

**THE ONE-HUNDRED AND EIGHTEENTH DAY**

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CARSON CITY (Saturday), June 4, 2005

Assembly called to order at 10:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Terry Sullivan.

Let us pray. Well, Lord, since “Cowboy Hall of Fame” day is over, it would be only proper to ask You for a blessing for all the cowboys in the world and all their horses and their cow dogs and certainly their family and friends. And I believe, Lord, that You know that in our hearts we’re all cowboys here. And You also know that in this case the word cowboy is gender neutral. And I want to especially ask for You, Lord, to forgive those makers of the Third House, for as they say, “They know not what they do.”

Please make these final few days as short and pleasant as possible and for sure, give us the ability to continue to think clearly as we have in the past. We ask for these blessings and other matters in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

**REPORTS OF COMMITTEES**

*Mr. Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ELLEN KOIVISTO, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 462, 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, June 3, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 464, 570, 571.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 338, Amendments Nos. 1135, 1120, 1147; Assembly Bill No. 560, Amendment No. 1174, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 274, 400.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 793 to Senate Bill No. 118; Assembly Amendment No. 1097 to Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Lee and Townsend as a first Conference Committee concerning Senate Bill No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Heck, Hardy and Schneider as a first Conference Committee concerning Senate Bill No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Amodei and Carlton as a first Conference Committee concerning Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Hardy and Townsend as a first Conference Committee concerning Senate Bill No. 80.

Also, I have the honor to inform your honorable body that the Senate rescinded its appointment of Senator Heck as a member of the First Conference Committee concerning Assembly Bill No. 87 and appointed Senator Hardy as a member of the First Conference Committee concerning Assembly Bill No. 87.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Hardy and Lee as a first Conference Committee concerning Senate Bill No. 163.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Tiffany and Heck as a first Conference Committee concerning Senate Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Beers, Titus and Cegavske as a first Conference Committee concerning Senate Bill No. 224.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, Horsford and Washington as a first Conference Committee concerning Senate Bill No. 296.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Tiffany and Care as a first Conference Committee concerning Senate Bill No. 302.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Lee and Carlton as a first Conference Committee concerning Senate Bill No. 325.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Townsend and Heck as a first Conference Committee concerning Senate Bill No. 333.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Carlton, Heck and Townsend as a first Conference Committee concerning Senate Bill No. 335.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Beers, Cegavske and Wiener as a first Conference Committee concerning Senate Bill No. 386.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Tiffany, Rhoads and Lee as a first Conference Committee concerning Senate Bill No. 394.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hardy, Tiffany and Care as a first Conference Committee concerning Senate Bill No. 426.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Hardy and Townsend as a first Conference Committee concerning Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, McGinness and Care as a first Conference Committee concerning Senate Bill No. 453.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Amodei and Care as a first Conference Committee concerning Senate Bill No. 457.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 274.

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

Motion carried.

Senate Bill No. 400.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 391.

Bill read third time.

Roll call on Senate Bill No. 391:

YEAS—42.

NAYS—None.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

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

Amendment No. 1171.

Amend the bill as a whole by adding a new section designated sec. 185.9, following sec. 185.8, to read as follows:

“Sec. 185.9. NRS 439.150 is hereby amended to read as follows:

439.150 1. The State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters, relating to the preservation of the health and lives of citizens of this State and over the work of the State Health Officer and all district, county and city health departments, boards of health and health officers.

2. The Department of Human Resources is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of Public Health. It may receive and expend all money made available to the Health Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS ~~[458.025 and]~~ 576.128, the State Board of Health may set reasonable fees for the:

- (a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Health Division;
- (b) Programs and services of the Health Division;
- (c) Review of plans; and
- (d) Certification and licensing of personnel.

Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Health Division by the Legislature.”.

Amend sec. 188, page 71, line 29, by deleting “*classified*” and inserting “*unclassified*”.

Amend the bill as a whole by renumbering sections 189 through 191 as sections 208 through 210 and adding new sections designated sections 189 through 207, following sec. 188.5, to read as follows:

“Sec. 189. NRS 449.00455 is hereby amended to read as follows:

449.00455 “Facility for the treatment of abuse of alcohol or drugs” means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the ~~[Health]~~ Division of *Mental Health and Developmental Services of the Department of Human Resources* pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 190. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

- 1. “Administrator” means the Administrator of the ~~[Health]~~ Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. [~~“Board” means the State Board of Health.~~

6.] “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

[7.] 6. “Detoxification technician” means a person who is certified by the [~~Health~~] Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

8. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

[9.—~~“Health Division” means the Health Division of the Department of Human Resources.~~]

Sec. 191. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. “Administrator” means the Administrator of the [~~Health~~] Division.

2. “Alcohol and drug abuse program” means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. “Alcohol and drug abuser” means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.

4. “Alcoholic” means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.

5. [~~“Board” means the State Board of Health.~~

—6.] “Civil protective custody” means a custodial placement of a person to protect his health or safety. Civil protective custody does not have any criminal implication.

6. *“Division” means the Division of Mental Health and Developmental Services of the Department of Human Resources.*

7. “Facility” means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

~~[8. —“Health Division” means the Health Division of the Department of Human Resources.]~~

Sec. 192. NRS 458.025 is hereby amended to read as follows:

458.025 The ~~{Health}~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the ~~{Health}~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the ~~{Board}~~ Division pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~{Board}~~ Division shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~{Health}~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 193. NRS 458.025 is hereby amended to read as follows:

458.025 The ~~Health~~ Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

In developing and revising the state plan, the ~~Health~~ Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of any facilities or programs on the basis of the standards established by the ~~Board~~ Division pursuant to this section, and publish a list of certified facilities and programs. Any facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The ~~Board~~ Division shall adopt regulations, which may prescribe the fees for the certification of facilities or programs. A fee prescribed pursuant to this subsection must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the ~~Health~~ Division of issuing the certificate.

5. Upon request from a facility which is self-supported, may certify the facility and its programs and add them to the list described in subsection 4.

Sec. 194. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his certification as a detoxification technician must submit to the ~~Health~~ Division the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~Health~~ Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certification; or

(b) A separate form prescribed by the ~~Health~~ Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the ~~Health~~ Division if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 195. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the ~~Health~~ Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been certified as a detoxification technician, the ~~Health~~ Division shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~Health~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~Health~~ Division shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the ~~Health~~ Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 196. NRS 458.031 is hereby amended to read as follows:

458.031 The ~~Health~~ Division shall administer the provisions of NRS 458.010 to 458.350, inclusive, as the sole agency of the State of Nevada for that purpose.

Sec. 197. NRS 458.035 is hereby amended to read as follows:



458.035 The ~~Health~~ Division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of NRS 458.010 to 458.350, inclusive.

Sec. 198. NRS 458.055 is hereby amended to read as follows:

458.055 1. To preserve the confidentiality of any information concerning persons applying for or receiving any services pursuant to NRS 458.010 to 458.350, inclusive, the ~~Health~~ Division may establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the ~~Health~~ Division.

2. Wherever information concerning persons applying for and receiving any services pursuant to NRS 458.010 to 458.350, inclusive, is furnished to or held by any other government agency or a public or private institution, the use of that information by the agency or institution is subject to the rules established by the ~~Health~~ Division pursuant to subsection 1.

3. Except as otherwise provided in NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and except for purposes directly connected with the administration of NRS 458.010 to 458.350, inclusive, a person shall not disclose, use or authorize the disclosure of any confidential information concerning a person receiving services pursuant to NRS 458.010 to 458.350, inclusive.

Sec. 199. NRS 458.080 is hereby amended to read as follows:

458.080 The ~~Health~~ Division may, by contracting with organized groups, render partial financial assistance in the operation of facilities established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

Sec. 200. NRS 458.097 is hereby amended to read as follows:

458.097 1. Money received by the ~~Health~~ Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the ~~Health~~ Division shall give priority to:

(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The ~~Health~~ Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.

(b) The needs of counties to provide:

(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and

(2) Secure detoxification units or other appropriate facilities for persons who are arrested or taken into custody while under the influence of a controlled substance.

(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.

2. As used in this section, “secure detoxification unit” has the meaning ascribed to it in NRS 458.175.

Sec. 201. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the ~~{Health}~~ Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Human Resources’ Gift Fund.

2. Money in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive.

3. All claims must be approved by the Administrator before they are paid.

Sec. 202. NRS 458.103 is hereby amended to read as follows:

458.103 The ~~{Health}~~ Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the ~~{Health}~~ Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the ~~{Health}~~ Division as provided by law.

Sec. 203. NRS 458.104 is hereby amended to read as follows:

458.104 1. If the Administrator determines that current claims exceed the amount of money available to the ~~{Health}~~ Division because of a delay in the receipt of money from federal grants, he may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his approval of a request made pursuant to subsection 1. The State Controller shall draw his warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) Must be approved by the Director of the Department of Administration for use pursuant to NRS 458.080; and

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund to the ~~{Health}~~ Division pursuant to this section must be repaid by August 31 following the end of the fiscal year during which the money was advanced.

Sec. 204. NRS 458.105 is hereby amended to read as follows:

458.105 The ~~{Health}~~ Division may fix and collect reasonable fees for the sale of miscellaneous printed materials pertaining to alcohol and drug

abuse which are purchased or prepared by the ~~Health~~ Division. The fees must be deposited in the State Treasury to the credit of the General Fund.

Sec. 205. NRS 458.110 is hereby amended to read as follows:

458.110 In addition to the activities set forth in NRS 458.025 to 458.115, inclusive, the ~~Health~~ Division may engage in any activity necessary to effectuate the purposes of NRS 458.010 to 458.350, inclusive.

Sec. 206. NRS 458.125 is hereby amended to read as follows:

458.125 1. The ~~Health~~ Division shall prepare requests for proposals for the provision by facilities of:

- (a) Residential treatment of adolescents who engage in substance abuse;
- (b) Outpatient treatment of adolescents who engage in substance abuse;
- (c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and
- (d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the ~~Health~~ Division may advance not more than 8 percent of the amount of the proposal to the facility that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The ~~Health~~ Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The ~~Health~~ Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

Sec. 207. NRS 458.131 is hereby amended to read as follows:

458.131 The ~~Health~~ Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Human Resources a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each facility that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each facility received for each type of service provided;

2. If a facility received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the facility, the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in NRS 458.125 from those facilities during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and

4. As of the end of the biennium:

(a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and

(b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.”.

Amend the bill as a whole by deleting sec. 192, renumbering sections 193 through 201 as sections 212 through 220 and adding a new section designated sec. 211, following sec. 191, to read as follows:

“Sec. 211. The Department of Human Resources shall:

1. Develop a plan for the transfer of services for the abuse of alcohol or drugs from the Health Division of the Department to the Division of Mental Health and Developmental Services of the Department pursuant to sections 185.9 and 189 to 207, inclusive, of this act and submit the plan to the Governor on or before March 31, 2006, for his review and approval; and

2. Prepare revisions to any work programs of the Department concerning services for the abuse of alcohol or drugs which will be transferred to the Division of Mental Health and Developmental Services of the Department pursuant to sections 185.9 and 189 to 207, inclusive, of this act that are necessary to carry out the plan developed pursuant to subsection 1 and submit such revisions to the Interim Finance Committee on or before June 30, 2006.”.

Amend sec. 201, page 78, by deleting lines 21 through 24 and inserting:

“Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2006.

4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons

who receive public assistance; repealing certain provisions concerning community service block grants; transferring certain duties of the Health Division of the Department of Human Resources concerning services for the abuse of alcohol or drugs to the Division of Mental Health and Developmental Services of the Department; requiring the Department of Human Resources to prepare and submit certain plans concerning such transfer to the Governor and the Interim Finance Committee; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; reenacting certain penalties; and providing other matters properly relating thereto.”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

#### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 698.

Amend the bill as a whole by deleting sections 2 and 3 and the text of the repealed section.

Amend the title of the bill by deleting the fourth through sixth lines and inserting: “tenants; and”.

Amend the summary of the bill to read as follows:

“SUMMARY—Removes exemption for certain landlords from provisions relating to landlords and tenants. (BDR 10-646)”.

Assemblyman Conklin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 404.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 221, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 888 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA5, which is attached to and hereby made a part of this report.

JOHN OCEGUERA

FRANCIS ALLEN

SUSAN GERHARDT

*Assembly Conference Committee*

MARK E. AMODEI

MIKE MCGINNESS

*Senate Conference Committee*

Conference Amendment No. CA5.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

“Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise provided in NRS 369.386 and 369.415, a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.*

Sec. 2. NRS 369.111 is hereby amended to read as follows:

369.111 As used in this chapter, “supplier” means, with respect to liquor which is brewed, distilled, fermented, manufactured, *rectified*, produced or bottled:

1. Outside the United States:

(a) The brewer, distiller, manufacturer, producer, *rectifier*, vintner or bottler of the liquor, or his designated agent; or

(b) The owner of the liquor when it is first transported into any area under the jurisdiction of the United States Government, if the brewer, distiller, manufacturer, *rectifier*, producer, vintner or bottler of the liquor, or a designated agent of such a person, has not designated an importer to import the liquor into this State; ~~for~~

2. Within the United States but outside this State, the brewer, distiller, manufacturer, *rectifier*, producer, vintner or bottler of the liquor, or his designated agent ~~for~~; or

3. *Within this State, the distiller, manufacturer, rectifier, producer or bottler of the liquor or his designated agent.*

Sec. 3. NRS 369.386 is hereby amended to read as follows:

369.386 1. Except as otherwise provided in NRS 369.464, a supplier of liquor may sell to an importer ~~into~~ or wholesaler in this State only if:

(a) Their commercial relationship is of definite duration or continuing indefinite duration; and

(b) The importer is granted the right to offer, sell and distribute within this State or any designated area thereof such of the supplier’s brands of packaged malt beverages, distilled spirits and wines, or all of them, as may be specified.

2. The supplier shall file with the Department a written notice indicating the name and address of each designated importer. Each importer shall file with the Department a written acceptance of the designation.

3. A brewer, distiller, manufacturer, producer, vintner or bottler of liquor who designates an agent to sell his products to importers into this State shall file with the Department a written designation indicating the name and address of the agent, and the agent shall file with the Department a written acceptance of the designation.

Sec. 4. NRS 369.430 is hereby amended to read as follows:

369.430 1. By regulation, the Department shall prescribe the form of application for and the form of a certificate of compliance, which must be printed and distributed to exporters of liquor into this State to assist them in legally exporting liquor into this State.

2. An intending importer may not legally receive or accept any shipment of liquor except from a holder of a certificate of compliance.

3. *Before a person may engage in business as a supplier, he must obtain a certificate of compliance from the Department.*

4. The Department shall grant a certificate of compliance to any out-of-state vendor of liquors who undertakes in writing:

(a) To furnish the Department on or before the 10th day of each month a report under oath showing the quantity and type of liquor sold and shipped by the vendor to each licensed importer of liquor in Nevada during the preceding month;

(b) That he and all his agents and any other agencies controlled by him will comply faithfully with all laws of this State and all regulations of the Department respecting the exporting of liquor into this State;

(c) That he will make available for inspection and copying by the Department any books, documents and records, whether within or outside this State, which are pertinent to his activities or the activities of his agents or any other agencies controlled by him within this State and which relate to the sale and distribution of his liquors within this State; and

(d) That he will appoint a resident of this State as his agent for service of process or any notice which may be issued by the Department.

~~{4-}~~ 5. If any holder of a certificate of compliance fails to keep any undertaking or condition made or imposed in connection therewith, the Department may suspend the certificate and conduct a hearing, giving the holder thereof a reasonable opportunity to appear and be heard on the question of vacating the suspension order or order finally revoking the certificate.

~~{5-}~~ 6. An applicant for a certificate of compliance must pay a fee of \$50 to the Department for the certificate. On or before July 1 of each year, the certificate holder must renew the certificate by satisfying the conditions of the original certificate and paying a fee of \$50 to the Department.

Sec. 5. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not:*

(a) *Sell or offer for sale, purchase, possess or use an alcohol vaporizing device; or*

(b) *Use the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device.*

2. *A person who violates any provision of subsection 1 is guilty of a misdemeanor.*

3. *As used in this section:*

(a) “Alcohol vaporizing device” means a machine or other device which mixes liquor with pure oxygen or any other gas to produce a vaporized product which is consumed by inhalation.

(b) “Liquor” has the meaning ascribed to it in NRS 369.040.

Sec. 6. NRS 202.015 is hereby amended to read as follows:

202.015 For the purposes of NRS 202.015 to 202.065, inclusive, and section 5 of this act, “alcoholic beverage” means:

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.

3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Sec. 7. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.210 to 597.250, inclusive, unless the context otherwise requires:

1. “Alcoholic beverage” means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. “Brew pub” means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. “Engage in” includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

4. “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

5. “Supplier” has the meaning ascribed to it in NRS 597.140.

Sec. 8. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in NRS 597.240, a person engaged in *business as a supplier or engaged in* the business of manufacturing, blending or bottling alcoholic beverages *within or without this State* shall not engage in the business of importing, wholesaling or retailing alcoholic beverages . ~~[by investment, loan or extension of credit in excess of normal terms prevalent in the industry, unless he was so engaged on or before May 1, 1975, and then only to the extent so engaged.]~~

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.



(b) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(c) *Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.*

Sec. 9. This act becomes effective upon passage and approval.”.

Amend the title of the bill to read as follows:

“AN ACT relating to intoxicating liquors; revising various provisions governing the sale and disposition of intoxicating liquor; prohibiting the sale, purchase, possession or use of an alcohol vaporizing device; prohibiting the use of the brand name of any alcoholic beverage in an advertisement or other promotion of an alcohol vaporizing device; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to intoxicating liquors. (BDR 20-270)”.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 221.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

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

Assembly in recess at 10:50 a.m.

#### ASSEMBLY IN SESSION

At 11:05 a.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 11.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted as amended and ordered transmitted to the Senate.

Assemblywoman Koivisto moved that Assembly Concurrent Resolution No. 20 be taken from the Resolution File and placed on the Chief Clerk’s desk.

Motion carried.

Assembly Concurrent Resolution No. 17.

Resolution read.

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

Amendment No. 1170.

Amend the resolution, page 2, line 1, after “study of” by inserting: “the sentencing of convicted persons and of”.

Amend the resolution, page 2, line 13, after “5.” by inserting: “Gender and ethnic parity in sentencing;

6. Training, educational and rehabilitation programs that are available for offenders in this State;

7. Programs developed in other states that provide a system of community-based programs that place offenders in more specialized programs according to their needs;

8.”.

Amend the resolution, page 2, line 15, by deleting “6.” and inserting “9.”.

Amend the resolution, between lines 16 and 17, by inserting:

“RESOLVED, That the Administrative Office of the Courts, the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety are hereby directed to provide information and assistance to the committee; and be it further;”.

Amend the title of the resolution to read as follows:

“ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the sentencing of convicted persons and of the pardons, parole and probation services provided in this State.”.

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs Legislative Commission to conduct interim study of sentencing of convicted persons and of pardons, parole and probation services provided in this State. (BDR R-954)”.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Resolution ordered reprinted and engrossed.

#### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Parnell moved that the Assembly do not recede from its action on Senate Bill No. 221, 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 Assemblywoman Parnell.

Motion carried.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parnell, Hardy, and Atkinson as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 221.

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 51, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Senate Amendment No. 801 be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA9, which is attached to and hereby made a part of this report.

BERNIE ANDERSON  
FRANCIS ALLEN  
JOHN OCEGUERA

*Assembly Conference Committee*

MAURICE E. WASHINGTON  
DENNIS NOLAN  
TERRY CARE

*Senate Conference Committee*

### Conference Amendment No. CA9.

Amend section 1, pages 3 through 5, by deleting lines 2 through 40 on page 3, lines 1 through 43 on page 4 and lines 1 through 16 on page 5, and inserting:

“125.480 1. In determining custody of a minor child in an action brought under this chapter, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly.

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. ~~When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.~~

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider ~~the~~ *and set forth its specific findings concerning*, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody. ~~the~~

(b) Any nomination by a parent or a guardian for the child. ~~the~~

(c) *Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.*

(d) *The level of conflict between the parents.*

(e) *The ability of the parents to cooperate to meet the needs of the child.*

(f) *The mental and physical health of the parents.*

(g) *The physical, developmental and emotional needs of the child.*

(h) *The nature of the relationship of the child with each parent.*

(i) *The ability of the child to maintain a relationship with any sibling.*

(j) *Any history of parental abuse or neglect of the child or a sibling of the child.*

(k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this section, “domestic violence” means the commission of any act described in NRS 33.018.”.

Amend the bill as a whole by deleting sec. 13 and the text of the repealed section.

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

“AN ACT relating to domestic relations; revising provisions concerning the considerations of the court in determining the best interests of a child for the purpose of determining custody of the child;”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 51.

Remarks by Assemblymen Anderson and Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

This amendment deletes Section 13 of the bill, which repealed NRS 125.490. The current presumption that joint custody is in the best interest of the child when the parents had agreed to joint custody will not change, thus maintaining that joint custody will be the first priority. It also removes new language adding subsection 3 of Section 1 of the bill concerning joint custody, because in returning the repealed section it is necessary. Third, it keeps the language in subsection 4 of Section 1, setting forth the specific findings concerning the best interest of the child.

Also, keeping the list of factors that were agreed to by the court, but it deletes paragraph (k), which would require the court to make findings about the ability of each parent to prioritize the needs of the child.

Section 1 of A.B. 51 with the above-described changes is what the Conference agreed to.

ASSEMBLYWOMAN BUCKLEY:

With regard to the bottom line of page 1, in deleting, “When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.” I see that has been dropped down so that it is now subsection 4 (c) on the second page. I believe this is the doctrine whereby you want the parent to encourage the relationship and the visits with the other parent and, if you think that other parent might not want to do that, that can be a factor in who you give initial custody to, and that is the way the law is now, as I understand it. In moving it, now that has to be one of the factors in deciding whether the best interest of the child has been met. In the opinion of the Conference Committee, does that give the same existing weight for a court to be able to consider these factors in determining where a child would go?

ASSEMBLYMAN ANDERSON:

The ability of the court to determine factors is unchanged with this modification. It merely lists those factors that the court should take into consideration. I have a mock-up of the new language and in part 4, in determining the best interest (a) the wishes of the child if the child is of sufficient age; (b) any nomination by a parent or guardian; and (c) which parent is most likely to allow. Those are the factors that would come forward. In the subsection 3, “The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise” will be retained. So both parties will still remain as (a).

ASSEMBLYWOMAN BUCKLEY:

Am I correct in assuming that it is the Conference Committee’s intent that existing case law regarding this issue would not be changed?

ASSEMBLYMAN ANDERSON:

It is the clearly the intent that existing case law would not be in any way endangered by this new additional language, which the court had suggested is its normal process and procedure. We are merely setting it forth into statutory language.

Motion carried by a constitutional majority.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 460, 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 Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Smith, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 460.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 98, 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 Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Leslie, McClain, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 98.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 1126.

Amend sec. 3, page 4, by deleting lines 32 and 33 and inserting: “*school within the school district;*”.

Amend sec. 3, page 5, by deleting lines 14 and 15 and inserting:

“(6) *Schools within the school district.*”.

Amend sec. 3, page 5, line 20, after “*board*” by inserting “*of trustees*”.

Amend sec. 3, page 5, between lines 28 and 29, by inserting:

“5. *The board of trustees of each school district shall:*

(a) *Report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school.*

*(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.*

*(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.”.*

Amend sec. 4, page 6, by deleting lines 27 through 29 and inserting: “*how a parent or guardian may otherwise access the summary.*

*(d) The principal of”.*

Amend the bill as a whole by deleting sec. 10 and adding a new section designated sec. 10, following sec. 9, to read as follows:

“Sec. 10. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of ~~each~~ school district shall ~~report~~ :

*(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.*

*(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.*

*(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.*

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

*(a) The educational goals and objectives of the school district.*

*(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:*

*(1) The number of pupils who took the examinations;*

*(2) ~~An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination;~~*

*(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;*

~~{{4}}~~ (3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

~~{{5}}~~ (4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

~~{{6}}~~ (5) The percentage of pupils who were not tested;

~~{{7}}~~ (6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph ~~{{4}}~~ (3);

~~{{8}}~~ (7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

~~{{9}}~~ (8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

~~{{10}}~~ (9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.



(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers; ~~and~~

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State ~~[-]~~ ;

(4) *For each middle school, junior high school and high school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and*

(5) *For each elementary school:*

(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.*

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If

a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial ~~education~~ study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before ~~April 1~~ *August 15* of each year, the board of trustees of each school district shall submit to ~~the~~

~~(a) Each~~ *each* advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~[(b) The Commission on Educational Technology created by NRS 388.790 the information prepared by the board of trustees pursuant to paragraph (t) of subsection 2.]~~

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) ~~Submit~~ *Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:*

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) *by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.*

9. *Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.*

10. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.”.

Amend sec. 15, page 26, by deleting lines 8 and 9 and inserting:

*“Department shall forward the information to the school district in which the charter school is located for inclusion in the summary that is prepared by the school district pursuant to section 3 of this act and the report that is prepared by the school district pursuant to NRS 385.347.”.*

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 766.

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. Section 1 of the Lake Tahoe Basin Act of June 8, 1999, being Chapter 514, Statutes of Nevada 1999, at page 2627, is hereby amended to read as follows:

Section 1. 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, in cooperation

with other state agencies, shall coordinate the development and implementation of a program of environmental improvement projects for:

- (a) The protection and enhancement of the quality of the air and water;
- (b) The protection and restoration of natural watercourses, wetlands, wildlife habitat, fisheries, vegetation and forests;
- (c) Prevention and control of erosion; and
- (d) Enhancement of recreational and tourism opportunities, in the Lake Tahoe Basin.

2. Money to carry out the program in an amount not to exceed \$3,200,000 must be provided for the period between the fiscal year beginning on July 1, 1999, and the fiscal year ending on June 30, 2001, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$3,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this subsection must be deposited in the Fund to Protect the Lake Tahoe Basin created pursuant to section 2 of this act and, except as otherwise provided in this subsection, must be used as follows:

- (a) Sand Harbor Visitor/Administrative Center BMPs ..... \$1,000,000
- (b) North Canyon Hiking Trail ..... 15,000
- (c) Sand Harbor Erosion Control ..... 100,000
- (d) Upland Wildlife Habitat Enhancement..... 66,000
- (e) North Canyon Old Growth Habitat Restoration ..... 130,000
- (f) Forest Restoration - Phase I ..... 1,500,000
- (g) Sand Harbor-Memorial Point Trail..... 56,000
- (h) Hidden Beach Rehabilitation, BMPs..... 106,000
- (i) Sugar Pine Old Growth Habitat Restoration ..... 75,000
- (j) Project contingency ..... 152,000

If an amount authorized pursuant to this subsection is insufficient to allow the completion of the project for which it is authorized, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this subsection by the amount of the increase. The Division of State Lands may use money authorized pursuant to this subsection for a project other than a project listed in this subsection if the Interim Finance Committee approves such a use in writing before the Division engages in the project. The Division of State Lands may allocate money pursuant to paragraph (j) without the prior approval of the Interim Finance Committee.

3. Money to carry out the program in an amount not to exceed \$53,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, ~~2007,~~ 2010, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$53,200,000. With the prior approval of the Legislature or the Interim

Finance Committee, the bonds may be issued from time to time pursuant to a schedule established by the Administrator of the Division of State Lands. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to this subsection.

4. The amount of bonds authorized by subsection 3 must be reduced by the amount of any money appropriated by the Legislature for the same purpose upon certification by the Administrator of the Division of State Lands of the amount of each such appropriation to the State Board of Finance. The Administrator of the Division of State Lands shall submit a request to the Legislature each biennium, as necessary, for an appropriation for the program.

5. The Administrator of the Division of State Lands may adopt such regulations as are necessary to carry out the program.

Sec. 5. Chapter 585, Statutes of Nevada 1985, at page 1866, is hereby amended by adding thereto a new section, to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. 1. *The proceeds of any bonds issued pursuant to this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year; and*

(b) *Must be carried forward to the next fiscal year.*

Sec. 6. Section 3 of Chapter 361, Statutes of Nevada 1995, as amended by Chapter 438, Statutes of Nevada 2003, at page 2658, is hereby amended to read as follows:

Sec. 3. ~~[After]~~

1. *The proceeds of any bonds issued pursuant to section 1 of this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year;*

(b) *Must be carried forward to the next fiscal year; and*

(c) ~~May be used by the State Land Registrar [may use the proceeds from any bonds issued pursuant to the provisions of section 1 of this act] to defray the costs of administering the program for awarding grants and other programs to protect the Lake Tahoe Basin.”.~~

Amend the preamble of the bill, page 2, by deleting lines 3 and 4 and inserting: “and its political subdivisions is \$82,000,000; and”.



Amend the preamble of the bill, page 2, by deleting lines 30 and 31 and inserting: “WHEREAS, Chapter”.

Amend the preamble of the bill, page 2, line 34, by deleting: “during that period”.

Amend the preamble of the bill, page 3, between lines 5 and 6, by inserting:

“WHEREAS, Although the timing for the issuance of bonds authorized pursuant to Chapter 514, Statutes of Nevada 1999, to pay for Nevada’s share of the Environmental Improvement Program was initially the 10-year period ending in Fiscal Year 2006-2007, extension of that period to the end of Fiscal Year 2009-2010 is necessary to complete the funding of the remaining environmental improvement projects; and”.

Amend the title of the bill, third line, after “Program;” by inserting: “extending the period for issuance of bonds to carry out the Program; clarifying the manner in which money from the proceeds of previously issued bonds must be administered;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to issuance of bonds concerning Lake Tahoe Basin. (BDR S-308)”.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 458.

Remarks by Assemblyman Arberry.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 501, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA6, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

MARCUS CONKLIN

HEIDI S. GANSERT

*Assembly Conference Committee*

MAGGIE CARLTON

JOE HECK

SANDRA J. TIFFANY

*Senate Conference Committee*

Conference Amendment No. CA6.

Amend sec. 12, page 12, line 9, by deleting “*licensee*,” and inserting “*person*,”.

Amend sec. 12, page 12, line 11, by deleting “*licensee*.” and inserting “*person*.”.

Amend sec. 12, page 12, by deleting line 14 and inserting:

“~~3.~~ 4. If the administrative fine *and any interest imposed pursuant to NRS 624.300* is not paid when due, the fine *and interest, if any*,”.

Amend sec. 12, page 12, line 17, after “*finest*” by inserting “*and interest*”.

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 501.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

Assemblywoman Buckley moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 11:28 a.m.

#### ASSEMBLY IN SESSION

At 4:36 p.m.

Mr. Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 100, 101, 103, 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY JR., *Chairman*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2005

*To the Honorable the Assembly:*

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 47, 534.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 569.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 485, Senate Amendments Nos. 1106, 1058, 1095, and requests a conference, and appointed Senators McGinness, Washington, and Hardy as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 505, Senate Amendment No. 1012, and requests a conference, and appointed Senators Nolan, Carlton, and Washington as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 51.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 753, 1051 to Senate Bill No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Amodei, and Rhoads as a first Conference Committee concerning Senate Bill No. 356.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

## 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 Assembly Bill No. 505.

## MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Concurrent Resolution No. 17.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

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

Assembly in recess at 4:40 p.m.

## ASSEMBLY IN SESSION

At 5:15 p.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 195, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 1094 of the Senate be receded from and a 4th reprint be created in accordance with this action which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

MARCUS CONKLIN

FRANCIS ALLEN

*Assembly Conference Committee*

RANDOLPH J. TOWNSEND

JOE HECK

JOHN LEE

*Senate Conference Committee*

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 195.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 437, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 707 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA8, which is attached to and hereby made a part of this report.

BARBARA BUCKLEY

KATHY MCCLAIN

ROD SHERER

*Assembly Conference Committee*

MICHAEL SCHNEIDER

MAGGIE CARLTON

JOHN LEE

*Senate Conference Committee*

Conference Amendment No. CA8.

Amend sec. 7, page 8, by deleting lines 44 and 45 and inserting:

*“6. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.*

*7. As used in this section, “timely” means not later than 3 days after the landlord learns of a closure.”.*

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

“Sec. 10. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Notwithstanding any provision of law to the contrary, if a corporation for public benefit owns or leases a mobile home park:*

*(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in NRS 461A.215; and*

*(b) The provisions of NRS 461.215 govern the operation of the corporation and the mobile home park.*

*2. As used in this section:*

*(a) “Board of directors or trustees which controls the mobile home park” has the meaning ascribed to it in NRS 461A.215.*

*(b) “Owns or leases a mobile home park” has the meaning ascribed to it in NRS 461A.215.*

Sec. 11. NRS 461A.215 is hereby amended to read as follows:

~~461A.215 1. [The board of directors of a mobile home park owned or leased by a nonprofit organization must consist of a number of members such that one third of the members of the board are elected by the residents of the park, one third of the members of the board are appointed by the governing body of the local government with jurisdiction over the location of the park and one third of the members of the board are appointed by the nonprofit organization owning or leasing the park.~~

~~2.]~~ *Notwithstanding any provision of law to the contrary, if a nonprofit organization owns or leases a mobile home park:*

*(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in this section; and*

*(b) The provisions of this section govern the operation of the nonprofit organization and the mobile home park.*

*2. If a nonprofit organization owns or leases only one mobile home park, the board of directors or trustees which controls the mobile home park must be composed of:*

*(a) Three directors or trustees who are residents of the mobile home park and are elected by a majority of the residents who live in the mobile home park, with each unit in the mobile home park authorized to cast one vote;*

*(b) Except as otherwise provided in subsection 4, three directors or trustees appointed by the governing body of the local government with jurisdiction over the location of the mobile home park; and*

*(c) Three directors or trustees elected by a majority of the other directors or trustees selected pursuant to this subsection.*

*3. If a nonprofit organization owns or leases more than one mobile home park, the board of directors or trustees which controls the mobile home parks must be composed of:*

*(a) For each mobile home park, one director or trustee who is a resident of that mobile home park and is elected by a majority of the residents who live in that mobile home park, with each unit in the mobile home park authorized to cast one vote;*

*(b) Except as otherwise provided in subsection 4, one director or trustee appointed for each mobile home park by the governing body of the local government with jurisdiction over the location of that mobile home park; and*

*(c) For each mobile home park, one director or trustee elected by a majority of the other directors or trustees selected pursuant to this subsection.*

*4. The governing body of a local government with jurisdiction over the location of a mobile home park owned or leased by a nonprofit organization shall not appoint a director or trustee pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3 unless the land upon which the mobile home park is located or the improvements to that land are owned by any governmental entity, patented to any governmental entity or leased to the nonprofit organization by any governmental entity.*

*5. The term of office of a director or trustee selected pursuant to this section:*

*(a) Is 2 years, except that upon the expiration of his term of office he shall continue to serve until his successor is selected; and*

*(b) Commences on July 1 of each odd-numbered year.*

*6. Any vacancy occurring in the membership of the board of directors or trustees selected pursuant to this section must be filled in the same manner as the original election or appointment.*

*7. The Attorney General shall:*

*(a) Enforce the provisions of this section;*

*(b) Investigate suspected violations of the provisions of this section; and*

*(c) Institute proceedings on behalf of this State, an agency or political subdivision of this State, or as parens patriae of a person residing in a mobile home park:*

*(1) For injunctive relief to prevent and restrain a violation of any provision of this section; and*

*(2) To collect any costs or fees awarded pursuant to the provisions of this section.*

*8. The provisions of this section may be enforced with regard to a nonprofit organization or a mobile home park by:*

*(a) The nonprofit organization;*

*(b) The board of directors or trustees required to be selected pursuant to this section, or any member thereof;*

(c) A person who claims membership on the board of directors or trustees required to be selected pursuant to this section;

(d) A resident of the mobile home park;

(e) The local government with jurisdiction over the location of the mobile home park; or

(f) Any combination of the persons described in paragraphs (a) to (e), inclusive.

9. In any action to enforce the provisions of this section, including, without limitation, an action to prevent or restrain a violation of the provisions of this section, if a person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section:

(a) The court shall award the prevailing party costs and attorney's fees;

(b) If the nonprofit organization which owns or leases a mobile home park participates in the action, the court shall award the nonprofit organization costs and attorney's fees; and

(c) Costs and attorney's fees awarded pursuant to this section must be recovered from the person. If in the same action to enforce the provisions of this section, more than one person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section, each such person is jointly and severally liable for the costs and attorney's fees awarded pursuant to this section.

10. The provisions of this section do not apply to a corporate cooperative park.

11. As used in this section:

(a) "Board of directors or trustees which controls the mobile home park" means:

(1) If the nonprofit organization which owns or leases a mobile home park does not own or operate any substantial asset that is unrelated to the mobile home park, the board of directors or trustees of the nonprofit organization; or

(2) If the nonprofit organization which owns or leases a mobile home park owns or operates a substantial asset that is unrelated to the mobile home park, a board of directors or trustees which:

(I) Has full and independent control over the affairs of the nonprofit organization that are related to the mobile home park, including, without limitation, full and independent control over all policies, operation, property, assets, accounts and records of the nonprofit organization which are related to or derived from the park;

(II) Notwithstanding any provision of law to the contrary, exercises the powers described in sub-subparagraph (I) without being subject to any control by the board of directors or trustees of the nonprofit organization or

any other person, group or entity within or related to the nonprofit organization; and

(III) If the nonprofit organization owns or leases more than one mobile home park, controls all of the mobile home parks owned or leased by the nonprofit organization.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

(c) "Governmental entity" includes, without limitation, the Federal Government, this State, an agency or political subdivision of this State, a municipal corporation and a housing authority.

(d) "Nonprofit organization" includes, without limitation, a corporation for public benefit.

(e) "Owns or leases a mobile home park" means being the owner or lessee of:

(1) The land upon which the mobile home park is located; or

(2) The improvements to the land upon which the mobile home park is located."

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

"Sec. 13. 1. Except as otherwise provided in subsection 2, if the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section, the directors or trustees of the organization who are in office on the effective date of this section shall be deemed to be authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act.

2. If the provisions of NRS 461A.215, as amended by this act, apply to an organization in existence on the effective date of this section and applied to the organization before the effective date of this section, and the directors or trustees were elected by the residents of the mobile home park or appointed by the governing body of the local government with jurisdiction over the location of the mobile home park pursuant to NRS 461A.215 before the effective date of this section, those directors or trustees elected by the residents or appointed by the governing body of the local government shall be deemed to be:

(a) Authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act; and

(b) The sole directors or trustees authorized to serve as the directors or trustees pursuant to NRS 461A.215, as amended by this act, until a board of directors or trustees is selected pursuant to NRS 461A.215, as amended by this act."

Amend sec. 11, page 11, by deleting line 16 and inserting:

"Sec. 14. 1. This section and sections 10, 11 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, and 12 of this act become effective on July 1, 2005.”.

Amend the title of the bill, between lines 5 and 6, by inserting: “revising provisions governing the membership of the board of directors or trustees of certain mobile home parks;”.

Assemblywoman Buckley moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 437.

Remarks by Assemblywoman Buckley.

Motion carried by a constitutional majority.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 554 be taken from the Chief Clerk’s desk and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Concurrent Resolution No. 17 be taken from the Resolution File and placed on the Chief Clerk’s desk.

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 198, 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*

#### UNFINISHED BUSINESS

##### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its actions on Senate Bill No. 17, 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 Parks.

Motion carried.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Parnell, and Grady as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 17.



## GENERAL FILE AND THIRD READING

Assembly Bill No. 554.

Bill read third time.

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

Amendment No. 1181.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend the bill as a whole by renumbering sec. 5 as sec. 10 and adding new sections designated sections 2 through 9, following sec. 4, to read as follows:

“Sec. 2. Chapter 368A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *“Casual assemblage” includes, without limitation:*

*1. Participants in conventions, business meetings or tournaments governed by chapter 463 of NRS, and their guests; or*

*2. Persons celebrating a friend’s or family member’s wedding, birthday, anniversary, graduation, religious ceremony or similar occasion that is generally recognized as customary for celebration.*

Sec. 4. *“Shopping mall” includes any area or premises where multiple vendors assemble for the primary purpose of selling goods or services, regardless of whether consideration is collected for the right or privilege of entering that area or those premises.*

Sec. 5. *“Trade show” means an event of limited duration primarily attended by members of a particular trade or industry for the purpose of exhibiting their merchandise or services or discussing matters of interest to members of that trade or industry.*

Sec. 6. NRS 368A.010 is hereby amended to read as follows:

368A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 368A.020 to 368A.110, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 368A.020 is hereby amended to read as follows:

368A.020 “Admission charge” means the total amount, expressed in terms of money, of consideration paid for the right or privilege to have access to a facility where live entertainment is provided. *The term includes, without limitation, an entertainment fee, a cover charge, a table reservation fee, or a required minimum purchase of food, refreshments or merchandise.*

Sec. 8. NRS 368A.060 is hereby amended to read as follows:

368A.060 1. “Facility” means:

~~{1-}~~ (a) Any area or premises where live entertainment is provided and for which consideration is collected for the right or privilege of entering that area or those premises if the live entertainment is provided at:

~~{{a}}~~ (1) An establishment that is not a licensed gaming establishment; or

~~{(b)}~~ (2) A licensed gaming establishment that is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits.

~~{2.}~~ (b) Any area or premises where live entertainment is provided if the live entertainment is provided at any other licensed gaming establishment.

2. “Facility” encompasses, if live entertainment is provided at a licensed gaming establishment that is licensed for:

(a) *Less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, any area or premises where the live entertainment is provided and for which consideration is collected, from one or more patrons, for the right or privilege of entering that area or those premises, even if additional consideration is collected for the right or privilege of entering a smaller venue within that area or those premises; or*

(b) *At least 51 slot machines or at least 6 games, any designated area on the premises of the licensed gaming establishment within which the live entertainment is provided.*

Sec. 9. NRS 368A.090 is hereby amended to read as follows:

368A.090 1. “Live entertainment” means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing that activity to a patron or group of patrons who are physically present.

2. *The term:*

(a) *Includes, without limitation, any one or more of the following activities:*

(1) *Music or vocals provided by one or more professional or amateur musicians or vocalists;*

(2) *Dancing performed by one or more professional or amateur dancers or performers;*

(3) *Acting or drama provided by one or more professional or amateur actors or players;*

(4) *Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;*

(5) *Animal stunts or performances induced by one or more animal handlers or trainers, except as otherwise provided in subparagraph (7) of paragraph (b);*

(6) *Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes or sportsmen;*

(7) *Comedy or magic provided by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;*

(8) *A show or production involving any combination of the activities described in subparagraphs (1) to (7), inclusive; and*

(9) *A performance involving one or more of the activities described in this paragraph by a disc jockey who presents recorded music. For the purposes of this subsection, a disc jockey shall not be deemed to have*

*engaged in a performance involving one or more of the activities described in this paragraph if the disc jockey generally limits his interaction with patrons to introducing the recorded music, making announcements of general interest to patrons, and explaining, encouraging or directing participatory activities between patrons.*

*(b) Excludes, without limitation, any one or more of the following activities:*

*(1) Instrumental or vocal music, which may or may not be supplemented with commentary by the musicians, in a restaurant, lounge or similar area if such music does not routinely rise to the volume that interferes with casual conversation and if such music would not generally cause patrons to watch as well as listen;*

*(2) Occasional performances by employees whose primary job function is that of preparing, selling or serving food, refreshments or beverages to patrons, if such performances are not advertised as entertainment to the public;*

*(3) Performances by performers of any type if the performance occurs in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, as long as the performers stroll continuously throughout the facility;*

*(4) Performances in areas other than in nightclubs, lounges, restaurants or showrooms, if the performances occur in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, which enhance the theme of the establishment or attract patrons to the areas of the performances, as long as any seating provided in the immediate area of the performers is limited to seating at slot machines or gaming tables;*

*(5) Television, radio, closed circuit or Internet broadcasts of live entertainment;*

*(6) Entertainment provided by a patron or patrons, including, without limitation, singing by patrons or dancing by or between patrons;*

*(7) Animal behaviors induced by animal trainers or caretakers primarily for the purpose of education and scientific research; and*

*(8) An occasional activity, including, without limitation, dancing, that:*

*(I) Does not constitute a performance;*

*(II) Is not advertised as entertainment to the public;*

*(III) Primarily serves to provide ambience to the facility; and*

*(IV) Is conducted by an employee whose primary job function is not that of an entertainer.”.*

Amend sec. 5, page 6, by deleting line 9 and inserting:

*“(l) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.*

*(m) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.*

*(n) If two or more race events are scheduled in a calendar year at a race track in this State as a part of the National Association for Stock Car Auto Racing Nextel Cup Series, or its successor racing series, the second and each subsequent of such events held during that calendar year and all races associated therewith.*

*(o) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.*

6. *The Nevada Gaming Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph (o) of subsection 5. The regulations must require the taxpayer to seek an administrative ruling from the Chairman of the Board, provide a procedure for appealing that ruling to the Nevada Gaming Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.*

7. *As used in this section, “maximum seating capacity” means,”.*

Amend the bill as a whole by renumbering sections 6 through 10 as sections 12 through 16 and adding a new section designated sec. 11, following sec. 5, to read as follows:

“Sec. 11. NRS 368A.220 is hereby amended to read as follows:

368A.220 1. Except as otherwise provided in this section:

(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 24th day of each month, a report showing the amount of all taxable receipts for the preceding month ~~[-]~~ *or the month in which the taxable events occurred.* The report must be in a form prescribed by the Board.

(b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.

2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.

3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.

4. The Board and the Department shall deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.”.

Amend sec. 8, pages 6 through 8, by deleting lines 37 through 43 on page 6, lines 1 through 44 on page 7 and lines 1 through 8 on page 8, and inserting:

“Sec. 14. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation if the affiliated corporation has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer of title between spouses, including gifts, or to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

6. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

7. Transfers, assignments or conveyances of unpatented mines or mining claims.

8. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

9. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of *lineal* consanguinity or affinity.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.109.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

13. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

14. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.”.

Amend sec. 9, page 8, by deleting line 9 and inserting:

“Sec. 15. NRS 368A.130 and 368A.210 are hereby repealed.”.

Amend the text of repealed sections by adding the text of NRS 368A.130.

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

“AN ACT relating to taxation; clarifying the definition of “employer” for the”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Assembly Bill No. 198.

Bill read third time.

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

Amendment No. 1185.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

“Section 1. 1. There is hereby allocated from the Account for Programs for Innovation and the Prevention of Remediation to the Department of Education for the Fiscal Year 2006–2007 the sum of \$22,000,000 for school districts to provide full-day kindergarten at certain schools.

2. The Department of Education shall distribute the allocation made by subsection 1 to school districts to provide full-day kindergarten during the 2006-2007 school year at the schools within the school district in which at least 55 percent of the pupils enrolled in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

3. A school district that receives an allocation of money pursuant to this section shall use the money to provide full-day kindergarten in each school

within the school district in which at least 55 percent of the pupils satisfy the requirements of subsection 2. If a school within a school district that is required to provide full-day kindergarten pursuant to this section currently provides full-day kindergarten with money that it receives from the Federal Government or other funding allocations, the school may redirect that money, to the extent authorized by applicable federal law, for other programs of remediation at the school and use the money provided by the Department of Education from the allocation to provide full-day kindergarten during the 2006–2007 school year.

Sec. 2. 1. The board of trustees of each school district shall distribute in a timely manner during the 2005–2006 school year, surveys to parents and legal guardians who reside within the school district and whose children will be enrolling in kindergarten to assess whether the parents and guardians desire that the school district offer full-day kindergarten in those schools that are not required to provide full-day kindergarten pursuant to section 1 of this act.

2. If the board of trustees of a school district determines, based upon the surveys submitted, that the parents and legal guardians within the school district, or particular areas within the school district, desire the provision of full-day kindergarten, the board of trustees may submit an application for a grant of money from the Department of Education. To the extent money is available, including, without limitation, money made available in an Account for Programs for Innovation and the Prevention of Remediation, the Department shall provide grants of money to school districts whose applications are approved.

3. If the board of trustees of a school district receives a grant of money pursuant to subsection 2, the board of trustees shall determine which schools within the school district will offer full-day kindergarten based upon the results of the surveys submitted by parents and guardians. The board of trustees may designate one or more schools within the school district to provide full-day kindergarten for the enrollment of pupils across attendance zones.

Sec. 3. 1. Notwithstanding the provisions of NRS 392.040 to the contrary, the State Board of Education shall adopt regulations for school districts that wish to offer admission to kindergarten to children who are at least 4 years and 9 months old but less than 5 years old on or before September 30 of a school year. If a school district offers admission to such children, the pupils who are enrolled shall be included in the count of pupils for purposes of the apportionments and allowances from the State Distributive School Account.

2. If the board of trustees of a school district offers early admission to kindergarten in accordance with the regulations adopted by the State Board of Education, the board of trustees shall submit a report to the State Board that includes the number of pupils who enrolled in kindergarten before the age of 5 years and an evaluation of the success of the early admission in the

school district. The Superintendent of Public Instruction shall compile the reports and, on or before February 1, 2007, submit a written report of the compilations and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2005.

2. Section 1 of this act becomes effective on July 1, 2005, at 12:01 a.m. only if Assembly Bill No. 525 of this session is enacted.”.

Amend the title of the bill to read as follows:

“AN ACT relating to education; making an appropriation for certain schools to provide full-day kindergarten during the 2006–2007 school year; authorizing school districts to apply for grants of available money to provide full-day kindergarten in certain other schools; requiring the State Board of Education to adopt regulations for school districts that wish to offer early admission to kindergarten; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes appropriation for full-day kindergarten in certain schools and authorizes full-day kindergarten in certain other schools. (BDR 34-1197)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Mabey.

Amendment adopted.

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

Senate Bill No. 100.

Bill read third time.

Roll call on Senate Bill No. 100:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 101 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.



Roll call on Senate Bill No. 103:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

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

Amendment No. 1175.

Amend section 1, page 2, between lines 4 and 5, by inserting:

*“3. If an account is established for a member of the Board of Regents to pay for hosting expenditures of the member:*

*(a) The annual expenditures from the account may not exceed \$2,500.*

*(b) The account may be used only to pay for activities that are directly related to the duties of the member of the Board of Regents, including reasonable expenses for meals, beverages and small gifts. The account must not be used to pay for expenses associated with attending a sporting event or a political fundraising event.*

*(c) The member of the Board of Regents must submit a monthly report of expenditures from the account to the Chancellor of the System. The report must include, without limitation, the amount of money expended from the account, the specific purpose and activity for which the money was expended and, if applicable, the person for whom the money was expended.*

*(d) The Chancellor of the System shall compile the monthly reports into an annual report on or before January 30 of each year. The monthly reports and annual reports are public records and must be made available for public inspection.*

*4. As used in this section, “hosting expenditures” means reasonable expenses by or on behalf of a member of the Board of Regents who is conducting business activities necessary to provide a benefit to the System by establishing goodwill, promoting programs of the System or otherwise advancing the mission of the System.”.*

Amend the title of the bill, fourth line, after “meetings;” by inserting: “making various changes regarding accounts established for members of the Board of Regents to pay for certain hosting expenditures;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes concerning Board of Regents of University of Nevada. (BDR 34-774)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

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

Senate Bill No. 304.

Bill read third time.

Roll call on Senate Bill No. 304:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 520.

Bill read third time.

Roll call on Senate Bill No. 520:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Grady—2.

Senate Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Assembly Bill No. 267, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 697 of the Senate be receded from and a 3rd reprint be created in accordance with this action which is attached to and hereby made a part of this report.

BERNIE ANDERSON  
FRANCIS ALLEN  
GENIE OHRENSCHALL

*Assembly Conference Committee*

MAURICE E. WASHINGTON  
VALERIE WIENER  
DENNIS NOLAN

*Senate Conference Committee*

Assemblyman Anderson moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 267.

Remarks by Assemblyman Anderson.

Motion carried by a constitutional majority.

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

Assembly in recess at 5:39 p.m.

#### ASSEMBLY IN SESSION

At 5:51 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 42.

Resolution read.

The following amendment was proposed by Assemblyman Ocegüera:

Amendment No. 1195.

Amend the resolution, pages 1 and 2, by deleting lines 17 through 23 on page 1 and lines 1 through 3 on page 2, and inserting: "ASSEMBLY CONCURRING, That in accordance with the provisions of NRS".

Amend the resolution, page 2, by deleting lines 21 through 24 and inserting:

"RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Administrator of the Health Division of the Department of Human Resources, the Commissioner of Mortgage Lending and the Secretary of State."

Assemblyman Ocegüera moved the adoption of the amendment.

Remarks by Assemblyman Ocegüera.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 98, 109, 210, 249, 254, 365, 465; Assembly Resolution No. 11; Senate Bills Nos. 70, 118, 328, 396, 512.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Sheri Mabey and Jacob Mabey.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Don Ahern, Michael Jackson, and Bob Kostrba.

Assemblywoman Buckley moved that the Assembly adjourn until Sunday, June 5, 2005, at 9:00 a.m.

Motion carried.

Assembly adjourned at 5:55 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

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