration of family remedies.*

4. *This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.*

Sec. 12. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.
2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.
3. License or certify those applicants it finds to be qualified.
4. Investigate, hear and decide all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. ~~[If a complaint concerns a practice which is within the jurisdiction of another licensing board, including, without limitation, spinal manipulation, surgery, nursing or allopathic medicine, the Board shall refer the complaint to the other licensing board.]~~
5. *Supervise the Nevada Institutional Review Board created pursuant to section 6 of this act, including, without limitation, approving or denying the regulations adopted by the Nevada Institutional Review Board.*
6. *Make recommendations to the Legislature concerning the enactment of legislation relating to complementary integrative medicine, including, without limitation, homeopathic medicine.*

Sec. 13. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any osteopathic physician against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the osteopathic physician's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board 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.*
2. *The willful failure of an osteopathic physician to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the osteopathic physician.*
3. *The Board has additional grounds for initiating disciplinary action against an osteopathic physician if the report from the Federal Bureau of Investigation indicates that the osteopathic physician has been convicted of:*
 - (a) *An act that is a ground for disciplinary action pursuant to NRS 633.511; or*
 - (b) *A felony set forth in NRS 633.741."*

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 16 through 18, following sec. 4, to read as follows:

"Sec. 16. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

- (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.
- (b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.
- (c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

- (a) Reflect convictions only; or
- (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information. Except as otherwise provided in this subsection, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom information is disseminated pursuant to this subsection.

5. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

- (a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.
- (b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.
- (c) The State Gaming Control Board.
- (d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

(t) *The Board of Medical Examiners.*

(u) *The State Board of Osteopathic Medicine.*

6. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 17. 1. As soon as practicable after the effective date of this act, the Boards responsible for the appointment of members to the Nevada Institutional Review Board shall make their initial appointments to the Nevada Institutional Review Board.

2. The Nevada Institutional Review Board shall adopt regulations pursuant to section 8 of this act on or before October 1, 2005.

Sec. 18. 1. This section and section 17 of this act become effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective on July 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to medical professions; requiring an applicant for a license to practice medicine to submit to a criminal background check; requiring physicians and osteopathic physicians against whom disciplinary action is initiated to submit to criminal background checks; expanding the grounds for initiating disciplinary action against physicians and osteopathic physicians; requiring, upon request, an agency of criminal justice to disseminate records of criminal history to the Board of Medical Examiners and the State Board of Osteopathic Medicine; creating the Nevada Institutional Review Board and defining its powers and duties; removing the requirement that the Board of Homeopathic Medical Examiners refer complaints within the jurisdiction of other boards to those boards; requiring the Board of Homeopathic Medical Examiners to make recommendations to the Legislature regarding complementary integrative medicine; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to physicians and medical research. (BDR 54-1108)”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 208.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

The following Senate amendment was read:

Amendment No. 747.

Amend section 1, pages 1 and 2, by deleting line 5 on page 1 and lines 1 and 2 on page 2, and inserting: “determined that ~~that~~ :

1. A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 616D.120 has occurred ~~that~~ ; or

2. A violation of the provisions of paragraph (h) of subsection 1 of NRS 616D.120 has occurred and the violation was committed maliciously.”.

Amend sec. 2, page 3, by deleting lines 43 through 45 and inserting:

“3. If the Administrator determines that ~~that~~ :

(a) A violation of any of the provisions of paragraphs (a) to (e), inclusive, of subsection 1 has occurred ~~[]~~; or

(b) A violation of the provisions of paragraph (h) of subsection 1 has occurred and the violation was committed maliciously,

the Administrator shall order the insurer, organization”.

Amend sec. 2, page 4, by deleting lines 6 and 7 and inserting: “employee or his dependents as a result of the violation ~~[of paragraph (a), (b), (c), (d) or (e) of subsection 1.]~~ giving rise to the benefit penalty, the amount of”.

Amend sec. 2, page 4, by deleting lines 17 and 18 and inserting: “violation ~~[of paragraph (a), (b), (c), (d) or (e) of subsection 1.]~~ giving rise to the benefit penalty. Except as otherwise provided in this section, the benefit penalty is”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 254.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

The following Senate amendment was read:

Amendment No. 866.

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

“Sec. 3. “*Certificate of registration*” or “*certificate*” means a certificate of registration as an environmental health specialist or environmental health specialist trainee issued by the Board pursuant to this chapter.”.

Amend sec. 4, page 2, by deleting lines 9 through 15 and inserting:

“Sec. 4. 1. “*Environmental health specialist*” means a person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.

2. The term does not include any person who practices in a field excluded from the definition of the “*practice of environmental health*” pursuant to subsection 2 of section 6 of this act, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.”.

Amend sec. 5, page 2, by deleting lines 17 and 18 and inserting: “*person who is engaged in the practice of environmental health and who holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.*”.

Amend sec. 6, pages 2 and 3, by deleting lines 20 through 42 on page 2 and line 1 on page 3, and inserting: “*use of public health principles in the application of the sanitary sciences, the biological sciences or the physical*

sciences to investigate, prevent or reduce environmentally acquired disease or illness.”.

Amend sec. 6, page 3, by deleting lines 20 through 22 and inserting:

“(f) Mining performed by an employee or contractor of a mining company engaged in mining operations in this State;

(g) Building inspections performed by a person whose primary purpose is to determine compliance with building and safety codes; or

(h) Epidemiological investigations performed by a person whose primary profession or employment is as an epidemiologist or disease investigator.”.

Amend sec. 7, page 3, by deleting lines 23 through 27 and inserting:

“Sec. 7. 1. On and after July 1, 2007, a person shall not engage in the practice of environmental health in this State unless the person holds a certificate of registration as an environmental health specialist or an environmental health specialist trainee issued by the Board pursuant to this chapter.

2. Any person who violates any provision of this section is guilty of a misdemeanor.”.

Amend sec. 8, page 3, line 28, by deleting: *“may be employed”* and inserting: *“is eligible to engage”*.

Amend sec. 8, pages 3 and 4, by deleting lines 37 through 44 on page 3 and lines 1 through 16 on page 4, and inserting: *“environmental health specialist trainee, a person:*

(a) Must be employed as a part of a training program in which the person engages in the practice of environmental health under the direct supervision of one or more other persons who hold certificates of registration as environmental health specialists; and

(b) Must file with the Board an application for a certificate of registration as an environmental health specialist trainee not later than 90 days after the date on which the person initially becomes employed as a part of the training program.

3. Except as otherwise provided in this subsection, the certificate of registration of a person as an environmental health specialist trainee expires 3 years after the date on which the person initially becomes employed as a part of the training program in which the person engages in the practice of environmental health as an environmental health specialist trainee. If, upon completion of the 3-year period, the person has met all requirements to be issued a certificate of registration as an environmental health specialist other than passing the examination required pursuant to NRS 625A.120, the Board may, upon a showing of good cause, grant the person a 1-year extension of the person’s certificate of registration as an environmental health specialist trainee before the person must pass the examination. A request for such an extension must be submitted by the person in writing and received by the Board at least 60 days before the date on which the person’s certificate of registration as an environmental health specialist trainee expires.”.

Amend sec. 10, page 4, by deleting lines 26 through 29 and inserting: “*person who practices in a field excluded from the definition of the “practice of environmental health” pursuant to subsection 2 of section 6 of this act from being issued a certificate of registration by the Board if the person otherwise meets the requirements for the issuance of the certificate.*”.

Amend sec. 11, page 4, by deleting lines 32 through 37 and inserting: “*specialists and environmental health specialist trainees is to protect the public health and safety and the general welfare of the people of this State. Any certificate of registration issued pursuant to this chapter is a revocable privilege, and no holder of such a certificate of registration acquires thereby any vested right.*”.

Amend sec. 13, page 5, line 20, by deleting “specialist;” and inserting: “specialist ~~[-]~~ or environmental health specialist trainee;”.

Amend sec. 13, page 5, line 22, by deleting “specialist.” and inserting: “specialist ~~[-]~~ or environmental health specialist trainee.”.

Amend sec. 14, page 5, by deleting lines 39 and 40 and inserting: “*environmental health specialist trainees.*”.

Amend sec. 14, page 6, by deleting lines 4 through 6 and inserting: “*specialists ~~[-]~~ or environmental health specialist trainees, or any combination thereof.*”.

Amend sec. 15, page 6, by deleting lines 13 through 15 and inserting: “*environmental health specialist ~~[which contains:]~~ or environmental health specialist trainee. The register must contain:*”.

Amend sec. 15, page 6, by deleting lines 27 through 29 and inserting: “*2. ~~[Environmental]~~ Persons who hold certificates of registration as environmental health specialists ~~[currently registered.]~~ or environmental health specialist trainees. The register must contain:*

- (a) The name of the person;*
- (b) The name and address of the employer of the person or the address of the place of business of the person;*
- (c) The number of the certificate of registration, if any, issued to the person; and*
- (d) Such other information as the Board considers necessary.”.*

Amend sec. 16, page 6, by deleting lines 32 through 34 and inserting: “*an environmental health specialist ~~[must]~~ or environmental health specialist trainee shall submit to the Board, through*”.

Amend sec. 16, page 6, by deleting lines 38 and 39 and inserting:

“(b) *A complete set of fingerprints and written permission authorizing the Board 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;*

(c) The required fee; and

~~[(c)]~~ *(d) Proof of ~~[his]~~ the applicant’s educational qualifications.”.*

Amend sec. 17, page 7, by deleting lines 4 and 5 and inserting: “*specialist trainee shall submit to the Board, through*”.

Amend sec. 17, page 7, by deleting lines 9 and 10 and inserting:

“(b) A complete set of fingerprints and written permission authorizing the Board 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;

(c) The required fee; and

~~[(e)]~~ *(d) Proof of [his] the applicant’s educational qualifications,”.*

Amend sec. 18, page 7, line 14, by deleting: “the issuance of” and inserting: “~~[the issuance of]~~”

Amend sec. 18, page 7, by deleting lines 16 and 17 and inserting: “*health specialist trainee or the holder of such a certificate* shall submit to the Board”.

Amend sec. 18, page 7, by deleting lines 28 and 29 and inserting: “*specialist or environmental health specialist trainee*”.

Amend sec. 19, page 8, line 3, by deleting: “*subsections 2 and 3,*” and inserting “*this section,*”.

Amend sec. 19, pages 8 and 9, by deleting lines 21 through 45 on page 8 and lines 1 through 23 on page 9, and inserting: “Board in ~~[this field of public health]~~.”

~~2.—The~~ *the practice of environmental health;*

(b) Must possess a baccalaureate or higher degree in environmental health or environmental health science from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120; or

(c) Must possess a master’s degree in public health from an institution of higher education approved by the Board and have passed the written examination pursuant to NRS 625A.120.

2. *Except as otherwise provided in this subsection, the Board may [register] issue a certificate of registration as an environmental health specialist to a person who is not qualified under subsection 1 [if he:] if the Board determines to its satisfaction that the person:*

(a) Was actively [employed in this field of public] engaged in the practice of environmental health in this State on July 1, [1987;

~~(b) Is a graduate of an accredited high school;~~

~~(c) Has had] 2005; and~~

(b) Has completed at least [4] 2 years of successful experience in [this field;

~~(d) Passes a written or oral examination administered by the Board; and~~

~~(e) Completes all the requirements of this subsection before July 1, 1991.~~

~~3.—The Board may register, upon written application, any person who:~~

~~(a) Was employed in this field of public health in this State on July 1, 1987, and was a registered sanitarian in this State before July 1, 1977; or~~

~~(b) Is registered as an] the practice of environmental health.~~

To be eligible to be issued a certificate of registration pursuant to this subsection, a person must apply to the Board for a certificate of registration not later than July 1, 2006.

3. *Notwithstanding the provisions of subsection 1 to the contrary, upon written application, the Board may issue a certificate of registration as an environmental health specialist to a person by reciprocity if the person is registered as:*

(a) *An environmental health specialist with the National Environmental Health Association ~~and is a resident of this State~~; or*

(b) *An environmental health specialist, environmental health scientist or registered sanitarian in another jurisdiction recognized by the Board as having requirements for that registration which are substantially similar to the requirements for the issuance of a certificate of registration as an environmental health specialist in this State.”.*

Amend sec. 20, page 9, by deleting lines 25 through 28 and inserting:

“625A.120 1. Except for an applicant ~~applying pursuant to subsection 2 or 3 of~~ who may be issued a certificate of registration as an environmental health specialist without an examination pursuant to NRS 625A.110, an applicant who ~~is otherwise eligible~~ applies for a certificate of registration ~~has paid the fee and presented the required credentials~~ as an environmental health specialist and who is otherwise qualified for the issuance of the certificate must appear”.

Amend sec. 21, page 10, by deleting lines 7 and 8 and inserting: “*specialist trainee must pay a fee set by the Board not*”.

Amend sec. 21, page 10, by deleting lines 14 through 29 and inserting:

“3. Each ~~registered~~ person who holds a certificate of registration as an environmental health specialist or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for the certificate of registration must be collected for the year in which ~~an environmental health specialist~~ the person is initially ~~registered~~.

4. ~~The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If a person holds a certificate of ~~any~~ registration as an environmental health specialist ~~who~~ or environmental health specialist trainee and the person fails to submit the statement required pursuant to NRS 625A.105 or pay the annual fee for the certificate of registration within 60 days after it is due, the person’s certificate of registration is automatically suspended. The Board must notify the ~~environmental health specialist~~ person that his certificate of registration has been suspended”.

Amend sec. 22, pages 10 and 11, by deleting lines 35 through 45 on page 10 and lines 1 through 10 on page 11, and inserting:

“*specialist trainee must pay a fee set by the Board not to exceed \$250.*

2. Each applicant *for a certificate of registration as an environmental health specialist* who fails an examination and who desires to be reexamined ~~[shall]~~ must pay a fee set by the Board not to exceed \$200 for each reexamination.

3. Each ~~[registered]~~ person who holds a certificate of registration as an environmental health specialist ~~[shall]~~ or environmental health specialist trainee must pay to the Secretary of the Board on or before the date fixed by the Board an annual fee for the certificate of registration to be set by the Board not to exceed \$100. The annual fee for registration must be collected for the year in which ~~[an environmental health specialist]~~ the person is initially ~~[registered]~~.

~~4. The~~ issued the certificate of registration and for each year thereafter in which the person holds the certificate of registration.

4. If the person holds a certificate of ~~[any]~~ registration as an environmental health specialist ~~[who]~~ or environmental health specialist trainee and the person fails to pay the annual fee for registration within 60 days after it is due, the person's certificate of registration is automatically suspended. The Board must notify the ~~[environmental health specialist]~~ person that his certificate of registration has been suspended for nonpayment of the".

Amend sec. 23, page 11, line 15, after "certificate" by inserting "of registration".

Amend sec. 23, page 11, by deleting lines 25 through 29 and inserting:

~~"[4.] 5. The Great Seal of the [Board]~~

~~5. Signatures]~~ State of Nevada.

6. The signatures of the ~~[members]~~ Chairman and Secretary".

Amend sec. 26, page 12, by deleting lines 17 through 36 and inserting: "environmental health specialist trainee, the Board shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as an environmental health specialist or environmental health specialist trainee that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. NRS 625A.170 is hereby amended to read as follows:

625A.170 The following acts, among others established by the Board, constitute unprofessional conduct:

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a certificate ~~{-}~~ of registration;
2. Habitual drunkenness or addiction to the use of a controlled substance;
3. Engaging in any conduct in his professional activities which is intended to deceive or which the Board has determined is unethical; or
4. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision of this chapter or a regulation of the Board.”.

Amend sec. 27, pages 12 and 13, by deleting lines 43 and 44 on page 12 and line 1 on page 13, and inserting:

“(a) Place the environmental health specialist *or environmental health specialist trainee* on probation for”.

Amend sec. 27, page 13, by deleting lines 4 through 7 and inserting:

“(c) Suspend or revoke his certificate ~~{-}~~ of registration.

2. If the order places an environmental health specialist *or environmental health specialist trainee* on”.

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

“Sec. 27.5. NRS 625A.190 is hereby amended to read as follows:

625A.190 1. Upon denial of an application for ~~{registration}~~ or renewal of a certificate *of registration* or other disciplinary action, the Board shall give the person written notice of its decision mailed to him at his last known address by certified mail, return receipt requested. The notice must:

- (a) State the reason for the denial or disciplinary action; and
- (b) Inform the person that he has the right to a hearing before the Board.

2. A written request for a hearing must be filed with the Board within 30 days after the notice is mailed. If a hearing is requested, the Board shall set a time and place for a formal hearing and notify the person of the time and place set for the hearing. The Board shall hold the hearing at the time and place designated in the notice.”.

Amend sec. 28, page 13, by deleting lines 15 through 24 and inserting:

“625A.200 1. ~~{Only a person who holds a valid certificate of registration issued by the Board may}~~ A person shall not use the title “registered environmental health ~~{specialist}~~ or specialist,” “environmental health ~~{specialist}~~ specialist,” “registered sanitarian” or “sanitarian,” or the abbreviation ~~{“R.E.H.S.” or}~~ “R.E.H.S.,” “E.H.S.” or “R.S.” after his name ~~{-}~~, unless the person holds a certificate of registration as an environmental health specialist issued by the Board pursuant to this chapter.

2. A person shall not use the title “environmental health specialist trainee,” or any abbreviation or letters after his name that would suggest that the person is an environmental health specialist trainee, unless the person holds a certificate of registration as an environmental health specialist trainee issued by the Board pursuant to this chapter.

3. Any person who violates *any provision of* this section is guilty of a”.

Amend the bill as a whole by deleting sec. 29 and renumbering sec. 30 as sec. 29.

Amend sec. 30, page 13, line 42, by deleting “29,” and inserting “28.”.

Amend the title of the bill to read as follows:

“AN ACT relating to environment health specialists; defining the practice of environmental health; authorizing the Board of Registered Environmental Health Specialists to employ certain persons; requiring the Chairman of the Board to be elected biennially on or before a certain date; requiring persons who engage in the practice of environmental health to hold a certificate of registration as an environmental health specialist or environmental health specialist trainee; revising the requirements relating to the issuance and renewal of a certificate of registration; authorizing the Board to issue a certificate of registration to certain persons by reciprocity; exempting certain retired persons from the requirements for continuing education; requiring certain application, examination and renewal fees; providing penalties; and providing other matters properly relating thereto.”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate Amendment No. 866 to Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried.

The following Senate amendment was read:

Amendment No. 1048.

Amend sec. 6, page 2, by deleting line 37.

Amend sec. 6, page 2, line 38, by deleting “(d)” and inserting “(c)”.

Amend sec. 6, page 3, line 3, by deleting “(e)” and inserting “(d)”.

Amend sec. 6, page 3, line 5, by deleting “(f)” and inserting “(e)”.

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

Amend sec. 6, page 3, line 10, by deleting “(h)” and inserting “(g)”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate Amendment No. 1048 to Assembly Bill No. 260.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

The following Senate amendment was read:

Amendment No. 685.

Amend sec. 8, page 4, lines 4, 5, 11, 17, 21, 25, 26 and 32, by deleting “*licensed*”.

Amend sec. 8, page 4, by deleting lines 35 through 37 and inserting:

“(a) “Medical facility” means:”.

Amend sec. 8, page 4, after line 44, by inserting:

“(b) *“Physician assistant” means a person who holds a license as a physician assistant pursuant to chapter 630 of NRS or a certificate as an osteopathic physician’s assistant pursuant to chapter 633 of NRS.*”.

Amend sec. 8, page 5, line 1, by deleting “~~{(b)}~~”.

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 555.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

The following Senate amendment was read:

Amendment No. 867.

Amend sec. 3, page 1, by deleting lines 8 through 10 and inserting:

“Sec. 3. 1. *Except as otherwise provided in the declaration, an association may not require a unit’s owner to secure or obtain any approval from the association in order to rent or lease his unit.*

2. *The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.*”.

Amend the bill as a whole by deleting sec. 7 and adding:

“Sec. 7. (Deleted by amendment.)”.

Amend sec. 9, page 6, line 37, by deleting: “subsection ~~{2}~~ 3 of” and inserting: “~~{subsection 2 of}~~”.

Amend sec. 10, page 6, by deleting lines 42 through 44 and inserting: “subsection 2 of NRS 116.4101, a unit’s owner *or his authorized agent* shall furnish to a purchaser ~~{before an offer to purchase a unit becomes binding on the purchaser.}~~ a resale package containing all the following:”.

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

“(c) ~~{The}~~ A copy of the current operating budget of the association and ~~{a}~~ current year-to-date financial statement for the association, which must include a summary of the ~~{financial components of the study of the}~~ reserves of the association required by NRS 116.31152 ~~{;}~~ and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 2 of NRS 116.31152; and”.

Amend sec. 10, page 7, by deleting lines 15 through 38 and inserting:

“2. The ~~{association, within}~~ purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the unit’s owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the unit’s owner or his authorized agent. Cancellation is without penalty, and all payments

made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

- (a) Cancel the contract pursuant to this subsection; or*
- (b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.*

3. Within 10 days after receipt of a written request by a unit's owner ~~[-]~~ or his authorized agent, the association shall furnish ~~[-a certificate containing]~~ all the following to the unit's owner or his authorized agent for inclusion in the resale package:

- (a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and*

- (b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b) and (d) of subsection 1. ~~[-A unit's owner providing a]~~*

4. If the association furnishes the documents and certificate pursuant to subsection ~~[-1 is not]~~ 3:

- (a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.*

~~[-3.]~~ *(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee an association may charge for preparing the certificate.*

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees permitted pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by ~~[-subsection 2,]~~ this section, the seller is not liable for the delinquent assessment.

~~[-4.]~~ 6. Upon the request of a unit's owner ~~[-]~~ or his authorized agent or upon the request of a purchaser to whom the unit's owner has provided a ~~[-certificate]~~ resale package pursuant to ~~[-subsection 1 or an]~~ this section or his authorized agent, ~~[-of the unit's owner or the purchaser,]~~ the".

Amend sec. 11, page 8, by deleting lines 11 through 18 and inserting:

“1. *YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?*

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. *YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?*

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions ~~{{C, C & R's} that should be provided for your review before making your purchase. The C, C & R's}~~ (CC&Rs). The CC&Rs become a part of the”.

Amend sec. 11, page 8, lines 21 and 26, by deleting: “C, C & R’s,” and inserting: “~~{{C, C & R's}}~~ CC&Rs,”.

Amend sec. 11, page 8, line 28, by deleting: “C, C&R’s” and inserting: “~~{{C, C&R's}}~~ CC&Rs”.

Amend sec. 11, page 8, line 31, by deleting “2.” and inserting “~~{{2-}}~~ 3.”.

Amend sec. 11, page 8, lines 36 and 38, by deleting “homeowner’s” and inserting “~~{{homeowner's}}~~ homeowners”.

Amend sec. 11, page 8, line 44, after “components” by inserting: “*of the common elements*”.

Amend sec. 11, page 9, line 2, by deleting “maintain adequate” and inserting: “~~{{maintain}}~~ provide adequate funding for”.

Amend sec. 11, page 9, line 5, by deleting “3.” and inserting “~~{{3-}}~~ 4.”.

Amend sec. 11, page 9, by deleting lines 14 through 17 and inserting:

“~~{{4-}}~~ 5. *YOU MAY BECOME A MEMBER OF A ~~{{HOMEOWNER'S}}~~ HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?*

Many common-interest communities have a ~~{{homeowner's}}~~ homeowners”.

Amend sec. 11, page 9, line 26, by deleting: “day to day” and inserting: “~~{{day to day}}~~ day-to-day”.

Amend sec. 11, page 9, line 31, after “professional” by inserting “community”.

Amend sec. 11, page 9, line 33, by deleting “Homeowner’s” and inserting “[~~Homeowner’s~~] Homeowners”.

Amend sec. 11, page 9, line 38, by deleting: “C, C & R’s” and inserting: “[~~C, C & R’s~~] CC&Rs”.

Amend sec. 11, page 10, by deleting lines 6 through 35 and inserting: “bodies that are more responsive to your needs. If ~~[persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek]~~ you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common-Interest Communities. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association’s cost in defending against your claim. ~~[There is no government agency in this State that investigates or intervenes to resolve disputes in homeowner’s associations.]~~

~~5.]~~ 6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE ~~[BUYERS]~~ PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide ~~[to]~~ a prospective purchaser of your property ~~[before you enter into a purchase agreement,]~~ with a copy of the community’s governing documents, including the ~~[C, C & R’s,]~~ CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association’s current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association’s operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. ~~[You are also required to provide a copy of the minutes from the most recent meeting of the homeowner’s association or its executive board.]~~ For more information regarding these requirements, see Nevada Revised Statutes ~~[116.4103 and 116.4109.]~~

~~6.]~~ 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING”.

Amend sec. 11, page 11, line 8, by deleting “7.” and inserting “[~~7.]~~ 8.”.

Amend sec. 11, page 11, line 14, before “Ombudsman” by inserting: “*Office of the*”.

Amend the title of the bill, eighth line, by deleting “unit;” and inserting: “unit unless the association is acting in accordance with the declaration or certain laws and regulations;”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 867 to Assembly Bill No. 290.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1062.

Amend section 1, page 1, line 2, by deleting: “2, 3 and 4” and inserting: “1.5 to 4.3, inclusive;”.

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

“Sec. 1.5. 1. *“High-rise residential common-interest community” means a common-interest community in which a majority of the units are or will be:*

(a) Located in one or more high-rise residential buildings; and

(b) Designed or intended for residential or hotel-condominium use.

2. *As used in this section, “high-rise residential building” means a building that:*

(a) Is part of a common-interest community, has at least five floors above ground level, including the ground floor, and has a majority of its interior square footage designed or intended for residential or hotel-condominium use; or

(b) When completed, will be part of a common-interest community, will have at least five floors above ground level, including the ground floor, and will have a majority of its interior square footage designed or intended for residential use.”.

Amend the bill as a whole by adding new sections designated sections 4.3 and 4.7, following sec. 4, to read as follows:

“Sec. 4.3. 1. *In a high-rise residential common-interest community:*

(a) Votes allocated to a unit may be cast pursuant to a proxy in accordance with the provisions of the governing documents;

(b) The governing documents may include provisions for casting votes pursuant to a proxy that are different from the provisions of NRS 116.311; and

(c) If authorized by the governing documents, a unit’s owner may give a proxy to any other person, including a general proxy authorizing the holder of the proxy to vote as he wishes on any matter on behalf of the unit’s owner. Such a proxy may be a continuing proxy unlimited as to time, but revocable upon written notice.

2. *If the governing documents for a high-rise residential common-interest community are silent on a matter that is covered by the provisions of*

NRS 116.311, the provisions of NRS 116.311 control until the governing documents provide otherwise.

Sec. 4.7. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, *and section 1.5 of this act* have the meanings ascribed to them in those sections.”.

Amend sec. 5, page 2, line 24, by deleting: “2, 3 and 4” and inserting: “2 to 4.3, inclusive,”.

Amend sec. 5, page 2, line 25, after “inclusive,” by inserting: “*and section 1.5 of this act,*”.

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

“Sec. 5.3. NRS 116.212 is hereby amended to read as follows:

116.212 1. If the declaration provides that any of the powers described in NRS 116.3102 are to be exercised by or may be delegated to a profit or nonprofit corporation that exercises those or other powers on behalf of one or more common-interest communities or for the benefit of the units’ owners of one or more common-interest communities, or on behalf of a common-interest community and a time-share plan created pursuant to chapter 119A of NRS, all provisions of this chapter applicable to unit-owners’ associations apply to any such corporation, except as modified by this section.

2. Unless it is acting in the capacity of an association described in NRS 116.3101, a master association may exercise the powers set forth in paragraph (b) of subsection 1 of NRS 116.3102 only to the extent expressly permitted in:

(a) The declarations of common-interest communities which are part of the master association or expressly described in the delegations of power from those common-interest communities to the master association; or

(b) The declaration of the common-interest community which is a part of the master association and the time-share instrument creating the time-share plan governed by the master association.

3. If the declaration of any common-interest community provides that the executive board may delegate certain powers to a master association, the members of the executive board have no liability for the acts or omissions of the master association with respect to those powers following delegation.

4. The rights and responsibilities of units’ owners with respect to the unit-owners’ association set forth in NRS 116.3103, 116.31032, 116.31034, 116.31036, 116.3108, 116.31085, 116.3109, 116.311, 116.31105 and 116.3112 *and section 4.3 of this act*, apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise units’ owners within the meaning of this chapter.

5. Even if a master association is also an association described in NRS 116.3101, the certificate of incorporation or other instrument creating

the master association and the declaration of each common-interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that the executive board of the master association must be elected after the period of the declarant's control in any of the following ways:

(a) All units' owners of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(b) All members of the executive boards of all common-interest communities subject to the master association may elect all members of the master association's executive board.

(c) All units' owners of each common-interest community subject to the master association may elect specified members of the master association's executive board.

(d) All members of the executive board of each common-interest community subject to the master association may elect specified members of the master association's executive board.

Sec. 5.7. NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must provide:

(a) The number of members of the executive board and the titles of the officers of the association;

(b) For election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) The qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) Which powers, if any, that the executive board or the officers of the association may delegate to other persons or to a community manager;

(e) Which of its officers may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) Procedural rules for conducting meetings of the association;

(g) A method for amending the bylaws; and

(h) Procedural rules for conducting elections.

2. Except as otherwise provided in the declaration, the bylaws ~~{may}~~ :

(a) *May* provide for any other matters the association deems necessary and appropriate ~~{-}~~; and

(b) *In a high-rise residential common-interest community, may include provisions authorized pursuant to section 4.3 of this act.*

3. The bylaws must be written in plain English.”

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

“Sec. 7. NRS 116.311 is hereby amended to read as follows:

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes

allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. A vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association unless the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

10. *The provisions of this section do not apply to a high-rise residential common-interest community to the extent that its governing documents include provisions authorized pursuant to section 4.3 of this act for casting votes pursuant to a proxy that are different from the provisions of this section.*”.

Amend the title of the bill, eleventh line, after “board;” by inserting: “making various changes concerning high-rise residential common-interest communities;”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1062 to Assembly Bill No. 290.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 803.

Amend sec. 2, page 1, line 19, by deleting “115.090.” and inserting: “115.090 ~~{ }~~ and except as otherwise required by federal law.”.

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

Amend sec. 3, page 3, lines 10, 14, 23, 25 and 28, by deleting “\$400,000” and inserting “\$300,000”.

Amend sec. 4, page 4, line 29, by deleting “\$400,000” and inserting “\$300,000”.

Amend sec. 5, page 6, line 44, by deleting “section:” and inserting: “section ~~{ }~~ or required by federal law.”.

Amend sec. 5, page 8, line 20, by deleting “\$400,000” and inserting “\$300,000”.

Amend sec. 6, page 10, line 35, by deleting “\$400,000” and inserting “\$300,000”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 365.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 953.

Amend sec. 2, page 4, line 44, by deleting: “*licensed, registered or certified as*”.

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

Amend sec. 4, page 7, line 41, by deleting: “*licensed, registered or certified as*”.

Amend sec. 4, page 8, line 1, by deleting “*or*” and inserting “*and*”.

Amend the title of the bill, seventh line, by deleting “*or*” and inserting “*and*”.

Assemblyman Anderson moved that the Assembly concur in the Senate Amendment No. 953 to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried.

The following Senate amendment was read:

Amendment No. 1063.

Amend the bill as a whole by renumbering section 1 as sec. 26 and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

“Section 1. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver’s:

(a) Intentional, willful, wanton or reckless conduct.

(b) Operation of the car in violation of NRS 484.379 ~~[-]~~ *or section 14 of this act.*

(c) Towing or pushing with the car.

(d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.

2. Damage or loss occurring when the passenger car is:

(a) Used for hire.

(b) Used in connection with conduct that constitutes a felony.

(c) Involved in a speed test or contest or in driver training activity.

(d) Operated by a person other than an authorized driver.

(e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.

3. An authorized driver providing:

(a) Fraudulent information to the short-term lessor.

(b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

Sec. 2. NRS 482.456 is hereby amended to read as follows:

482.456 1. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who drives the motor vehicle for which the registration has been suspended on a highway is guilty of a misdemeanor and shall be:

(a) Punished by imprisonment in the county jail for not less than 30 days nor more than 6 months; or

(b) Sentenced to a term of not less than 60 days nor more than 6 months in residential confinement, and by a fine of not less than \$500 and not more than \$1,000.

The provisions of this subsection do not apply if the period of suspension has expired but the person has not reinstated his registration.

2. A person who has had the registration of his motor vehicle suspended pursuant to NRS 482.451 and who knowingly allows the motor vehicle for which the registration has been suspended to be operated by another person upon a highway is guilty of a misdemeanor.

3. A person who willfully fails to return a certificate of registration or the license plates as required pursuant to NRS 482.451 is guilty of a misdemeanor.

4. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant, in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of ~~[Parts 1325 and]~~ *Part 1327* of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 <i>or section 14</i> <i>of this act</i> or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 <i>or section 14 of this act</i> or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license.....	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 5. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

- (a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act*.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act.*

The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 *or section 14 of this act* and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379 ~~[-]~~ *or section 14 of this act.*

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 6. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this act*, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 7. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484.382 or 484.383 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.10 in his blood or breath at the time of the test, his license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, 484.379 or 484.3795 *or section 14 of this act* follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, 484.379 or 484.3795, *or section 14 of this*

act, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 8. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 *or section 14 of this act* and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(II) A third or subsequent violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act*;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection 2 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a first violation within 7 years of NRS 484.379 ~~or~~ *or section 14 of this act*.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department

shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 9. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 *or section 15 of this act* must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 10. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees:

For an original commercial driver's license which requires the Department to administer a driving skills test	\$84
For an original commercial driver's license which does not require the Department to administer a driving skills test	54
For renewal of a commercial driver's license which requires the Department to administer a driving skills test	84
For renewal of a commercial driver's license which does not require the Department to administer a driving skills test	54
For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379 or 484.3795, <i>or section 14 of this act</i> or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	84
For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379 or 484.3795, <i>or section 14 of this act</i> or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii).....	54
For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test	84
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2. The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.

3. An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.

4. An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.

5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each

applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 11. NRS 483.922 is hereby amended to read as follows:

483.922 1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, ~~operation~~ *operating* or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~[-]~~ *or section 14 of this act.*

3. As used in this section, “prohibited substance” has the meaning ascribed to it in NRS 484.1245.

Sec. 12. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 21, inclusive, of this act.

Sec. 13. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 14. 1. *It is unlawful for any person who:*

(a) Is under the extreme influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.18 or more in his blood or breath;

or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.18 or more in his blood or breath,

to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.18 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such*

other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 15. 1. Unless a greater penalty is provided pursuant to NRS 484.3795, a person who violates the provisions of section 14 of this act:

(a) For the first offense within 7 years, is guilty of a misdemeanor. The court shall:

(1) Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act;

(2) Fine him not less than \$400 nor more than \$1,000; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 14 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 14 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than \$750 nor more than \$1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of section 14 of this act; and

(3) Order him to attend a program of treatment for the abuse of alcohol pursuant to the provisions of NRS 484.37945.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

(d) For a fourth or subsequent offense, regardless of the length of time that has passed since the prior offenses, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$4,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. For the purposes of paragraph (d) of subsection 1, an offense that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of section 14 of this act must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of section 14 of this act in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

6. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

8. *As used in this section, unless the context otherwise requires:*

(a) *“Offense” means:*

(1) *A violation of NRS 484.379, 484.3795 or section 14 of this act;*

(2) *A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or section 14 of this act; or*

(3) *A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).*

(b) *“Treatment facility” has the meaning ascribed to it in NRS 484.3793.*

Sec. 16. *As used in sections 16 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.*

Sec. 17. *“Automated enforcement system” means a contrivance, device, mechanism or any combination thereof that is used to obtain evidence of a moving traffic violation without the need for contemporaneous manipulation or operation by a human being. The term includes a red-light camera.*

Sec. 18. *“Red-light camera” means a camera that:*

1. *Is adapted for use or placed at an intersection or crosswalk in which the movement of vehicles or pedestrians, or both, is controlled by an official traffic-control device that is operated electrically, electronically or mechanically; and*

2. *Is capable of photographing or otherwise capturing one or more images or representations of all the following in a simultaneous or approximately simultaneous manner:*

(a) *The license plate number of a vehicle;*

(b) *An accurate likeness of the driver or operator of the vehicle;*

(c) *The signal displayed by or upon the official traffic-control device as the vehicle enters or exits, or both, the intersection or crosswalk controlled by the official traffic-control device;*

(d) *The position of the vehicle within the intersection or crosswalk relative to the signal displayed by or upon the official traffic-control device; and*

(e) *The date and time of day.*

Sec. 19. *The Department of Transportation shall adopt regulations establishing a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for the issuance of a traffic citation for:*

1. *A violation of this chapter; or*

2. *A violation of an ordinance, rule or regulation of the county, city or local government which has the force of law.*

Sec. 20. *The regulations adopted by the Department of Transportation pursuant to section 19 of this act must set forth, without limitation:*

1. *That a citation issued through the use of an automated enforcement system imposes the same penalties as a citation issued by a peace officer for the same or substantially similar violation;*

2. That a citation may not be issued through the use of an automated enforcement system unless the evidence gathered by the system with respect to a particular alleged violation provides reasonable proof that the person driving or operating the vehicle at the time of the alleged violation was the registered owner of the vehicle;

3. That a citation issued through the use of an automated enforcement system must:

(a) Insofar as practicable, comply with the applicable provisions of NRS 484.799; and

(b) Afford the person cited an opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; and

4. Criteria detailing the information that must be included in the report that a county, city or local government is required to provide to the Department of Transportation pursuant to subsection 2 of section 21 of this act.

Sec. 21. The Department of Transportation shall:

1. Establish a clearinghouse of information relating to the use of automated enforcement systems;

2. Require a county, city or local government that acquires and uses an automated enforcement system to report to the Department of Transportation, on or before October 1, 2006, and on or before October 1 of each even-numbered year thereafter, the information required to be reported by regulation of the Department of Transportation adopted pursuant to subsection 4 of section 20 of this act; and

3. Submit a comprehensive report on the use of automated enforcement systems to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature on or before April 1 of each odd-numbered year.

Sec. 22. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, and section 13 of this act have the meanings ascribed to them in those sections.

Sec. 23. NRS 484.259 is hereby amended to read as follows:

484.259 1. Except for the provisions of NRS 484.379 to 484.3947, inclusive, and sections 14 and 15 of this act, and any provisions made applicable by specific statute, the provisions of this chapter do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway.

2. The provisions of this chapter apply to the persons, teams, motor vehicles and other equipment described in subsection 1 when traveling to or from such work.

Sec. 24. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278,

484.289, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, *or section 14 of this act*, that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service shall cause to be erected:

(a) A sign located before the beginning of such an area stating “DOUBLE PENALTIES IN WORK ZONES” to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 25. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 *or section 14 of this act* is liable to the State for a civil penalty of \$35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 *or section 14 of this act* until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.”.

Amend section 1, page 1, line 4, by deleting “484.3795,” and inserting: “484.3795 ~~};~~ *or section 15 of this act*,”.

Amend section 1, page 2, line 4, by deleting: “subparagraph (4) or” and inserting: “~~{subparagraph (4) or}~~”.

Amend section 1, page 2, by deleting lines 15 through 20 and inserting: “of NRS 484.379; *and*

(3) Fine him not less than \$400 nor more than \$1,000 . ~~}; and~~

~~(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.}”.~~

Amend section 1, page 4, by deleting lines 20 through 24 and inserting:

“(a) ~~“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.~~

~~(b)}~~ “Offense” means:

(1) A violation of NRS 484.379 or 484.3795 ~~};~~ *or section 14 of this act*,”.

Amend section 1, page 4, line 28, by deleting “484.3795; or” and inserting: “484.3795 ~~};~~ *or section 14 of this act*; *or*”.

Amend section 1, page 4, line 32, by deleting “(c)” and inserting “(b)”.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 39 and 40 and adding new sections designated sections 27 through 38, following section 1, to read as follows:

“Sec. 27. NRS 484.37937 is hereby amended to read as follows:

484.37937 1. Except as otherwise provided in subsection 2, a person who is found guilty of a first violation of NRS 484.379 ~~}, other than a person who is found to have a concentration of alcohol of 0.18 or more in his blood or breath,~~ may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 6 months. The court shall authorize that treatment if:

(a) The person is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the cost of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795 ~~or~~ *or section 14 of this act*;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 *or section 14 of this act* constitutes a violation of NRS 484.379 ~~or~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the

minimum fine provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 28. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. Except as otherwise provided in subsection 2, a person who is found guilty of a second violation of NRS 484.379 *or section 14 of this act* within 7 years may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Human Resources for at least 1 year if:

(a) He is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) He agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) He has served or will serve a term of imprisonment in jail of 5 days, and if required pursuant to NRS 484.3792 ~~+~~ *or section 15 of this act*, has performed or will perform not less than one-half of the hours of community service.

2. A person may not apply to the court to undergo a program of treatment pursuant to subsection 1 if, within the immediately preceding 7 years, he has been found guilty of:

(a) A violation of NRS 484.3795;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795 ~~+~~ *or section 14 of this act*; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

3. For the purposes of subsection 1, a violation of a law of any other jurisdiction that prohibits the same or similar conduct as NRS 484.379 *or section 14 of this act* constitutes a violation of NRS 484.379 ~~+~~ *or section 14 of this act, respectively*.

4. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

5. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

6. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792 ~~[,]~~ *or section 15 of this act*, but the conviction must remain on his record of criminal history.

7. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

8. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 29. NRS 484.37943 is hereby amended to read as follows:

484.37943 1. If a person is found guilty of a ~~[first violation, if the concentration of alcohol in the defendant's blood or breath at the time of the offense was 0.18 or more,]~~ *violation of section 14 of this act*, or any second violation of NRS 484.379 within 7 years, the court shall, before sentencing

the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

2. If a person is convicted of a first violation of NRS 484.379 *or section 14 of this act* and he is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4 or 5 to determine whether he is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4 or 5, the evaluation of an offender pursuant to this section must be conducted at an evaluation center by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,

who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from an evaluation center may be conducted outside an evaluation center by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. An evaluation center or a person who conducts an evaluation in this State outside an evaluation center shall not charge an offender more than \$100 for the evaluation.

Sec. 30. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~{,}~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act*, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,
for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420, *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct,

after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792 ~~†~~ *or paragraph (a) or (b) of subsection 1 of section 15 of this act.*

Sec. 31. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792 ~~†~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 32. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by

NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795, *or section 14 of this act*, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 33. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 *or section 14 of this act* within 7 years, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other

than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 34. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379 or 484.3795 or *section 14 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 35. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~+~~ or *section 14 of this act*.

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 36. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in ~~to~~ his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~+~~ or *section 14 of this act*.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must,

when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 37. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*.

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 38. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.”.

Amend sec. 2, page 4, line 41, after “484.3795” by inserting: “*or section 14 of this act*”.

Amend sec. 3, page 5, by deleting lines 33 through 38 and inserting:

“(1) A third or subsequent violation of NRS 484.379 ~~for a~~ ;

(2) A violation of NRS 484.3795 ~~or~~ ; *or*

(3) *A violation of section 14 of this act.*”.

Amend sec. 3, page 6, by deleting line 19 and inserting: “subsection 1 : ~~for 2-1~~”.

Amend sec. 3, page 7, line 20, by deleting “484.3795,” and inserting: “484.3795 or section 14 of this act.”.

Amend sec. 3, page 7, by deleting lines 23 through 25.

Amend sec. 3, page 7, line 26, by deleting “(b)” and inserting “(a)”.

Amend sec. 3, page 7, line 29, by deleting “(c)” and inserting “(b)”.

Amend the bill as a whole by renumbering sec. 4 as sec. 58 and adding new sections designated sections 41 through 57, following sec. 3, to read as follows:

“Sec. 41. NRS 484.778 is hereby amended to read as follows:

484.778 The governing body of each city may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 484.3792 *and section 15 of this act* for similar offenses under city ordinance.

Sec. 42. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

- (a) Homicide by vehicle;
- (b) A violation of NRS 484.379;
- (c) A violation of NRS 484.3795;
- (d) *A violation of section 14 of this act;*

(e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;

~~(e)~~ (f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

~~(f)~~ (g) Reckless driving;

~~(g)~~ (h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver’s license has been cancelled, revoked or suspended; or

~~(h)~~ (i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs ~~(e) and~~ (f) *and* (g) of subsection 1 a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 43. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic

citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;
3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or
4. When the person is charged with a violation of NRS 484.379 ~~{-}~~ *or section 14 of this act*, unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 44. NRS 484.801 is hereby amended to read as follows:

484.801 Except for felonies and those offenses set forth in paragraphs (a) to ~~{(d)-}~~ (e), inclusive, of subsection 1 of NRS 484.791, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484.799, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of this chapter or of chapter 482, 483, 485, 486 or 706 of NRS in connection with the accident.

Sec. 45. NRS 484.805 is hereby amended to read as follows:

484.805 Whenever any person is taken into custody by a peace officer for the purpose of taking him before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in paragraphs (a) to ~~{(d)-}~~ (e), inclusive, of subsection 1 of NRS 484.791, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to him of a misdemeanor citation or traffic citation and his signing a promise to appear, as provided in NRS 171.1773 or 484.799, respectively.

Sec. 46. NRS 484.910 is hereby amended to read as follows:

484.910 ~~{-}~~ *Except as otherwise provided in sections 16 to 21, inclusive, of this act*, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

Sec. 47. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 48 and 49 of this act.

Sec. 48. 1. *It is unlawful for any person who:*

(a) *Is under the extreme influence of intoxicating liquor;*

(b) *Has a concentration of alcohol of 0.18 or more in his blood or breath;*

or

(c) *Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.18 or more in his blood or breath,*

to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

2. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his blood was tested, to cause him to have a concentration of 0.18 or more of alcohol in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

Sec. 49. *Unless a greater penalty is provided pursuant to NRS 488.420, a person who violates the provisions of section 48 of this act is guilty of a misdemeanor. The court shall:*

1. *Sentence him to imprisonment for not less than 6 days nor more than 6 months in jail, or to perform not less than 72 hours, but not more than 144 hours, of community service; and*

2. *Fine him not less than \$400 nor more than \$1,000.*

Sec. 50. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase “concentration”]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. *“Concentration of alcohol of 0.08 or more in his blood or breath” means 0.08 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.*

2. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 51. NRS 488.405 is hereby amended to read as follows:

488.405 As used in NRS ~~[488.410 and 488.420, the phrase “concentration”]~~ 488.400 to 488.520, inclusive, and sections 48 and 49 of this act:

1. *“Concentration of alcohol of 0.10 or more in his blood or breath” means 0.10 gram or more per 100 milliliters of the blood of a person or per 210 liters of his breath.*

2. *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 52. NRS 488.430 is hereby amended to read as follows:

488.430 1. Before sentencing a defendant pursuant to NRS 488.420 ~~or~~ *or section 49 of this act*, the court shall require that the defendant be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 53. NRS 488.440 is hereby amended to read as follows:

488.440 1. If a defendant pleads guilty to or is found guilty of, a violation of NRS 488.410 or 488.420 *or section 48 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created ~~in~~ by NRS 484.388.

Sec. 54. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is administered at the direction of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person fails to submit to the test, the officer shall arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 55. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must,

when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or~~ *or section 48 of this act*; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or~~ *or section 48 of this act*,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in his blood.

Sec. 56. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410 or 488.420 ~~or section 48 of this act.~~

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484.3882 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484.3884, 484.3886 or 484.3888.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484.3882, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484.3886 or 484.3888, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

Sec. 57. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410 or 488.420 *or section 48 of this act* must be permitted, upon his request and at his expense, reasonable opportunity to

have a qualified person of his own choosing administer a chemical test to determine:

- (a) The concentration of alcohol in his blood or breath; or
- (b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.”.

Amend sec. 4, page 7, line 38, after “488.420” by inserting:
“or section 48 of this act”.

Amend the bill as a whole by renumbering sections 5 through 7 as sections 63 through 65 and adding new sections designated sections 59 through 62, following sec. 4, to read as follows:

“Sec. 59. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

- (a) In any action filed pursuant to NRS 73.010;
- (b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;
- (c) In any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379 ~~and 484.3795;~~ or 484.3795 or section 14 of this act; or
- (d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in subsections 1 and 2 of NRS 4.010.

3. The referee:

- (a) Shall take testimony;
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
- (c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and
- (d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 60. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 or *paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 61. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,

must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484.3792 *or paragraph (b) of subsection 1 of section 15 of this act* for a second violation within 7 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 62. NRS 42.010 is hereby amended to read as follows:

42.010 1. In an action for the breach of an obligation, where the defendant caused an injury by the operation of a motor vehicle in violation of NRS 484.379 or 484.3795 *or section 14 of this act* after willfully consuming or using alcohol or another substance, knowing that he would thereafter operate the motor vehicle, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.

2. The provisions of NRS 42.005 do not apply to any cause of action brought pursuant to this section.”

Amend sec. 7, page 11, by deleting line 35 and inserting: “488.420 ~~[-]~~ *or section 14 or 48 of this act.*”.

Amend the bill as a whole by adding new sections designated sections 66 through 84, following sec. 7, to read as follows:

“Sec. 66. NRS 62A.220 is hereby amended to read as follows:

62A.220 “Minor traffic offense” means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapter 484 or 706 of NRS that causes the death of a person;

2. A violation of NRS 484.379 ~~[-]~~ *or section 14 of this act*; or

3. A violation declared to be a felony.

Sec. 67. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. The evaluation of the child must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. The evaluation of the child may be conducted at an evaluation center.

4. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

5. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

6. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 *or section 14 or 48 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

7. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Human Resources. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

8. All information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

- (a) The juvenile court;
- (b) The child;
- (c) The attorney for the child, if any;
- (d) The parents or guardian of the child;
- (e) The district attorney; and
- (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

9. A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 *or section 14 of this act* must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 68. NRS 62E.640 is hereby amended to read as follows:

62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484.379 or 484.3795 ~~+~~ *or section 14 of this act*, the juvenile court shall, if the child possesses a driver's license:

- (a) Issue an order revoking the driver's license of the child for 90 days and requiring the child to surrender his driver's license to the juvenile court; and
- (b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.

2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484.379 or 484.3795 ~~+~~ *or section 14 of this act*, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.

4. The juvenile court may authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

Sec. 69. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the

State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to *a violation of section 14 of this act* or a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or mentally ill person pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 70. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379 ~~and 484.375,~~ or 484.3795 or *section 14 of this act*, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 71. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for one or more specific firearms to any person who is qualified to possess each firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with each firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a

controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379 ~~or~~ *or section 14 of this act*; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be

witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each firearm to which the application pertains;

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed \$60.

Sec. 72. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current

or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379 or 484.3795 ~~or~~ *or section 14 of this act*;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 73. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned pursuant to paragraph (c) of subsection 1 of NRS 484.3792 or NRS 484.3795 ~~or~~ *or paragraph (c) or (d) of subsection 1 of section 15 of this act*. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 74. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792 and 484.3795, *and section 15 of this act*, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has been convicted of a sexual offense;

(e) Has committed an act of serious violence during the previous year; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 75. NRS 217.070 is hereby amended to read as follows:

217.070 “Victim” means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484.379 *or section 14 of this act* or any act or neglect of duty punishable pursuant to NRS 484.3795;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484.219; or

6. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1).

The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 76. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484.379 *or section 14 of this act* or the use of the vehicle was punishable pursuant to NRS 484.3795;

(b) Was not a citizen of the United States or was not lawfully entitled to reside in the United States at the time the incident upon which the claim is based occurred or he is unable to provide proof that he was a citizen of the United States or was lawfully entitled to reside in the United States at that time;

(c) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim’s injuries;

(d) Was injured or killed while serving a sentence of imprisonment in a prison or jail;

(e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

(f) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an

offender who violated NRS 484.379 *or section 14 of this act* or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

- (a) The value of the victim's dwelling;
- (b) The value of one motor vehicle owned by the victim; or
- (c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 77. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may he establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 493.130 ~~or~~ *or section 14 or 48 of this act*.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing drug paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or drug paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he knows does not lawfully hold a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Department or its designee pursuant to NRS 453A.220 or 453A.250.

2. In addition to any other penalty provided by law, if the Department determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Department or Division to carry out the provisions of this chapter, the Department may, at its own discretion, prohibit

the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 78. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or~~ *or section 14 or 48 of this act*; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 79. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that he is unable to exercise care for his health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if he were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, he must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his health and safety until he is no longer under the influence of alcohol. He may not be required against his will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or

other appropriate medical facility if his condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which he is delivered; and

(b) Communicated at the earliest practical time to his family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or section 14 or 48 of this act~~; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 80. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is a crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS or the crime is an act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379 or 484.3795 ~~or section 14 of this act~~;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 81. NRS 629.065 is hereby amended to read as follows:

629.065 1. Each provider of health care shall, upon request, make available to a law enforcement agent or district attorney the health care records of a patient which relate to a test of his blood, breath or urine if:

(a) The patient is suspected of having violated NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 ~~or~~ *or section 14 or 48 of this act*; and

(b) The records would aid in the related investigation.

To the extent possible, the provider of health care shall limit the inspection to the portions of the records which pertain to the presence of alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood, breath or urine of the patient.

2. The records must be made available at a place within the depository convenient for physical inspection. Inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each law enforcement agent or district attorney described in subsection 1 who requests the copy and pays the costs of reproducing the copy.

3. Records made available pursuant to this section may be presented as evidence during a related administrative or criminal proceeding against the patient.

4. A provider of health care and his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

5. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Sec. 82. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of or entered a plea of guilty or nolo contendere to a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379 or 484.3795 *or section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 83. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(c) A violation of NRS 484.379 or 484.3795 or *section 14 of this act* or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 84. 1. This section and sections 16 to 21, inclusive, and 46 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, 8 to 15, inclusive, 22 to 45, inclusive, 47 to 50, inclusive, and 52 to 83, inclusive, of this act become effective on October 1, 2005.

3. Sections 16 to 21, inclusive, and 46 of this act expire by limitation on June 10, 2007.

4. Sections 6 and 50 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

5. Sections 7 and 51 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.”.

Amend the title of the bill to read as follows:

“AN ACT relating to crimes; establishing the crime of driving under the extreme influence of alcohol for a person who drives a motor vehicle or operates a vessel with a concentration of alcohol of 0.18 or more in his blood or breath; revising the provisions governing when one offense involving the use of intoxicating liquor and controlled substances occurs within 7 years of another offense; requiring the Department of Transportation to establish by regulation a pilot program pursuant to which a county, city or other local government may acquire and use an automated enforcement system to gather evidence to be used for citations for moving traffic violations; making admissible in certain criminal proceedings the results of blood tests administered by phlebotomists or persons with special knowledge, skill, training and education in withdrawing blood in a medically acceptable manner; making mandatory the use of ignition interlock devices by persons convicted of certain offenses; limiting the admissibility of certain affidavits or declarations in certain criminal proceedings; providing that a person may not petition the court for sealing the records relating to a conviction of

driving under the extreme influence of alcohol; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning offenses involving use of intoxicating liquor and controlled substances and establishes pilot program involving use of automated systems for enforcement of traffic laws. (BDR 43-832)”.

Assemblyman Anderson moved that the Assembly do not concur in the Senate Amendment No. 1063 to Assembly Bill No. 550.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

The following Senate amendment was read:

Amendment No. 848.

Amend section 1, pages 2 and 3, by deleting lines 3 through 42 on page 2 and lines 1 through 8 on page 3, and inserting:

“1. An agency which provides child welfare services shall ensure that each child it places in a foster home is able to:

(a) Attend and participate in a court hearing which affects the child, to the extent authorized by law;

(b) Be informed of any plan adopted for his permanent placement pursuant to NRS 432B.553 and of any changes made to the plan, if the child is over 12 years of age;

(c) Receive information concerning his placement and be informed of any changes concerning his placement; and

(d) Have fair and equal access to services, placement and care.

2. Each provider of foster care shall provide wise care and management for each child placed in his care, including, without limitation, the provision of:

(a) A safe, healthy and comfortable environment;

(b) Respectful treatment;

(c) Freedom from:

(1) Abuse or neglect, as defined in NRS 432B.020;

(2) Corporal punishment, as defined in NRS 388.5225; and

(3) Being locked in any room, building or premises of the foster home;

(d) An education as required by law;

(e) Adequate and healthy food and adequate clothing; and

(f) Medical care, including dental, vision and mental health services, paid for with money of the State of Nevada, the Federal Government or a local government.

3. Except as otherwise prohibited by a court order, each provider of foster care shall provide an opportunity for each child placed in his care to:

(a) *Contact a family member, social worker, attorney, advocate for children receiving foster care services, counsel or guardian ad litem appointed by a court and probation officer;*

(b) *Contact and visit his siblings;*

(c) *Confidentially contact and communicate with an agency which provides child welfare services concerning his care;*

(d) *Attend religious services of his choice;*

(e) *Maintain a bank account and manage personal income, consistent with the age and developmental level of the child, unless otherwise prohibited by an agency which provides child welfare services;*

(f) *Participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child;*

(g) *Work and develop job skills, to the extent authorized by law; and*

(h) *Attend a class or program concerning independent living for which he is qualified that is offered by an agency which provides child welfare services, the State of Nevada or any contractor or agent of the agency which provides child welfare services or of the State of Nevada.*

The opportunities set forth in this subsection are subject to reasonable restrictions by the provider of foster care as to the time, place and manner in which they are provided.”.

Amend section 1, page 3, line 9, by deleting “2.” and inserting “4.”.

Amend the title of the bill, second line, by deleting “rights for” and inserting: “guidelines and requirements for the provision of care, management, treatment, services and opportunities by agencies which provide child welfare services and providers of foster care to”.

Amend the summary of the bill to read as follows:

“SUMMARY—Establishes certain guidelines and requirements for provision of care, management, treatment, services and opportunities to children who are placed in foster homes. (BDR 38-672)”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 43.

Remarks by Assemblywoman Leslie.

Motion carried.

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 12:35 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 380.

The following Senate amendment was read:

Amendment No. 895.

Amend sec. 4, page 2, by deleting lines 5 and 6 and inserting:

“(b) The following representatives, selected by the elected representatives of the district board of health selected pursuant to paragraph (a), who shall represent the health district at large and who must be selected based on their qualifications without regard to the location within the health district of their residence or their place of employment.”.

Amend sec. 4, page 2, line 8, by deleting “State;” and inserting: “State, one of whom is selected on the basis of his education, training, experience or demonstrated abilities in the provision of health care services to members of minority groups and other medically underserved populations;”.

Amend sec. 4, page 2, line 13, after “of” by inserting: “an association that represents”.

Amend sec. 4, page 2, lines 19 and 20, by deleting: “from their appointing authorities”.

Amend sec. 7, page 3, by deleting lines 11 through 17 and inserting:

“2. The board of county commissioners shall annually allocate for the support of the health district an amount that does not exceed an amount calculated by multiplying the assessed valuation of all taxable property in the county by the rate of 3.5 cents on each \$100 of assessed valuation. The amount allocated pursuant to this subsection must be transferred from the county general fund to the health district fund created by the board of county commissioners pursuant to section 6 of this act.”.

Amend sec. 8, page 3, by deleting lines 24 through 29 and inserting:

“(b) Have at least the following additional education and experience:

(1) A master’s degree in public health, health care administration, public administration, business administration or a related field; and

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

Amend sec. 9, page 4, line 7, by deleting “and”.

Amend sec. 9, page 4, line 9, by deleting “district.” and inserting “district; and”.

Amend sec. 9, page 4, between lines 9 and 10, by inserting:

“(e) Improve the quality of health care services for members of minority groups and medically underserved populations.”.

Amend the title of the bill, fourth line, by deleting: “levy certain taxes” and inserting “allocate funding”.

Assemblywoman Leslie moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 380.

Remarks by Assemblywoman Leslie.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 951.

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 sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. *The Department may adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card issued by the Department.*

2. *Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license or identification card to conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.*

3. *The Department and its employees or representatives are not liable in a civil action or subject to prosecution in a criminal proceeding as a result of a symbol or other indicator of a medical condition being imprinted on or for the failure to imprint a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

4. *A hospital, physician, local health officer, technician or other person is not liable in a civil action or subject to prosecution in a criminal proceeding for any act taken in good faith with regard to a symbol or other indicator of a medical condition imprinted on a driver's license or identification card pursuant to regulations adopted pursuant to this section.*

5. *The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section."*

Amend sec. 4, page 3, line 25, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 10 and 11 and adding new sections designated sections 6 through 9, following sec. 4, to read as follows:

"Sec. 6. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~[-]~~; and

(d) *If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.*

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of

those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 7. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

A license issued to a person 65 years of age or older	\$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	40
Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	65
A new photograph, change of name, change of other information, except address, or any combination	5
A duplicate license	14

2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. The increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.383 and 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

- (a) Voluntarily surrendered for medical reasons; or
- (b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in NRS 483.340, 483.415 and 483.840, *or subsection 5 of section 4 of this act*, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 8. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

- (a) The name and sample signature of the holder.
- (b) A unique identification number assigned to the holder that is not based on the holder's social security number.
- (c) A personal description of the holder.
- (d) The date of birth of the holder.
- (e) The current address of the holder in this State.
- (f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150; ~~and~~

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization ~~[-]~~; and

(d) *If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant section 4 of this act, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.*

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to The Living Bank International, or its successor organization, information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

8. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 9. NRS 485.317 is hereby amended to read as follows:

485.317 1. Subject to the limitations set forth in this subsection and subsection 2, the Department shall, at least monthly, compare the current

registrations of motor vehicles to the information in the database created pursuant to NRS 485.313 to verify that each motor vehicle:

- (a) Which is newly registered in this State; or
- (b) For which a policy of liability insurance has been issued, amended or terminated,

is covered by a policy of liability insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the Department may, if the motor vehicle was manufactured during or after 1981, use only the last eight digits of the vehicle identification number. In comparing the vehicle identification number of a motor vehicle to the vehicle identification number in a policy of liability insurance, to determine if the two vehicle identification numbers match, the Department may find that the two vehicle identification numbers match if no fewer than seven of the last eight digits of the two vehicle identification numbers match.

2. Except as otherwise provided in this subsection, the Department may use any information to verify, pursuant to subsection 1, whether the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the Department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date on which the form was mailed by the Department. If the Department does not receive the completed form within 20 days after it mailed the form to the owner, the Department shall send to the owner a ~~{second form for verification}~~ *notice of suspension of registration* by certified mail. The ~~{owner shall complete the form and return it}~~ *notice must inform the owner that unless he submits a completed form to the Department within 15 days after the date on which ~~it~~ the notice was sent by the Department ~~it~~ his registration will be suspended pursuant to subsection 5.* This subsection does not prohibit an authorized agent of the owner from providing to the Department:

(a) The information requested by the Department pursuant to this subsection.

(b) Additional information to amend or correct information already submitted to the Department pursuant to this subsection.

4. When the Department receives a completed form for verification, it shall verify the information on the form.

5. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which ~~the~~

~~(a) Neither of the forms} the form~~ for verification set forth in subsection 3 is :

(a) *Not* returned to the Department by the registered owner or his authorized agent within the period specified in that subsection;

(b) ~~{Either of the forms for verification set forth in subsection 3 is returned}~~ *Returned* to the Department by the registered owner or his authorized agent and the Department is not able to verify the information on the form; or

(c) ~~{Either of the forms for verification set forth in subsection 3 is returned}~~ *Returned* by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.

6. If the Department suspends a registration pursuant to subsection 5 because:

(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:

(1) Proves to the satisfaction of the Department that there was a justifiable cause for his failure to do so;

(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, “justifiable cause” may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.

7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current

insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

The Department shall adopt regulations to carry out the provisions of this subsection.

10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days.”.

Amend sec. 5, page 4, line 1, by deleting “*system.*” and inserting: “*system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*”.

Amend sec. 6, page 4, line 25, by deleting “*system.*” and inserting: “*system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*”.

Amend the bill as a whole by adding a new section, designated sec. 12, following sec. 6, to read as follows:

“Sec. 12. 1. This section and sections 1, 2, 3, 5, 9, 10 and 11 of this act become effective on October 1, 2005.

2. Sections 4, 6, 7 and 8 of this act become effective on July 1, 2006.”.

Amend the title of the bill, third line, after “license;” by inserting: “authorizing the Department of Motor Vehicles to establish a program to imprint certain indicators of a medical condition on a driver’s license or

identification card; requiring the Department to send a notice of suspension of registration to certain owners of motor vehicles;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises certain provisions relating to motor vehicles. (BDR 43-566)”.

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ocegüera moved that the Assembly do not recede from its action on Senate Bill No. 290, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ocegüera.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Atkinson, and Goicoechea as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 290.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 195.

The following Senate amendment was read:

Amendment No. 926.

Amend sec. 3, page 4, by deleting lines 36 through 38 and inserting: “*Federal Food and Drug Administration*;”.

Assemblywoman Buckley moved that the Assembly concur in the Senate Amendment No. 926 to Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried.

The following Senate amendment was read:

Amendment No. 1094.

Amend sec. 9, page 8, line 40, by deleting: “July 1, 2005.” and inserting: “the date on which the State of Nevada receives any waiver or other form of approval from the Federal Government that is necessary to operate the Internet website.”.

Assemblywoman Buckley moved that the Assembly do not concur in the Senate Amendment No. 1094 to Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

The following Senate amendment was read:

Amendment No. 1049.

Amend the bill as a whole by deleting sections 1 through 17, renumbering sec. 18 as sec. 25, and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

“Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:*

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

(b) Notwithstanding the provisions of chapter 333 of NRS, select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. *The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:*

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

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

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

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

5. *If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesman when offering such a property for lease.*

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125 , ~~[and]~~ 321.510, 322.063, 322.065 or 322.075, except as otherwise require by federal law and except for an agreement entered into pursuant to the

provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold ~~[:] or leased~~, he may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold ~~at public auction or~~ or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale ~~[:] or lease~~, at a price not less than ~~their~~ the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale ~~[:] or lease~~.

3. Before offering any land for sale ~~[:] or lease~~, the State Land Registrar shall cause it to be appraised by ~~a competent appraiser~~ competent appraisers selected pursuant to section 1 of this act.

4. After receipt of the report of the ~~appraiser~~ appraisers, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold ~~[:] or leased~~;
- (b) A statement of the terms of sale ~~[:] or lease~~;
- (c) A statement ~~[of whether]~~ that the land will be sold ~~at public auction or upon sealed bids to the highest bidder~~;
- ~~(d) If the sale is to be at public auction, the time and place of sale; and~~
- ~~(e) If the sale is to be upon sealed bids, the~~ pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened ~~[:] and oral offers submitted pursuant to subsection 6 will be accepted~~.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any

responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or *oral* offer to purchase or lease submitted pursuant to subsection 6, if he deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

[7-] 8. Upon acceptance of any bid or *oral* offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

[8-] 9. *Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.*

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. *If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of section 1 of this act before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.*

Sec. 3. NRS 322.060 is hereby amended to read as follows:

322.060 ~~[Leases]~~ *Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not*

made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 4. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.284, 244.287, 244.290 and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:*

(a) Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. *The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:*

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

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

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

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

Sec. 6. 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

- (a) Without first offering the real property to the public; and
- (b) For less than fair market value of the real property.

2. Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:

(a) Obtain an appraisal of the real property pursuant to section 4 of this act; and

(b) Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:

- (1) Without offering the real property to the public; and
- (2) For less than fair market value of the real property.

3. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the county;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the county;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

to create and retain opportunities of employment for the residents of the county.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 7. NRS 244.281 is hereby amended to read as follows:

244.281 Except as otherwise provided in this section and section 5 of this act and NRS 244.189, 244.276, 244.279, 244.2825 ~~and 244.288~~, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, and except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election or special election:

1. When a board of county commissioners has determined by resolution that the sale or ~~[exchange]~~ *lease* of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(a) Sell the property ~~[at public auction,]~~ in the manner prescribed for the sale of real property in NRS 244.282.

(b) ~~{Sell the property through a licensed real estate broker, or if there is no real estate broker resident of the county, the board of county commissioners may negotiate the sale of the property. No exclusive listing may be given. In all listings, the board of county commissioners shall specify the minimum price, the terms of sale and the commission to be allowed, which must not exceed the normal commissions prevailing in the community at the time.~~

~~(c) Exchange the property for other real property of substantially equal value, or for other real property plus an amount of money equal to the difference in value, if it has also determined by resolution that the acquisition of the other real property will be in the best interest of the county.] Lease the property in the manner prescribed for the lease of real property in NRS 244.283.~~

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

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

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

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

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

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

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

3. ~~[In addition to the requirements set forth in paragraph (b) of subsection 2, in case of:~~

~~(a) A sale, the notice must state the name of the licensed real estate broker handling the sale and invite interested persons to negotiate with him.~~

~~(b) An exchange, the notice must call for offers of cash or exchange. The commission shall accept the highest and best offer.~~

4.] If the board of county commissioners by its resolution further finds that the property to be sold *or leased* is worth more than \$1,000, the board shall appoint ~~[one]~~ two or more disinterested, competent real estate appraisers *pursuant to section 4 of this act* to appraise the property [.] and, except for property acquired pursuant to NRS 371.047, shall not sell or ~~[exchange]~~ lease it for less than the *highest* appraised value.

~~[5.]~~ 4. If the property is appraised at \$1,000 or more, the board of county commissioners may ~~[sell it]~~ :

(a) *Lease the property; or*

(b) *Sell the property* either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

5. *A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:*

(a) *A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that:*

(1) *The real property is a:*

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

(II) *Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or*

(III) *Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease; and*

(2) *The sale will be in the best interest of the county.*

(b) *Another governmental entity if:*

(1) *The sale or lease restricts the use of the real property to a public use; and*

(2) *The board adopts a resolution finding that the sale or lease will be in the best interest of the county.*

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

7. *If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of section 4 of*

this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

8. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 8. NRS 244.290 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

~~4.] by the board.~~

2. If the board ~~[, after the hearing,]~~ determines that maintenance of the property ~~[by the county solely or with a co-owner]~~ is unnecessarily burdensome *to the county* or that reconveyance would be ~~[otherwise advantageous to]~~ *in the best interest of the county* and its ~~[citizens,]~~ *residents*, the board ~~[shall]~~ *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman *or an authorized representative* of the board shall ~~[execute a deed]~~ *issue a written offer of reconveyance* ~~[on behalf of the county and the county clerk shall attest the deed under the seal of the county.]~~

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

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

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

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

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

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

Sec. 9. NRS 266.265 is hereby amended to read as follows:

266.265 1. The city council may:

(a) Control the property of the city.

(b) Erect and maintain all buildings, structures and other improvements for the use of the city.

(c) ~~[Purchase,]~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries, improve and protect such property, and do all other things in relation thereto which natural persons might do.*

2. Except as otherwise provided by law, the city council may not mortgage, hypothecate or pledge any property of the city for any purpose.

Sec. 10. NRS 266.267 is hereby amended to read as follows:

266.267 1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale ~~[or exchange]~~ of real property until after the property has been appraised ~~[by one disinterested appraiser employed by the city.]~~ *pursuant to*

section 12 of this act. Except as otherwise provided in this section and paragraph (a) of subsection 1 of NRS 268.050 [~~a lease, sale or exchange~~] :

(a) *The sale or lease of real property must be made in the manner required pursuant to sections 12, 13 and 14 of this act; and*

(b) *A lease or sale must be made at or above the [current] highest appraised value of the real property as determined [by the appraiser unless the city council, in a public hearing held before the adoption of the resolution to lease, sell or exchange the property, determines by affirmative vote of not fewer than two-thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.] pursuant to the appraisal conducted pursuant to section 12 of this act.*

2. The city council may sell [~~lease or exchange~~] or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 11. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 15, inclusive, of this act.

Sec. 12. 1. *Except as otherwise provided in NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:*

(a) *Obtain two independent and confidential appraisals of the real property before selling or leasing it. The appraisals must be based on the zoning of the real property as set forth in the master plan for the city and have been prepared not more than 6 months before the date on which real property is offered for sale or lease.*

(b) *Select the two independent appraisers from the list of appraisers established pursuant to subsection 2.*

(c) *Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.*

2. *The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:*

(a) *Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and*

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

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

4. *An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the real property or an adjoining property.*

Sec. 13. *Except as otherwise provided in this section and section 15 of this act, NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise provided by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, primary or general city election or special election:*

1. *If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in section 14 of this act.*

2. *Before the governing body may sell or lease any real property as provided in subsection 1, it shall:*

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

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

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

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

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

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

3. *If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the board shall conduct an appraisal pursuant to section 12 of this act to determine the value of the real*

property and, except for real property acquired pursuant to NRS 371.047, shall not sell or lease it for less than the highest appraised value.

4. If the real property is appraised at \$1,000 or more, the governing body may:

- (a) Lease the real property; or
- (b) Sell the real property for:

- (1) Cash; or

- (2) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

5. A governing body may sell or lease any real property owned by the city without complying with the provisions of sections 12, 13 and 14 of this act to:

- (a) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that:

- (1) The real property is a:

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

- (II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

- (III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; and

- (2) The sale or lease will be in the best interest of the city.

- (b) Another governmental entity if:

- (1) The sale or lease restricts the use of the real property to a public use; and

- (2) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

6. A governing body that disposes of real property pursuant to subsection 5 is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

7. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of section 12 of this act before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the

second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

Sec. 14. 1. Except as otherwise provided in this section and section 15 of this act and NRS 268.048 to 268.058, inclusive, and 278.479 to 278.4965, inclusive, except as otherwise required by federal law or pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, and except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party or if the sale or lease of real property larger than 1 acre is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and

(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:

(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and

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

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

(2) The minimum price of the real property proposed to be sold or leased at auction; and

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

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

3. At the time and place fixed in the resolution for the meeting of the board, all sealed bids which have been received must, in public session, be

opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chairman to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of his contract which are to be performed concurrently therewith.

Sec. 15. 1. A governing body may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a governing body may sell, lease or otherwise dispose of real property pursuant to this section, the governing body must:

(a) Obtain an appraisal of the property pursuant to section 12 of this act; and

(b) Adopt a resolution finding that it is in the best interests of the public to sell, lease or otherwise dispose of the property:

(1) Without offering the property to the public; and

(2) For less than fair market value of the real property.

3. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the city;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the city;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the city;

(4) *The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or*

(5) *Any combination of the activities described in subparagraphs (1) to (4), inclusive, to create and retain opportunities for employment for the residents of the city.*

(b) *“Redevelopment” has the meaning ascribed to it in NRS 279.408.*

Sec. 16. NRS 268.008 is hereby amended to read as follows:

268.008 An incorporated city may:

1. Have and use a common seal, which it may alter at pleasure.
2. Purchase, receive, hold and use personal and real property wherever situated.
3. ~~[Sell.]~~ *Except as otherwise provided in sections 12, 13 and 14 of this act, sell, convey and dispose of such personal and real property for the common benefit.*
4. Determine what are public uses with respect to powers of eminent domain.
5. Acquire, own and operate a public transit system both within and without the city.
6. Receive bequests, devise, gifts and donations of all kinds of property wherever situated in fee simple, in trust or otherwise, for charitable or other purposes and do anything necessary to carry out the purposes of such bequests, devise, gifts and donations with full power to manage, sell, lease or otherwise dispose of such property in accordance with the terms of such bequest, devise, gift or donation.

Sec. 17. NRS 268.050 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

~~4.] by the governing body.~~

2. If the governing body [~~after the hearing,~~] determines that maintenance of the property [~~by the city solely or with a co-owner~~] is unnecessarily burdensome *to the city* or that reconveyance would be [~~otherwise advantageous to~~] *in the best interest of the city and its* [~~citizens,~~] *residents*, the governing body [~~shall~~] *may* formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall [~~execute a deed~~] *issue a written offer of reconveyance* [~~on behalf of the city and the city clerk shall attest the deed under the seal of the city.~~]

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

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

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

~~(a) Accepts the offer of reconveyance within 45 days after the date of the offer, the governing body shall execute a deed or reconveyance.~~

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

~~(b) The land has been combined with other land owned by the city and improved in such a manner as would reasonably preclude the division of the land, together with the land with which it has been combined, into separate parcels.] , the governing body may sell or lease the real property in accordance with the provisions of the chapter.~~

Sec. 18. NRS 381.006 is hereby amended to read as follows:

381.006 For the property and facilities of the Division, the Administrator:

1. Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

2. Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

3. Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

4. Shall oversee the public relations of its institutions.

5. Shall superintend the planning and development of any new facilities for the Division or its institutions.

6. Shall assist the efforts of its institutions in improving their services to the rural counties.

7. Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

8. Shall trade, exchange and transfer exhibits and equipment when he considers it proper and the transactions are not sales.

9. May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

10. Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

11. Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

Sec. 19. NRS 496.080 is hereby amended to read as follows:

496.080 1. Except as *otherwise provided in subsection 2 or as* may be limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, every municipality may, by sale, lease or otherwise, dispose of any airport, air navigation facility, or other property, or portion thereof or interest therein, acquired pursuant to this chapter.

2. The disposal by sale, lease or otherwise [~~shall be in~~] *must be:*

(a) *Made by public auction; and*

(b) *In accordance with the laws of this State, or provisions of the charter of the municipality, governing the disposition of other property of the municipality, except that in the case of disposal to another municipality or agency of the State or Federal Government for aeronautical purposes incident thereto, the sale, lease or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality, and except as otherwise provided in subsections 3, 4 and 5 of NRS 496.090.*

Sec. 20. NRS 496.090 is hereby amended to read as follows:

496.090 1. In operating an airport or air navigation facility or any other facilities appertaining to the airport owned, leased or controlled by a municipality, the municipality may, except as limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, enter into:

(a) Contracts, leases and other arrangements with any persons:

(1) Granting the privilege of using or improving the airport or air navigation facility, or any portion or facility thereof, or space therein, for commercial purposes. The municipality may, if it determines that an improvement benefits the municipality, reimburse the person granted the privilege for all or any portion of the cost of making the improvement.

(2) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility or other facilities.

(3) Making available services to be furnished by the municipality or its agents or by other persons at the airport or air navigation facility or other facilities.

(4) Providing for the maintenance of the airport or air navigation facility, or any portion or facility thereof, or space therein.

(5) Allowing residential occupancy of property acquired by the municipality.

(b) Contracts for the sale of revenue bonds or other securities whose issuance is authorized by the Local Government Securities Law or NRS 496.150 or 496.155, for delivery within 10 years after the date of the contract.

2. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the municipality.

3. ~~As~~ *Except as otherwise provided in this subsection, and as an alternative to the procedure provided in subsection 2 of NRS 496.080, to the extent of its applicability, the governing body of any municipality may authorize it to enter into any such contracts, leases and other arrangements with any persons, as provided in this section, for a period not exceeding 50 years, upon such terms and conditions as the governing body deems proper. The provisions of this subsection must not be used to circumvent the requirement set forth in subsection 2 of NRS 496.080 that the disposal of real property be made by public auction.*

4. Before entering into any such contract, lease or other arrangements, the municipality shall publish notice of its intention in general terms in a newspaper of general circulation within the municipality at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the municipality, the municipality shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting of the governing

body is to be held, at which meeting any interested person may appear. No such contract, lease or other arrangement may be entered into by the municipality until after the notice has been given and a meeting held as provided in this subsection.

5. Any member of a municipality's governing body may vote on any such contract, lease or other arrangement notwithstanding the fact that the term of the contract, lease or other arrangement may extend beyond his term of office.

Sec. 21. Section 10 of the Airport Authority Act for Battle Mountain, being Chapter 458, Statutes of Nevada 1983, as amended by Chapter 230, Statutes of Nevada 1991, at page 508, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.
2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.
3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.
4. ~~[Sell.]~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property. If the Authority sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*
5. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.
6. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.
7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.
8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.
9. Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the Authority for submission to the Board of County Commissioners of Lander County. The Authority may prepare and adopt for approval by the Board of County Commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the Authority. The zoning plan must be

consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.

10. Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on its airports relating , but not limited to , speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

Sec. 22. Section 9 of the Airport Authority Act for Carson City, being Chapter 844, Statutes of Nevada 1989, at page 2026, is hereby amended to read as follows:

Sec. 9. Board: General powers. The Board may:

1. Acquire real and personal property by gift or devise for the purposes provided in this act.

2. With the approval of the Board of Supervisors:

(a) Acquire real and personal property by purchase or lease for the purposes provided in this act.

(b) ~~[Lease.]~~ *Except as otherwise provided in this paragraph, lease, sell or otherwise dispose of any property. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.*

3. Recommend to the Board of Supervisors any changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

4. Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

5. Provide emergency services for the Authority.

6. Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. Establish fees, rates and other charges for the use of the airport.

10. Regulate vehicular traffic at the airport.

11. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

12. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 23. Section 10 of the Airport Authority Act for Washoe County, being Chapter 474, Statutes of Nevada 1977, as last amended by Chapter 359, Statutes of Nevada 1997, at page 1299, is hereby amended to read as follows:

Sec. 10. Authority: General powers. The Authority may do all things necessary to accomplish the purposes of this act. The Authority has perpetual succession and may, by way of example and not of limitation:

1. Sue and be sued.

2. Plan, establish, acquire, construct, improve and operate one or more airports within Washoe County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. ~~[Sell.]~~ *Except as otherwise provided in this subsection, sell, lease or otherwise dispose of any real property in such manner and upon such terms and conditions as the Board deems proper and in the best interests of the Authority. If the Authority sells real property, the Authority must obtain an appraisal of the property and the sale must be made by public auction unless the Authority:*

(a) Sells the property at its fair market value; or

(b) If the Authority will sell the property at less than its fair market value, the Board adopts a written finding by a majority of the entire Board as to the difference between the price at which the property will be sold and the fair market value of the property.

5. Acquire real property or any interest therein in areas most affected by the noise of aircraft for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Washoe County and the cities of Reno and Sparks to acquire, by lease, gift, purchase or otherwise, any airport of such county or municipality and to operate that airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a city of private property for public use to take any property necessary to the exercise of the powers granted, within Washoe County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. Study and recommend to the Board of County Commissioners of Washoe County and the city councils of the cities of Reno and Sparks zoning changes in the area of any airport operated by the Authority with respect to noise, height and aviation obstructions in order to enable the Authority to meet the requirements of any regulations of the Federal Aviation Administration.

10. Control its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Washoe County or the cities of Reno and Sparks, with the consent of the respective county or municipality, and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the Authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The Authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service. A person employed by the Authority to provide police service to the Authority has the powers and must have the training required of a law enforcement officer pursuant to Part 107 of Title 14 of the Code of Federal Regulations, as those provisions existed on January 1, 1997. A person employed by the Authority to provide police service shall be deemed to be a peace officer for the purposes of determining retirement benefits under the Public Employees' Retirement System.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of those carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the Authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on the public areas of its airports relating to , but not limited to , speed restrictions, turning movements and other moving violations. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.

18. Adopt regulations governing parking, loading zones and ground transportation operations on its airports and governing traffic on restricted areas of its airports. The Authority may establish a system of:

(a) Administrative procedures for review of alleged violations of such regulations; and

(b) Remedies for violations of such regulations, including the imposition of administrative fines to be imposed upon and collected from persons violating such regulations.

Sec. 24. On or before February 1, 2007, the State Land Registrar, the board of county commissioners of each county, the governing body of each incorporated city, the Airport Authority of Battle Mountain, the Airport Authority of Carson City and the Airport Authority of Washoe County shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 74th Session of the Nevada Legislature a written report on the sales or leases of property owned by the respective entity during the period beginning October 1, 2005, and ending December 31, 2006.”.

Amend the title of the bill, third line, by deleting “auction;” and inserting: “auction or upon sealed bids followed by oral offers;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires certain governmental entities to conduct certain sales and other disposals of certain public lands and real property by public auction or upon sealed bids followed by oral offers. (BDR 26-1089)”.

Assemblywoman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 312.

Remarks by Assemblywoman Giunchigliani.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Gerhardt, Carpenter, and Anderson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 465.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 173, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Ohrenschall, Allen, and Gerhardt as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 173.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Women and members of certain minority groups should be encouraged to obtain the skills and experience necessary to work in the construction industry through employment, apprenticeship programs and training related to the construction industry.

2. The construction industry should take active steps to encourage women and members of certain minority groups to obtain the training and experience necessary to succeed in the construction industry.

3. Upon receiving the training and experience required to succeed in the construction industry, both women and members of certain minority groups and the construction industry will mutually benefit from the greater inclusion of women and members of these groups in the construction industry.

Sec. 2. The Director of the Legislative Counsel Bureau shall prepare and transmit a copy of this act to:

1. The various chambers of commerce, high school vocation programs, community colleges and trade schools in this State;

2. The Association of General Contractors, the Associated Builders and Contractors and any other similar organization representing the construction industry; and

3. Any labor organization which represents workers in the construction industry and any other similar organization representing workers in the construction industry.”.

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The men and women who work in the construction industry play a significant role in the growth of the economy of this State; and

WHEREAS, The construction industry in this State is rapidly growing, and the career opportunities for the men and women who work in the construction industry are abundant; and

WHEREAS, Due to the rapid growth of the construction industry in this State, the men and women who work in the construction industry are paid wages that exceed the average wage in this State and have access to other excellent employment benefits; and

WHEREAS, Women and members of certain minority groups are underrepresented in the construction industry as compared to their representation in the population of this State; and

WHEREAS, These women and members of certain minority groups should have access to the excellent wages, benefits and career opportunities available to a person working in the construction industry; and

WHEREAS, The construction industry will greatly benefit from the influx of trained women and members of certain minority groups into the construction industry; now, therefore,”

Amend the title of the bill to read as follows:

“AN ACT relating to employment; encouraging the construction industry and women and members of certain minority groups to take active steps to include women and members of those groups in the construction industry; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)”

Assemblyman Parks moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Parks.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 461 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 570—AN ACT relating to taxation; preventing the issuance of additional allodial titles; eliminating the authority for an heir to transfer and reestablish an allodial title; eliminating the authority to delete or add additional allodial titleholders; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 571—AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 461.

Bill read third time.

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

Amendment No. 1116.

Amend section 1, page 1, lines 5 and 12, by deleting "teachers" and inserting "licensed personnel".

Amend section 1, page 2, lines 3 and 6, by deleting "teachers" and inserting "licensed employees".

Amend section 1, page 2, line 11, after "(3)" by inserting: "A program for the mentoring of teachers that provides for the payment of increased compensation for mentor teachers and that includes criteria for the selection of mentor teachers and teachers who will be mentored.

(4)".

Amend section 1, page 2, line 12, by deleting "teachers" and inserting "licensed employees".

Amend section 1, page 2, by deleting line 14 and inserting: "and to retain licensed employees who teach in at-risk schools.

(5) The payment of signing bonuses and other financial incentives for licensed employees who:

(I) Are newly hired by the school district and have been employed by the school district for at least 30 days; and

(II) Have not been previously employed by a school district in this State.

(6) The payment of bonuses to licensed employees based upon the attainment of specified standards of achievement by pupils.

(7) Notwithstanding the provisions of NRS 391.165 to the contrary, the payment to licensed employees of the cost of purchasing service pursuant to subsection 2 of NRS 286.300 or the payment of equivalent financial incentives. If a school district makes payments pursuant to this subparagraph,

it shall be deemed to have complied with NRS 391.165 on behalf of each employee who is otherwise eligible for the purchase of service pursuant to that section for each year of the 2005-2007 biennium that the school district makes payments pursuant to this subparagraph.”.

Amend section 1, page 2, line 17, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, line 25, by deleting “teachers” and inserting “licensed employees”.

Amend section 1, page 2, between lines 27 and 28, by inserting:

“4. The Department of Education shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1, 2005, and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

5. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining qualified licensed personnel. On or before February 1, 2007, the board of trustees shall submit a report of its evaluation and any recommendations to the:

(a) State Board of Education.

(b) Department of Education.

(c) Legislative Committee on Education.

(d) Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

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

“Sec. 3. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of developing a formula defining at-risk schools and on July 1, 2005, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2005.”.

Amend the title of the bill, fifth line, by deleting “teachers;” and inserting “licensed personnel;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation to Department of Education for programs of performance pay and enhanced compensation for recruitment, retention and mentoring of licensed personnel. (BDR S-1391)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly recede from its action on Senate Bill No. 226.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Allen, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Theile and Alec Theile.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Krysten Bartshe.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Gladis Diaz, Miguel Akiu, Estefan Arellano-Valdivia, Kyle Barnes, Lucas Bryant, Angelina Carrasco, Nasaria Cortez, Daniel De La Cruz, Jacob Dykman, Cristian Garcia Garcia, Rolando Gonzalez, Robert Johnson, Christian Maine-Niiranen, Briana Moore, Nicole Osborne, Brittany Perwein Higley, Roxanne Saxen-Vazquez, Gabriel Serafin Gonzalez, Elda Serrano, Nelson Stoelo Bonilla, Jacqueline Stille, Tiffany Syfers, Abraham Taberes Villalpando, Elias Teschera, Florence Vazquez-Vela, Samson Walsh, Jena Zimmerman, Kathy Lawrence, Leidy Cecilia Chavez, Ana-Sylvia Contreras, Edy Cortes, Andrea Cortez, Eduardo Cuevas, Dawson Dargay, Kendra Davis, Adrian Drummond, Jorge Duran, Dallas Geiger, Christina Gunyah, Charles Hayes, William Hogueison, Rachel Noland, Isaura Ortiz, Joseph Pelletier, Tyler Quinones, Megan Reed, Melissa Schroeder, Nicole Seward, Omar Valdez, Samantha Vest, Andrea Weakland, Taya Webb, Tiffany Wegley, William Protz, Thomas Acosta, Miranda Barton, Sandra Brauer, Edgar Cano, Cierra Clark, Caryssa Cook, Alexandria Dixon, Michael Dusten, Bryam Escobar Castellon, Samuel Gutierrez, Rachel Hobbs, Christopher Johnson, Kaitlyn Kersey, Toby Martinez, Joshua McKinney, David Miller, Joseph Morales, Eric Nitsch, Jessica Pfennig, Dalton Rahn, Harleyrose Stephenson,

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Julio Valdivia, Ingrid Vargas Medina, Ricoardo Velazquez, Andrea Ward,
and Jordan Zito.

Assemblyman Ocegüera moved that the Assembly adjourn until
Wednesday, June 1, 2005, at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:59 p.m.

Approved:

RICHARD D. PERKINS
Speaker of the Assembly

Attest: NANCY S. TRIBBLE
Chief Clerk of the Assembly